

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE OF THE WHOLE

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, May 3, 2018
9:45 a.m.

PRESENT:

COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILMAN ALLAN DOMB
COUNCILMAN DEREK S. GREEN
COUNCILMAN WILLIAM K. GREENLEE
COUNCILWOMAN HELEN GYM
COUNCILMAN BOBBY HENON
COUNCILMAN KENYATTA JOHNSON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN DAVID OH
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN CHERELLE L. PARKER
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA
COUNCILMAN AL TAUBENBERGER

BILL 180108
RESOLUTION 180124

- - -

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 COUNCIL PRESIDENT CLARKE: Good
3 morning. This is the public hearing of
4 the Committee of the Whole. The purpose
5 of this hearing is to consider Bill No.
6 180108 and Resolution No. 180124.

7 Mr. Christmas, please read the
8 titles of the bill and resolution.

9 THE CLERK: Bill No. 180108, an
10 ordinance authorizing the City of
11 Philadelphia to enter into lease
12 agreements with the Philadelphia
13 Authority for Industrial Development
14 under which the City would lease to PAID
15 on a project-by-project basis certain
16 land and facilities in the Fairmount Park
17 system, recreation centers, playgrounds
18 and branches in the Free Library of
19 Philadelphia system, and which would
20 permit PAID to sublease such Facilities
21 on a project-by-project basis to other
22 organizations in conformity with the
23 Economic Development Financing Law, as
24 amended, all under certain terms and
25 conditions; and

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 Resolution 180124, approving
3 the Rebuild Project Statement, including
4 annual budgets for Project expenditures
5 for Fiscal Years 2018 and 2019, a list of
6 City properties to be included in the
7 program and a master Economic Opportunity
8 Plan.

9 COUNCIL PRESIDENT CLARKE:

10 Thank you, Mr. Christmas.

11 The first witness to testify
12 is, Mr. Christmas? I'm asking you,
13 Mr. Christmas.

14 THE CLERK: Nicole Westerman.

15 (Witnesses approached witness
16 table.)

17 COUNCIL PRESIDENT CLARKE: Good
18 morning.

19 MS. WESTERMAN: Good morning.
20 Nicole Westerman, Executive Director of
21 Rebuild.

22 COUNCIL PRESIDENT CLARKE:

23 Please proceed.

24 MS. WESTERMAN: I'm here to
25 take questions this morning.

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2 COUNCIL PRESIDENT CLARKE: Oh,
3 you just want to go right in. No
4 testimony. I understand. You want to
5 jump right into questions? Okay. Thank
6 you.

7 So as you know, we have
8 recessed several times, and it is our
9 hope today that we're prepared to respond
10 to the questions that have been brought
11 up over the last several weeks. I do
12 have a couple of issues with respect to
13 our meeting yesterday to talk about a
14 couple of those things. I need a little
15 clarity.

16 One, on this proposed PRA union
17 card, can you explain that to me, exactly
18 what is that and what does it mean?
19 Because my questions are primarily
20 centered around the PRA component.

21 DEPUTY MAYOR ENGLER: Jim
22 Engler, Deputy Mayor for Policy and
23 Legislation, I guess also Acting Deputy
24 Mayor for Labor.

25 So when someone is hired at the

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2 PRA for purposes of this program, they
3 will receive a union card for work at
4 PRA. They will receive union benefits.

5 COUNCIL PRESIDENT CLARKE: And
6 what union will that be?

7 DEPUTY MAYOR ENGLER: Whatever
8 trade their work is associated with.

9 COUNCIL PRESIDENT CLARKE: So
10 the PRA will issue a union card based on
11 rate of a particular trade, based on
12 benefits of a particular trade?

13 DEPUTY MAYOR ENGLER: Whatever
14 trade the individual is hired for.

15 COUNCIL PRESIDENT CLARKE: And
16 the unions have signed off on that
17 issuance?

18 DEPUTY MAYOR ENGLER: Yes.

19 COUNCIL PRESIDENT CLARKE:
20 Okay. Is that in writing anywhere?

21 DEPUTY MAYOR ENGLER: So we
22 have a Memorandum of Understanding that
23 was approved at the Building Trades
24 meeting yesterday. Greg Heller, who is
25 the Executive Director of the PRA, has

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2 been out of town, so we expect to have
3 that signed before the legislation is
4 approved by Council possibly next week.

5 COUNCIL PRESIDENT CLARKE:

6 Okay. So the details of the union card
7 is in fact in the document that they will
8 be signing?

9 DEPUTY MAYOR ENGLER: I have to
10 look back at the MOU, but it is covered
11 in the MOU that they --

12 COUNCIL PRESIDENT CLARKE: I'm
13 asking a very specific question. Is the
14 details of the issuance of the PRA union
15 card in the document?

16 MS. WESTERMAN: The MOU
17 indicates that there will be that
18 provisional card issued as soon as an
19 employee is hired by the Redevelopment
20 Authority.

21 COUNCIL PRESIDENT CLARKE: It
22 indicates or it says it in the language?

23 MS. WESTERMAN: The language
24 is -- No. 13 on the MOU indicates,
25 Individuals holding Provisional Union

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2 Cards shall be supervised by journeymen
3 in PRA's employ and within the same trade
4 and -- I'm sorry. I'm just looking for
5 the first reference to the provisional
6 card, which is --

7 DEPUTY MAYOR ENGLER: No. 6.

8 So No. 6 in the MOU says, Creates a
9 process for PRA employees hired through
10 this Initiative to be given Provisional
11 Union Cards for a requisite period of
12 time agreed upon by the PRA and the
13 Union, which is the Provisional Period.

14 COUNCIL PRESIDENT CLARKE:

15 Okay. One of the other issues is -- and
16 I've talked to you briefly about this --
17 is the hours, the 3,000 hours required to
18 be subsequently qualified, and I need to
19 get a sense of the 3,000 hours, why 3,000
20 hours. Is it consistent with the
21 traditional apprenticeship programs that
22 unions have? And I know the different
23 unions have different requirements, but I
24 need to know where that number end is.
25 Can we anticipate -- because in

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2 construction -- I don't know a lot about
3 construction. I know a lot about
4 development, but not a lot about
5 construction. The reality is, my
6 understanding, when you don't work, you
7 don't necessarily get paid, and this work
8 while PRA -- I assume a lot of it will be
9 indoors, so it may not be weather related
10 in terms of being able to work. So do we
11 anticipate these people getting paid and
12 working the hours regardless of weather
13 conditions?

14 DEPUTY MAYOR ENGLER: I think
15 that's --

16 COUNCIL PRESIDENT CLARKE:
17 Normally when you get hired by an agency,
18 you work 40 hours. So will these people
19 be guaranteed a 40-hour work week?

20 DEPUTY MAYOR ENGLER: So why we
21 ended up at the 3,000 hours -- obviously
22 each apprenticeship program is different.
23 They have different set hours for how you
24 can move up in that program. We set at
25 the 3,000 hours because that was a good

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2 middle point for several apprenticeship
3 programs.

4 As far as the guaranteed work,
5 I think to your point, a lot of this work
6 is going to be indoors. We're talking
7 about rec centers and libraries that are
8 part of this program where there's going
9 to be a lot of renovations indoors. As
10 far as the guaranteed hours, I think
11 that's something that we would like to
12 do. It's not laid out in the documents
13 here today, but I think that's something
14 that we certainly want to do with them.

15 MS. WESTERMAN: And if -- I'm
16 sorry. If I can just add to that. As
17 you know, Councilmembers actually have
18 the authority to determine the method of
19 project delivery for each Rebuild
20 project. So what we're hoping to do is
21 work with Councilmembers to identify
22 those Rebuild projects that are in PRA's
23 wheelhouse that are a good fit with the
24 skills of PRA and ensure that there is a
25 continuous stream of PRA projects for

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2 those employees to work on.

3 COUNCIL PRESIDENT CLARKE:

4 Okay. So in prior years -- and I know
5 this goes back a little bit -- when PRA
6 actually had a strong construction
7 division, did a lot of work, were they
8 40-hour employees? I'm just trying to
9 say we're hiring people for a City
10 agency. Normally when we hire a person
11 for a City agency and they end up being
12 in the union, 33, 47, whatever, they're
13 guaranteed 40 hours. So I'm just trying
14 to say are these people that are being
15 hired in the RDA, are they going to have
16 a 40-hour work week or is it going to be
17 a situation where we hire these people
18 and then -- because if they don't have a
19 40-hour work week, then we may not get to
20 the, quote/unquote, 3,000 hours over 18
21 months in a reasonable timeframe.

22 MS. WESTERMAN: So they will be
23 working as long as there is work,
24 construction work, for them to do. If
25 there is not construction work for them

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2 to do, then their position can't be
3 maintained at PRA. So that's why it's
4 incumbent on us, the Rebuild staff
5 working with Councilmembers, to construct
6 a continuous pipeline of projects for
7 those individuals to work on so that they
8 can get their 3,000 hours.

9 COUNCIL PRESIDENT CLARKE: All
10 right. So we're basically creating a
11 whole new classification of employee at
12 the Redevelopment Authority, and with
13 that -- because I'm telling you,
14 everybody else that works over there,
15 they get hired, they work 40 hours. And
16 with that, is there going to be any
17 issues with respect to the unions that
18 currently represent their RDA? And you
19 know we already have a whole lot of drama
20 going on over there now, which is keeping
21 us from our Consolidation Plan pursuant
22 to the Charter change that we did a
23 couple years.

24 MS. WESTERMAN: So I don't want
25 to speak for PRA, but my understanding is

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2 that PRA hires workers off the bench when
3 they need workers to do work, and then
4 when they no longer have work for those
5 employees, then the work -- they're laid
6 off.

7 COUNCIL PRESIDENT CLARKE: It's
8 your understanding? Is there anybody
9 here from the Redevelopment Authority?
10 I'm just saying, I hate to be grilling
11 you like this, but we've been talking
12 about this for a while and there's still
13 like a lot of uncertainty, all due
14 respect.

15 (Witness approached witness
16 table.)

17 MS. FOGG: Good morning,
18 Council President Clarke and members of
19 City Council. My name is Mary Fogg and
20 I'm the Director of Government Relations
21 at the Redevelopment Authority. Greg
22 Heller is out of town today, so I'll be
23 glad to answer any questions you have, if
24 I'm capable.

25 COUNCIL PRESIDENT CLARKE:

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2 Okay. So the people that currently work
3 in the maintenance division at the RDA, I
4 know it's a limited staff now. Do they
5 all have 40-hour work weeks?

6 MS. FOGG: Right now I believe
7 we have 11 members in our maintenance
8 staff and our construction crew, and they
9 do get a 40-hour work week right now
10 because we're very busy this time of
11 year, but there are times when they're
12 sent back to the hall when we don't have
13 work.

14 DEPUTY MAYOR ENGLER: And I
15 think that's why, to Nicole's point, it's
16 important and incumbent upon us working
17 together with Council and the Rebuild
18 staff to create that steady pipeline of
19 projects, so that way, there is no time
20 where they're not working.

21 COUNCIL PRESIDENT CLARKE:
22 Well, we want the steady line. I mean,
23 we like ribbon cuttings and
24 groundbreakings just like the
25 Administration. So I'm just simply

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2 asking a question. If you're creating a
3 new classification of employee at the
4 RDA -- because I'm not clear what your
5 response was. One you said they got a
6 40-hour work week and then you say you
7 send them back to the hall.

8 MS. FOGG: If we don't have
9 work for them, we're not going to keep
10 them on staff, but for the most part,
11 they do get a 40-hour --

12 COUNCIL PRESIDENT CLARKE: The
13 11 people that work there now have
14 40-hour work weeks, right?

15 MS. FOGG: Yes.

16 COUNCIL PRESIDENT CLARKE:
17 Period. You have not sent anybody over
18 there at the Redevelopment Authority back
19 to the hall?

20 MS. FOGG: Not recently.

21 COUNCIL PRESIDENT CLARKE: All
22 right. Okay. That's what I'm trying to
23 get. So if we're now creating a new
24 classification of employee that may or
25 may not work 40 hours, then we need to

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2 spell that out, because as much as we'd
3 like to sit here and talk about that, my
4 5,000 years in government tell me that's
5 not as simple as you're saying because of
6 the union representation of the
7 Redevelopment Authority.

8 MS. WESTERMAN: We can
9 confirm --

10 COUNCIL PRESIDENT CLARKE: The
11 11 people you currently have there are
12 represented by the union, right?

13 MS. FOGG: By the Building
14 Trades unions. We also have District
15 Council 33 and 1971 for the regular
16 employees, but the maintenance staff are
17 represented by the Building Trades.

18 COUNCIL PRESIDENT CLARKE: All
19 right.

20 MS. WESTERMAN: And the
21 intention is, I believe -- again, we'll
22 confirm -- that I believe the intention
23 is not to create a different
24 classification of employees, that these
25 would be employees that are part of the

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2 Building Trades that are working with the
3 Redevelopment Authority.

4 COUNCIL PRESIDENT CLARKE:
5 Okay. I'm not saying that's your
6 intention or what. I'm just asking a
7 simple question. You hire these people.
8 They're going to get 40 hours, right?

9 MS. FOGG: Yes.

10 COUNCIL PRESIDENT CLARKE: If
11 they do the 40 hours, they'll get to
12 their required 3,000 hours, 18 months,
13 approximately. Fine. But that's what
14 I'm trying to get you to say.

15 MS. FOGG: That's our hope.

16 COUNCIL PRESIDENT CLARKE: If
17 you don't feel comfortable saying it, I'm
18 fine with that too, that I can't
19 guarantee you that it's going to be a
20 40-hour work week.

21 MS. FOGG: That's our hope with
22 Rebuild once it gets started. Our hope
23 is to give them 40 hours of work.

24 MS. WESTERMAN: And then if the
25 Councilmembers select PRA as the project

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2 delivery method for the projects, then
3 we'll be able to create that continuous
4 pipeline of projects.

5 COUNCIL PRESIDENT CLARKE:

6 Okay. And then one last question and I
7 want to get off of this. There is a
8 provision that talks about at the end of
9 the 18-month process where the
10 Redevelopment Authority and the Building
11 Trades will make a determination as to
12 whether or not that employee moves on to
13 the next phase, which is full union
14 status in that particular trade. Any
15 time you have more than one person that
16 has to make a decision, there's always a
17 possibility where there will be a
18 disagreement. Upon such a disagreement,
19 if it happens, we hope it doesn't, who
20 supersedes in terms of the final
21 decision, the RDA or the Building Trades?

22 DEPUTY MAYOR ENGLER: So at the
23 end of the 3,000 hours, the worker will
24 go through a skills assessment, which is
25 going to be jointly designed by the PRA

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2 and the trades union, whatever the
3 applicable trade union is for that
4 worker. They will do the assessment, and
5 then the results of that assessment will
6 determine at what level of union
7 membership they go into, whether it's as
8 an apprenticeship or a journeyman.

9 COUNCIL PRESIDENT CLARKE: So
10 they have to take a test?

11 DEPUTY MAYOR ENGLER: It's not
12 a test. It's a specifically designed
13 skills assessment.

14 COUNCIL PRESIDENT CLARKE: It's
15 a test, though.

16 DEPUTY MAYOR ENGLER: To assess
17 their skills.

18 COUNCIL PRESIDENT CLARKE: I
19 mean, if it's a test, just say --

20 DEPUTY MAYOR ENGLER: I
21 wouldn't describe it as a test because
22 it's not pass/fail. It will be designed
23 in order to determine the correct level
24 of skills that they have to go into union
25 membership, and that's to help with

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2 contractors when they're going to
3 transition out of PRA and to go work for
4 another contractor, for that contractor
5 to be able to say, okay, this person has
6 the skills associated with a journeyman
7 or this person has the skills associated
8 with a Level 3 apprentice, depending on
9 where their skills are after that 3,000
10 hours worked.

11 COUNCIL PRESIDENT CLARKE: But
12 not that the person is not qualified to
13 do any level of the particular trades,
14 then, therefore, you're out of the
15 program?

16 DEPUTY MAYOR ENGLER: No. That
17 is the exact opposite of what we're
18 trying to do. We just want to assess
19 what level of skills they have after that
20 3,000 hours worked.

21 COUNCIL PRESIDENT CLARKE:
22 Okay. All right.

23 The Chair recognizes
24 Councilwoman Parker.

25 COUNCILWOMAN PARKER: Thank

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2 you, Mr. President.

3 And good morning to each of
4 you. I just want to follow up on
5 President Clarke's line of questioning
6 and to make sure that I have a clear
7 understanding so that when we -- again,
8 we're working through budget briefings
9 and town hall meetings now. I need to be
10 able to communicate this to my
11 constituency.

12 So, one, throughout the
13 process, we talked about and specifically
14 outlined via resolution this Council
15 passed unanimously that we wanted a
16 vehicle for grown folks who have already
17 been in this business for many years, but
18 are just not a part of the union. We
19 wanted them to have access. And this is
20 via the PRA, what we're describing here
21 today, and that total number is 30. So
22 30; is that correct?

23 DEPUTY MAYOR ENGLER: I think
24 that's what we expect, yes.

25 COUNCILWOMAN PARKER: So 30.

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2 And I just, again, want to make sure that
3 I understand it. As soon as you
4 become -- and you become one of these
5 members because you're hired by the PRA?

6 DEPUTY MAYOR ENGLER: Yes.

7 COUNCILWOMAN PARKER: And the
8 PRA gets this pool from?

9 DEPUTY MAYOR ENGLER: So
10 there'll be an application process
11 through Philadelphia Works. They'll go
12 to Philadelphia Works, apply, and then
13 they'll be hired by PRA after going
14 through PRA's process.

15 COUNCILWOMAN PARKER: Okay. So
16 I'm working through Council's role in how
17 we're promoting it. So the application
18 is developed. Philadelphia Works has it.
19 People can complete it, and that is for
20 them to be directly hired with PRA. Now,
21 as soon as I am hired by PRA, I have a
22 card. I have a, quote/unquote, PRA union
23 card. And I want to make sure I'm
24 understanding what you just described to
25 the President. Based on my respective

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2 trade where I am skilled, I have that
3 card, so I'm getting that pay rate, I'm
4 getting those healthcare benefits and
5 everything that is afforded to people in
6 that respective trade?

7 DEPUTY MAYOR ENGLER: Yes.

8 COUNCILWOMAN PARKER: Okay.

9 And then -- and I want to again make sure
10 I get this too. The 3,000 hours -- and I
11 want you to help me, because I know
12 there's a program with PHA, right, that
13 people have gone through and we've used
14 that as a path. Here the requirement is
15 you must attain this 3,000 hours, which
16 is approximately 18 months. In the PHA
17 program, what is that like?

18 DEPUTY MAYOR ENGLER: So that's
19 three years.

20 COUNCILWOMAN PARKER: So you
21 have to work for three years before you
22 can get access --

23 DEPUTY MAYOR ENGLER: Correct.

24 COUNCILWOMAN PARKER: -- to a
25 full-blown union card?

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2 DEPUTY MAYOR ENGLER: Yeah.

3 And the way the 3,000 hours works, to the
4 Council President's question, it works
5 out to about 18 months of steady 40-hour
6 work weeks.

7 COUNCILWOMAN PARKER: Okay.

8 Now let me ask you this: We talk about
9 the PRA workers working on Rebuild
10 projects. Does the City of Philadelphia
11 Administration have the ability to direct
12 other development, City of Philadelphia
13 development opportunities, via PRA so
14 this workforce can be employed on that or
15 is that not possible?

16 DEPUTY MAYOR ENGLER: So what
17 we've designed for this is specifically
18 for Rebuild. After their 3,000 hours,
19 after they become full union members,
20 they may go work on other -- they may
21 stay at the Redevelopment Authority.
22 They can go work on other City-related
23 PRA projects. But what we anticipate for
24 these workers hired for this specific
25 program, it will be on Rebuild projects.

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2 COUNCILWOMAN PARKER: Okay.

3 The next vehicle, the next point of
4 entry -- wait. Before we move on to that
5 one, let's get to the skills assessment
6 again.

7 The skills assessment is
8 developed by managers at the PRA along
9 with the trades?

10 DEPUTY MAYOR ENGLER: Yes.

11 COUNCILWOMAN PARKER: And when
12 you say that I have to be assessed, my
13 skill set, in essence, has to be rated,
14 not to see if I pass or fail this test,
15 but this skills assessment is just to
16 determine if I'm going in to be a
17 steamfitter, the skills assessment is to
18 determine if I'm going in as a
19 journeyman, a first-year apprentice, a
20 second-year apprentice? So it's just to
21 determine where my point of entry is into
22 the union?

23 DEPUTY MAYOR ENGLER: Yes.

24 That's correct. And the reason we wanted
25 PRA to be involved in that is because PRA

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 will be working -- the PRA kind of master
3 workers, their senior staff, will be
4 working alongside these individuals, and
5 we want them to make sure that they are
6 trained and gain the experience during
7 that 3,000 hours that prepares them to
8 take that assessment.

9 COUNCILWOMAN PARKER: Okay.
10 And after those 3,000 hours and my
11 assessment, I get a full-blown union card
12 that I can work on any project I want to
13 as long as a contractor is willing to
14 hire me. I can even go -- what do they
15 call it? It's not shop, but I can go to
16 a worksite that's hiring union workers
17 and show my card and say, is there any
18 space available for me?

19 DEPUTY MAYOR ENGLER: Yes. The
20 worker will have a full union card at
21 whatever level they go into.

22 COUNCILWOMAN PARKER: And the
23 final question to you is relative to the
24 neighborhood base and the overall
25 pre-apprenticeship programs where we

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2 talked about the cats of the world. I
3 mean, I know they're working very hard on
4 the Penn project that Councilwoman Jannie
5 Blackwell so capably led and it was
6 historic in terms of development. Those
7 groups, the point of entry is for people
8 who are going through that program and we
9 expect about 30 people per year. Is that
10 our thinking?

11 MS. WESTERMAN: I'm sorry. So
12 not the PRA program?

13 COUNCILWOMAN PARKER: We're
14 finished with it. Now --

15 MS. WESTERMAN: Yes.

16 COUNCILWOMAN PARKER: Those are
17 the grown people.

18 MS. WESTERMAN: Yes. Sorry.
19 30 per year is what we're hoping.
20 Exactly.

21 COUNCILWOMAN PARKER: So 30 per
22 year. And how many people in the class
23 or cohort?

24 MS. WESTERMAN: 12 to 15 per
25 cohort and two cohorts per year.

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 COUNCILWOMAN PARKER: Okay.

3 And two cohorts per year. So that's 30
4 people per year we expect to go through
5 this program, and at the end, we expect
6 these people to become full-blown
7 apprentices and actually have union
8 cards?

9 MS. WESTERMAN: That's exactly
10 right. The whole goal of that program is
11 to prepare people to successfully pass
12 that apprentice test and become full
13 members in the union.

14 COUNCILWOMAN PARKER: All of
15 this has already been agreed to by the
16 Building Trades?

17 MS. WESTERMAN: That's
18 memorialized in the MOU that was
19 negotiated last June.

20 COUNCILWOMAN PARKER: And
21 before Council is expected, so that I can
22 tell my people, before we sign off on
23 this to say it is okay, we will have in
24 writing an agreement with the Building
25 Trades of everything that we just

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 described here today?

3 MS. WESTERMAN: Exactly. So
4 that MOU will be executed for every
5 Rebuild project by the project user, the
6 Building Trades, and the Administration.

7 DEPUTY MAYOR ENGLER: And for
8 the specific PRA MOU, we expect to have
9 that before Council approves the final
10 legislation next week.

11 COUNCILWOMAN PARKER: Okay.

12 Thank you, Mr. President. I
13 just want to close my remarks by saying
14 the proof will be in the pudding when we
15 see about the effectiveness and how many
16 people get these cards. I'm looking very
17 closely and getting counseled about what
18 happens on the Penn program, because I
19 know you can get people through to the
20 apprenticeship program and they can take
21 the test, and if people even pass the
22 test at the end and they still can't get
23 membership after taking the test, I think
24 we need to be quantifiably measuring
25 that, Mr. President, and my hope is that

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 we can use that data to inform our
3 efforts in the future. But I feel very
4 confidently that Council and all of my
5 colleagues have meticulously worked
6 through this process so that we can say
7 this is not sort of an IOU or this may
8 happen, but this will be in writing and I
9 get to go back and tell residents of the
10 Ninth Councilmanic District that a path
11 has been created. This is the first time
12 that I, as a member of this body, have
13 participated in that process and will be
14 measuring on an annual basis to see what
15 the effectiveness is and if our people
16 are, again, getting those full cards to
17 get retirement security, that healthcare,
18 that pension, and everything that goes
19 along with union membership and
20 Philadelphia preference. So thank you.

21 COUNCIL PRESIDENT CLARKE:

22 Thank you, Councilwoman.

23 The Chair recognizes
24 Councilwoman Bass.

25 COUNCILWOMAN BASS: Thank you,

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 Mr. President.

3 Good morning.

4 (Good morning.)

5 COUNCILWOMAN BASS: I had a
6 couple of questions, and I wanted to
7 start by thanking you all for being here
8 this morning, and I know we said we would
9 connect several weeks ago and it's been
10 six weeks. And while I'm very glad that
11 you're here and available to answer
12 questions, I think the biggest question
13 that everyone has is, where is the
14 document that we were told we were going
15 to receive five weeks ago? So when we
16 recessed after the last Committee of the
17 Whole meeting on the subject, it was on
18 March 22nd and we were told the following
19 week that we would actually have a copy
20 of the signed document for us to review,
21 because even though we're having a lot of
22 conversation this morning, all that
23 conversation is great and everybody has
24 questions, but it really boils down to
25 being able to review that actual

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 document. And without having that, we're
3 all at a loss. We're all at a
4 disadvantage to being able to understand
5 and to see and to accurately ask the
6 questions that we may have.

7 I have pages and pages of
8 questions that I have based on what was
9 previously provided, and what we received
10 yesterday is what was previously
11 provided. And so we have nothing new
12 today. We have nothing new today.

13 DEPUTY MAYOR ENGLER: Well, I
14 do think that the newest provision which
15 is this agreement with the Building
16 Trades for the Redevelopment Authority,
17 setting this pathway for union
18 membership, is the key change from the
19 last time we had the hearing, and that's
20 the thing that we have been negotiating
21 with the Building Trades over the past
22 several weeks and that's what we are
23 presenting to you now.

24 COUNCILWOMAN BASS: But we
25 don't have the document.

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 DEPUTY MAYOR ENGLER: So we
3 have the one-pager that was provided. We
4 can provide you with a draft copy of the
5 MOU.

6 COUNCILWOMAN BASS: I
7 understand that, but, listen, we're
8 spending taxpayer dollars here. This is
9 going to be a heavy lift in terms of
10 making sure that we --

11 COUNCIL PRESIDENT CLARKE:
12 Councilwoman, hold on one second.

13 Excuse me. Folks, we're having
14 a hearing. Could you all keep quiet,
15 please.

16 Thank you, Councilwoman. I'm
17 sorry, Councilwoman.

18 COUNCILWOMAN BASS: But, again,
19 we're asking communities to work with us
20 to make Rebuild happen. We're trying to
21 find pathways to diversify work sites in
22 our communities. There are so many
23 things that we are trying to accomplish
24 with Rebuild, and to not have a document
25 that we were promised six weeks ago that

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 we would have and to sit here now all of
3 these weeks later and we still don't have
4 a document, I do not understand why we're
5 here, because we have no new information
6 that will clarify in writing, in black
7 and white, with signatures attached, in
8 terms of exactly what we're doing and how
9 we're going to be doing it. Because
10 there's a lot of speculation. There's a
11 lot of, oh, it's going to work this way
12 or, oh, it's going to work that way, but
13 if we don't have it in writing, how can
14 we possibly make a decision to move this
15 legislation out of committee? I don't
16 understand.

17 DEPUTY MAYOR ENGLER: So what
18 we provided to Council yesterday was the
19 description of the program --

20 COUNCILWOMAN BASS: I saw that.

21 DEPUTY MAYOR ENGLER: -- as
22 negotiated in the document. We're happy
23 to provide the draft document. It was
24 just agreed to this week. It was
25 presented at the Building Trades Council

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 meeting yesterday and approved.

3 COUNCILWOMAN BASS: I think we
4 need to see the real --

5 DEPUTY MAYOR ENGLER: And the
6 Executive Director of the Redevelopment
7 Authority has been out of town for part
8 of this week, so we do expect to have it
9 signed, by the latest, early part of next
10 week and presented to Council, given to
11 Council, before you vote to possibly pass
12 the legislative package before next
13 week's Council session.

14 COUNCILWOMAN BASS: Okay. No.
15 We need a document. We need the
16 document. We've asked for it. We've
17 asked for it. It's been six weeks. I
18 don't understand why we're here if we
19 don't have that document. And it's easy
20 to say, oh, yeah, we'll get to it, we'll
21 get around to it, because it's somebody
22 else's money. We're asking to spend
23 taxpayer dollars to renovate playgrounds,
24 parks, recreation centers. Everybody
25 wants this. We have a responsibility and

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 an obligation to do it and to do it
3 right, and if we're not going to do it
4 right, then we need to sit on the side
5 and wait until we get the document. We
6 have to have the document signed, sealed,
7 and delivered so that we know what we're
8 delivering to our constituents.

9 Like I said, I have pages and
10 pages of questions. I heard from my
11 colleagues from some of the questions
12 they asked. There's still a whole lot of
13 questions based on what they asked that
14 were not answered. I mean, I can go on
15 to some of the questions about what the
16 salaries are and how are we hiring 30
17 folks when we have a collective
18 bargaining agreement which says that
19 there should be a four-to-one ratio in
20 terms of journeymen to apprentices and
21 how is that going to work if we've got 11
22 journeymen right now?

23 Is that right, Mary?

24 MS. FOGG: I believe it's 11,
25 yeah.

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 COUNCILWOMAN BASS: If we've
3 got 11, how are we hiring 30 apprentices?
4 The math doesn't work. It doesn't work
5 at all.

6 And so, again, we have a
7 responsibility and obligation before we
8 go through -- I can go through all of my
9 questions. I got pages of them, but if
10 we don't have the document, what are we
11 doing?

12 DEPUTY MAYOR ENGLER: So the 30
13 is over a several-year process. We're
14 also working with the Building Trades to
15 adjust that ratio. But to your point,
16 we're happy to provide that document as
17 soon as it's signed. I can provide you
18 with a draft copy of it today. Again,
19 it's been approved by everyone. The
20 signatures are not on the page, and we
21 will have that to you before Council
22 moves to actually approve the
23 legislation.

24 COUNCILWOMAN BASS:
25 Mr. President, I think based on what

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 Mr. Engler just mentioned -- if I'm
3 understanding you correctly, so you're
4 not asking us to move anything out of
5 Council today. You are willing to wait
6 until we have that document. Is that
7 what you just said?

8 DEPUTY MAYOR ENGLER: No. I
9 said that we will provide the document.
10 We will provide a draft document to you
11 today.

12 COUNCILWOMAN BASS: A draft
13 document.

14 DEPUTY MAYOR ENGLER: We'll
15 have a signed document before Council
16 finally approves the legislation, before
17 it's voted on on the floor if you move it
18 out of committee today.

19 COUNCILWOMAN BASS:
20 Mr. President, I would suggest that we
21 would hold until we actually have, not a
22 draft document, but a signed document,
23 which is what we were promised six weeks
24 ago.

25 Thank you.

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 COUNCIL PRESIDENT CLARKE:

3 Thank you, Councilwoman.

4 The Chair recognizes

5 Councilwoman Reynolds Brown.

6 COUNCILWOMAN BROWN: Thank you,
7 Mr. President.

8 Good morning, Administration.

9 Good morning.

10 (Good morning.)

11 COUNCILWOMAN BROWN: Several
12 follow-ups. Following up to Councilwoman
13 Parker's questions regarding skills
14 assessment. So is the skills assessment
15 new process, new protocol, is this new
16 for Philadelphia Redevelopment Authority?

17 DEPUTY MAYOR ENGLER: Yes.

18 This is wholly new and designed
19 specifically for these workers in this
20 process.

21 COUNCILWOMAN BROWN: Okay.

22 Talk to me about Section 3 of HUD, HUD
23 Section 3. Talk to me about that.

24 DEPUTY MAYOR ENGLER: Are you
25 talking about the Memorandum of

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 Understanding Section 3?

3 COUNCILWOMAN BROWN: Yes.

4 DEPUTY MAYOR ENGLER: So the
5 MOU Section 3, Acknowledges individuals
6 hired at PRA through this program will be
7 treated as conventional PRA construction
8 employees for purposes of screening,
9 hiring, probational period, and
10 employment practices including
11 discipline, layoffs, and termination.

12 COUNCILWOMAN BROWN: Right.
13 Unfortunately, my brain can't capture
14 that information quickly like that.

15 DEPUTY MAYOR ENGLER: I'm
16 sorry.

17 COUNCILWOMAN BROWN: So pull it
18 closer to you and restate it, please.

19 DEPUTY MAYOR ENGLER: Sure. So
20 the Memorandum of Understanding Section 3
21 says, Acknowledges that any individuals
22 hired at PRA through this program will be
23 treated as conventional PRA construction
24 employees for purposes of screening,
25 hiring, probational period, and

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 employment practices including
3 discipline, layoffs, and termination.

4 COUNCILWOMAN BROWN: All right.

5 Now, how is this aligned with the
6 existing relationship that you have with
7 PHA, Philadelphia Redevelopment
8 Authority?

9 DEPUTY MAYOR ENGLER: So the
10 traditional hiring practice for PRA --
11 Mary can follow up as well -- is that
12 they traditionally just hire people off
13 the bench. They hire people from the
14 trades. What this agreement does is, it
15 allows us to hire people outside of that
16 process, allows us to hire individuals
17 outside of the traditional method and
18 allows us to bring them in and make them
19 union members, and then after a certain
20 period of time, allows them to transition
21 over to work for outside contractors as
22 union members.

23 COUNCILWOMAN BROWN: So if one
24 is in agreement with the philosophy that
25 the best predictor of future behavior is

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 past behavior, how many PHA residents
3 that have gone through the training has
4 Philadelphia Redevelopment Authority
5 hired last year?

6 DEPUTY MAYOR ENGLER: So the
7 PHA program is separate. Those are
8 individuals who work for PHA, and then
9 they can go work as union members in
10 other jobs. They're not necessarily
11 hired by the Redevelopment Authority.

12 This program that we're talking
13 about today would be brand new for
14 Redevelopment Authority employees, and
15 they would work for the Redevelopment
16 Authority until they hit their 3,000
17 hours, then have the opportunity to go
18 seek jobs with other signatory
19 contractors.

20 COUNCILWOMAN BROWN: So there's
21 no existing relationship between PHA and
22 the Philadelphia Redevelopment Authority,
23 none at all?

24 MS. FOGG: None.

25 COUNCILWOMAN BROWN: You

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 mentioned in response to President
3 Clarke's questions that recently you have
4 not sent a person away. What does
5 "recently" mean? Is that a month? Is
6 that eight weeks? Is that three months?
7 Is it six months?

8 MS. FOGG: We've been very busy
9 recently because we're doing a lot of
10 work for capital programs. So our
11 maintenance staff has had steady work the
12 past year and a half.

13 COUNCILWOMAN BROWN: Past year
14 and a half.

15 MS. FOGG: Yeah. We've had a
16 lot of steady work with capital programs
17 doing a lot of work for the City of
18 Philadelphia. So, therefore, our
19 maintenance staff have been very busy.

20 COUNCILWOMAN BROWN: Okay,
21 then. Lastly, help us understand what
22 has been the dilemma, what has been the
23 impediment, what has been the hurdle over
24 the last six weeks -- this is to
25 underscore Councilwoman Bass' very clear

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 statement. What has been the impediment
3 to not reduce your ideas to writing so
4 that we have something tangible we can
5 look-see at? Because we know that if it
6 is not in writing, it does not exist.

7 DEPUTY MAYOR ENGLER: So the
8 direction we got from Council about six
9 weeks ago when we had the hearing was
10 that you wanted us to come back with
11 details of a program that provided a
12 clear path to union membership through
13 the Redevelopment Authority. We've been
14 discussing that with the trades over the
15 past six weeks to come to this agreement
16 that allows for that clear path. When we
17 reached that agreement, considering
18 everyone's desire to move this project
19 forward, we wanted to come back to
20 Council as soon as possible to provide
21 details on what that agreement is and to
22 try and move the legislation forward.

23 COUNCILWOMAN BROWN: So then we
24 were not clear. We have to take some
25 responsibility in the fact that we were

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 not clear that we wanted a written
3 document, and that was actually the
4 reason why we held it in committee.

5 DEPUTY MAYOR ENGLER: We have a
6 written document that we can provide you.
7 It's a draft form. To my point, the
8 Building Trades Council just approved it
9 this week, so we do not have signatures
10 on the document and also the Executive
11 Director of the Redevelopment Authority
12 has been out of town. So I don't have
13 the signatures on the document. We can
14 provide you with the document, the
15 Memorandum of Understanding that outlines
16 that.

17 COUNCILWOMAN BROWN: What I
18 think I heard you said is you can provide
19 us with a draft, and what we know in
20 government is if it's not permanently in
21 writing, things change. And so I'm in
22 complete agreement with others, including
23 Councilwoman Bass, who made it clear we
24 need a permanent written document,
25 because the history does not work in

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 favor of what we're trying to do here.

3 DEPUTY MAYOR ENGLER: To that
4 point, Councilwoman, the document is
5 agreed to. It is just not signed yet
6 because of the inability to get the
7 signatures on the page. What we've said
8 is that before Council finally approves
9 the legislation, before it receives a
10 vote before this body as early as next
11 week, we will provide that written signed
12 document to you.

13 COUNCILWOMAN BROWN: And I
14 would suggest that the order and sequence
15 in the way you just stated, we're not
16 aligned. We want the document first in
17 writing so that we have a chance to see
18 it, peruse it, approve it before we feel
19 comfortable moving a major initiative,
20 unprecedented, out of committee where we
21 don't even have history to look to to
22 give us some guidepost on how successful
23 this might be.

24 Thank you, Mr. President.

25 COUNCIL PRESIDENT CLARKE:

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 Thank you, Councilwoman.

3 The Chair recognizes Councilman
4 Henon.

5 COUNCILMAN HENON: Thank you,
6 Council President.

7 Thank you. I can appreciate
8 the conversations. It's been going on
9 for some time, and I do understand about
10 the execution of a document, but as I
11 look at the Calendar, the Council
12 Calendar, for today's Council Calendar,
13 there's bills and resolutions on final
14 passages and half of the Calendar is
15 being held because of agreements. So we
16 pass out legislation in committees
17 pending execution of documents or
18 agreements with the Administration every
19 single week. Is that your understanding?

20 DEPUTY MAYOR ENGLER: That's
21 the legislative process as Council has
22 done.

23 COUNCILMAN HENON: It's the
24 legislative process since we were created
25 by the Commonwealth. Okay. I

1 5/3/18 - WHOLE - BILL 180108, ETC.
2 understand.

3 A couple of quick questions I
4 just want to get on certainty. Let me
5 start off by saying the length of hours
6 is 3,000 hours. It equates to 40 hour a
7 week. It's a year and a half. What's
8 the length of the Rebuild?

9 MS. WESTERMAN: We're expecting
10 Rebuild to be about seven years.

11 COUNCILMAN HENON: So about
12 seven years. And in three years, people
13 will be guaranteed union membership
14 careers as opposed to jobs.

15 MS. WESTERMAN: It should be
16 one and a half. If we can give them
17 continuous employment, it should be about
18 a year and a half.

19 COUNCILMAN HENON: So we're
20 creating new careers that didn't exist
21 because of the work of this Council and
22 the Administration --

23 MS. WESTERMAN: That's correct.

24 COUNCILMAN HENON: -- is that
25 correct? Okay. Wonderful. So

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 guaranteed membership, however that

3 happens.

4 Another question. This one

5 goes to Ms. Mary Fogg, if I could.

6 MS. FOGG: Yes, Councilman.

7 COUNCILMAN HENON: You had

8 mentioned -- and your experience and

9 leadership over at the RDA has been

10 nothing but stellar in communicating with

11 members here --

12 MS. FOGG: Thank you.

13 COUNCILMAN HENON: -- for many

14 years.

15 You say the last few years have

16 been pretty busy for the RDA, right?

17 MS. FOGG: Yes, Councilman.

18 COUNCILMAN HENON: So 40-hour

19 work weeks have been pretty much steady?

20 MS. FOGG: Yes, they have.

21 COUNCILMAN HENON: We have a

22 seven-year Rebuild project, and each

23 Councilmember, District Councilmember,

24 can assign these new union provisional

25 cards and full membership, career

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 individuals to assignment. So actually
3 we can determine whether they stay
4 employed for seven years or not and gain
5 more experience; is that correct?

6 MS. FOGG: Yes, that's correct.

7 COUNCILMAN HENON: Okay. The
8 issuance of a union card is standard over
9 at the RDA. Now, when times slow down
10 and there isn't 40-hour work weeks, that
11 means the outside construction world has
12 slowed.

13 MS. FOGG: Correct.

14 COUNCILMAN HENON: And we as
15 government can control our own economy
16 through Rebuild and other capital
17 projects; is that correct?

18 MS. FOGG: Yes.

19 COUNCILMAN HENON: Is that any
20 different, do you think, even though -- I
21 mean, we're totally separate than PHA.
22 We just use Section 3 as a model that's
23 successful. I mean, it's just like the
24 School District. We're totally separate
25 than the School District.

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 MS. FOGG: Correct.

3 COUNCILMAN HENON: But couldn't
4 we control our own economy, just like
5 Recreation Department has its skilled
6 staff? Are there shared staff on some of
7 these capital projects? Rebuild would be
8 in this case; would that be correct?

9 MS. FOGG: Our maintenance guys
10 do do the bulk of the work for the
11 capital projects that come to our way,
12 but there are jobs that are too big for
13 our maintenance staff that we do
14 subcontract out.

15 COUNCILMAN HENON: Great. So I
16 think essentially Council is creating
17 jobs, giving people careers, careers, not
18 a job.

19 MS. FOGG: Correct.

20 COUNCILMAN HENON: And we're in
21 control of our own job creator, right --

22 MS. FOGG: Correct.

23 COUNCILMAN HENON: -- for
24 people who we're giving new careers to;
25 is that correct?

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 MS. FOGG: Correct. That's
3 correct.

4 COUNCILMAN HENON: Okay. I
5 have no further questions. Thank you.

6 MS. FOGG: You're welcome.

7 COUNCIL PRESIDENT CLARKE:
8 We're going to do something a little
9 different today, because we do have a
10 Council session. At this time, I'd like
11 to recognize Councilman Henon for a
12 motion to recess the public hearing and
13 the public meeting until --

14 COUNCILMAN HENON: 2:00 p.m.
15 today.

16 COUNCIL PRESIDENT CLARKE:
17 Let's say 1:30.

18 COUNCILMAN HENON: So moved.
19 (Duly seconded.)

20 COUNCIL PRESIDENT CLARKE: All
21 those in favor?

22 (Aye.)

23 COUNCIL PRESIDENT CLARKE:
24 Those opposed?

25 (No response.)

1 5/3/18 - WHOLE - BILL 180108, ETC.

2 COUNCIL PRESIDENT CLARKE: The
3 ayes have it. This public hearing and
4 public meeting is recessed until 1:30
5 today.

6 Thank you all very much.
7 (Recess.)

8 COUNCIL PRESIDENT CLARKE: Good
9 afternoon. This is the continued
10 Committee of the Whole on Bill No.
11 180108, 180124.

12 The hearing and the public
13 meeting on Bill 180108 and 180124 will be
14 held. It will be advertised at a later
15 date.

16 Thank you all very much.
17 (Committee of the Whole
18 concluded at 2:35 p.m.)

19 - - -

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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Committee of the Whole
May 3, 2018

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