

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON LABOR AND CIVIL SERVICE

Room 400, City Hall
Philadelphia, Pennsylvania
Thursday, April 11, 2013
3:35 p.m.

PRESENT:

COUNCILMAN JAMES KENNEY, CHAIR
COUNCIL PRESIDENT DARRELL L. CLARKE
COUNCILWOMAN CINDY BASS
COUNCILMAN BOBBY HENON
COUNCILMAN BRIAN J. O'NEILL
COUNCILWOMAN MARIA D. QUINONES-SANCHEZ
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILMAN MARK SQUILLA

BILL 120956 - An ordinance amending various titles of The Philadelphia Code to increase the equality of treatment of all persons in the City of Philadelphia regardless of gender identity by expanding and modifying the definition of "Life Partnership" and "Life Partners"...

BILL 130224 - An ordinance amending various titles of The Philadelphia Code to provide for equality of treatment of all persons in the City of Philadelphia regardless of gender identity or sexual orientation...

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COUNCILMAN KENNEY: Can we have your attention, please. The Committee on Labor and Civil Service will come into session.

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Thank you, President Clarke, for your attendance giving us a quorum.

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We have a quorum present with Council President Clarke, Councilman Squilla, and Councilperson Sanchez.

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Today we're here to take testimony on Bill No. 130224 with its accompanying amendments. I want to thank everybody for coming today. We're going to do something a little different. My staff has asked me to allow for an invocation today, which may set the tone for our conversation. So we'd like to ask Reverend Jeff Jordan, who is the Pastor of Metropolitan Community Church of Philadelphia to take the podium and pray for us.

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REVEREND JORDAN: Good afternoon, Councilman Kenney and Committee members. We thank you for

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2 allowing us to share this space with you
3 today.

4 Please join me as we offer up a
5 prayer to God of our understanding.

6 Loving God, we come before you
7 today thanking you for your love and your
8 mercy. We thank you, God, that you love
9 each of us, not only collectively but
10 individually as well. For, God, you
11 place value on every individual. And,
12 God, we acknowledge that it's your will
13 that we strive to do the same.

14 Therefore, we pray that you
15 fill the hearts of humanity with the fire
16 of your love and with the desire to
17 ensure justice for all. Help us to view
18 one another, even those whom we have
19 nothing in common and those we don't
20 understand, help us to view them as you
21 view us, brothers, sisters, and siblings.

22 Now, God, we pray for this
23 Committee, the ones you have set in place
24 to lead this great city. God, give them
25 wisdom to know what is right and courage

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2 to do what may not be popular.

3 God, as we stand on the
4 thresholds of setting a standard for
5 equality, we pray that we become a
6 shining example of justice for other
7 cities and even our own state to follow.

8 Let that which will be set in motion
9 today cause a tidal wave of fairness, not
10 only in the City but throughout our
11 nation and our state.

12 God, as you said in your Word,
13 let justice flow like a river and
14 righteousness like an ever-flowing
15 stream.

16 Finally, God, we pray for those
17 who have fallen to hands of injustice,
18 inequality, and hate. May they find
19 hope, peace, and healing in this
20 gathering on this day.

21 It is in the name of the
22 sovereign one who is called by many names
23 we pray.

24 Amen and amen.

25 COUNCILMAN KENNEY: Thank you,

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2 Reverend, very much.

3 Also, all of us attended the
4 funeral of Fire Captain, posthumously
5 promoted Battalion Chief, Michael Goodwin
6 today. So I would ask you all in some
7 way or another in your own way keep him
8 in your prayers and in your thoughts and
9 also his family. Thank you.

10 We have four panels today.
11 Each panel will be talking about a
12 specific part of the bill, and the first
13 panel I'd like to bring up is Adrian
14 Shanker, Nurit Shein, Rue Landau. And if
15 Jason Goodman is here, please also come
16 forward.

17 Also, before we get started, as
18 simply as I can put, this effort and
19 exercise harkens back to -- I came here
20 in 1992. In mid '90s, we were dealing
21 with domestic partnership legislation
22 that I thought was pretty simply fair. I
23 was a little naive for the times, because
24 it turned into a dramatic reality show in
25 here on a number of occasions.

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2 I am so happy to see, after a
3 long time -- and I know folks in this
4 community, it's been a long time, but in
5 a relatively short period of time, we
6 have kind of just accelerated forward
7 joyously. It's been terrific to watch
8 around the world, around the country.
9 Iowa, I mean, you know, blow me over. I
10 mean, it's crazy, but it's great.

11 So from 1995 or so to today, it
12 is such a pleasure to deal with issues
13 like this that are not held in some
14 religious significance or some moral
15 significance, that it is basically
16 requiring that the City, as the
17 Constitution says, treat everyone equally
18 under the law, and if there's a law for
19 one folk, it applies to everyone else,
20 and for too long, laws and regulations
21 and policies have not applied to
22 everyone.

23 (Witnesses approached witness
24 table.)

25 COUNCILMAN KENNEY: So with

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2 that, I'd like to thank you for coming.

3 Whoever would like to start, please

4 proceed with your testimony.

5 MR. SHANKER: Chairman Kenney
6 and members of Council, thank you for
7 allowing me to offer this testimony today
8 on behalf of Equality Pennsylvania.
9 Equality Pennsylvania is a statewide
10 political organization advocating for
11 lesbian, gay, bisexual and transgender
12 Pennsylvanians. On behalf of our 50,000
13 members across this Commonwealth,
14 including 17,000 right here in
15 Philadelphia, I am here to offer our full
16 support and wholehearted endorsement of
17 the LGBT equality bill, and we wish to
18 thank Chairman Kenney for introducing it
19 and scheduling this hearing today.

20 Philadelphia has a history; in
21 fact, a tradition, of leading the way
22 when it comes to guaranteeing civil
23 rights for LGBT people. Philadelphia is
24 already the most equal city in
25 Pennsylvania, and this bill continues

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2 that tradition with cutting-edge policies
3 designed to make Philadelphia the most
4 equal city in America for LGBT people.

5 I say that not as hyperbole but
6 as fact. This bill is designed to make
7 Philadelphia the most equal city in
8 America. The first-in-the-nation
9 equality tax credit, which incentivizes
10 businesses to offer domestic partner
11 benefits and transition-related
12 healthcare for transgender employees,
13 will go a long way to making sure that
14 LGBT Philadelphians will have access to
15 healthcare. The proposed requirement for
16 City forms to be inclusive of same-sex
17 families and to allow people to
18 self-identify their gender will make
19 Philadelphia a city where LGBT people can
20 fill out City forms with the dignity of
21 having their identity respected.

22 The proposed requirement for
23 the Mayor to report on the state of LGBT
24 equality in Philadelphia will help to
25 enforce the laws on the books and make

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2 sure that every City department is
3 treating LGBT Philadelphians with the
4 equality that the law requires.

5 The proposed requirement
6 allowing transgender Philadelphians to
7 more easily update their name and gender
8 on City documents will ease the
9 difficulty that many transgender people
10 when they lack access to documents that
11 reflect their gender identity.

12 And the proposal requiring new
13 City construction and major renovation to
14 include gender-neutral restroom options
15 will over time ensure that Philadelphia's
16 cutting -- Philadelphia's government
17 buildings are places where all people
18 have safe access to a restaurant when
19 they need it. This bill addresses
20 cutting-edge quality measures and it
21 should be enacted into law because it is
22 in the best interest of Philadelphians.

23 But that isn't the only reason
24 you should vote for this bill. You
25 should vote for this bill because you

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2 agree that same-sex couples should have
3 the right to marry, and since we don't
4 have marriage equality, Philadelphia
5 should do as much as it can to recognize
6 same-sex relationships as equal.

7 You should vote for this bill
8 because you agree that transgender people
9 deserve equal treatment and that the City
10 of Philadelphia should provide it.

11 The positive impact of this
12 legislation on Philadelphia is abundantly
13 clear. If this bill is enacted into law,
14 more businesses will offer equal benefits
15 to their LGBT employees, City forms and
16 documents will accurately reflect LGBT
17 people and families, and the City will
18 have concrete information each year on
19 the state of LGBT equality.

20 But, in our opinion, the impact
21 of this bill outside of Philadelphia is
22 just as important for City Council to
23 consider. As Philadelphia continues to
24 pass cutting-edge civil rights
25 legislation, other cities follow suit.

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2 Philadelphia was the first city in
3 Pennsylvania to enact an LGBT inclusive
4 non-discrimination law. Today, 30
5 municipalities across Pennsylvania have
6 done the same. Philadelphia was the
7 first city in Pennsylvania to offer
8 domestic partner benefits to same-sex
9 partners of City employees. Now the
10 cities of Allentown, Easton, Harrisburg,
11 Lancaster, Pittsburgh, and Allegheny
12 County have done the same.

13 When Philadelphia passed the
14 equal benefits bill in 2011 requiring
15 City contractors to offer domestic
16 partner benefits, it positively affected
17 employees throughout Pennsylvania who
18 work for those City contractors.

19 With this bill, City Council
20 has the opportunity to continue to lead
21 on relationship recognition for same-sex
22 couples on LGBT healthcare and on
23 transgender equality. And as has been
24 the case in the past, when Philadelphia
25 votes for equality, Pennsylvania starts

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2 to follow suit.

3 Members of Council and Chairman
4 Kenney, thank you for hearing my
5 testimony today. Please vote yes on the
6 LGBT equality bill.

7 COUNCILMAN KENNEY: Thank you
8 very much.

9 We'll take all the testimony
10 from this panel first before questions.

11 I'd like the record to also
12 reflect that Councilmembers Bass and
13 Henon have also come to the Committee.

14 So please identify yourself for
15 the record and proceed.

16 MS. SHEIN: Good afternoon. My
17 name is Nurit Shein and I'm the Executive
18 Director of Mazzoni Center. Mazzoni is
19 the only health and wellness
20 organizations in Philadelphia
21 specifically targeting the lesbian, gay,
22 bisexual, and transgender communities, or
23 as we call them, the LGBT communities.
24 We provide a continuum of prevention and
25 care, including medical care, HIV care,

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2 HIV testing and screening, mental health,
3 housing, legal services, and education.

4 We have a medical practice with over
5 8,000 patients, of which over 1,200 are
6 transgender people, who also access many
7 of the other services I've just
8 mentioned.

9 I'd like to speak today to the
10 importance of providing appropriate and
11 comprehensive health coverage to LGBT
12 individuals, with specific emphasis on
13 transgender people. I would also like to
14 address the issue of insurance coverage
15 for same-sex couples and applaud the bill
16 for including this.

17 LGBT people face tough
18 realities across the United States in
19 routine areas of life that most people
20 take for granted, including rights to
21 employment, housing, and personal safety.
22 Healthcare, particularly health insurance
23 coverage, is another major area where
24 LGBT face disparities. I'd like to
25 specifically address the serious

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2 discrimination routinely experienced by
3 transgender people on the basis of gender
4 identity.

5 Transgender people are more
6 likely to be without health insurance
7 than non-transgender people. Transgender
8 people routinely report delaying seeking
9 care when they were sick or injured
10 because of inability to afford treatment.
11 Even if transgender people have health
12 insurance coverage, most policies contain
13 transgender-specific exclusions that deny
14 them coverage routinely provided to
15 non-transgender people.

16 Transgender people require much
17 of the same medical care that is provided
18 to non-transgender people. Transgender
19 people need acute care when they're sick
20 and preventive care to keep from becoming
21 ill, including services that are
22 traditionally considered to be gender
23 specific, such as Pap smears, prostate
24 exams, and mammograms.

25 For trans patients, many

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2 require a mix of such screenings.

3 Medically necessary preventive screenings
4 for a transgender woman, for example, may
5 include both a mammogram and a prostate
6 exam. Another example, the same hormone
7 therapy used in gender transition is
8 provided to patients with endocrine
9 disorders or to a woman with menopause
10 symptoms. Yet, many health insurers
11 specifically target the trans population
12 for denial of services provided to
13 non-trans people under the same plan. In
14 many cases, the exclusions are sweeping,
15 excluding, for example, coverage of any,
16 quote, "services, drugs or supplies
17 related to sex transformation," end
18 quote.

19 Trans-specific exclusions are
20 unacceptable on both medical and ethical
21 grounds. They arbitrarily target trans
22 people for discrimination by forcing them
23 to pay out of pocket for the same
24 medically necessary services provided to
25 non-trans people.

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2 Despite this grim reality, the
3 trend of offering non-discriminatory
4 compensated coverage for trans people is
5 growing. Currently, more than 25 percent
6 of Fortune 100 employers offer equal
7 coverage for their trans employees. Some
8 cities, including San Francisco, do the
9 same at a negligible cost.

10 The City of Philadelphia
11 recognition of same-sex unions in the
12 form of life partnership was
13 enthusiastically welcomed by our
14 community. That said, it didn't come
15 with any tangible benefits. For example,
16 health insurance. Currently, no employer
17 is mandated to extend health insurance to
18 same-sex couples. It was recently found
19 in a study done in California that
20 compared to heterosexual men, partnered
21 gay men are only 42 percent as likely to
22 receive employer health insurance from
23 their dependent's employer. This bill
24 before City Council today will encourage
25 employers and will offer them tax

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2 incentives to treat same-sex couples the
3 way they treat heterosexual couples. It
4 is the right thing to do.

5 If an organization like Mazzoni
6 can offer and pay half of our employees'
7 spouses' health insurance -- let me tell
8 you, 90 percent of our employees are
9 LGBT -- then surely the City of
10 Philadelphia can do the same.

11 Thank you.

12 COUNCILMAN KENNEY: Thank you
13 very much for your testimony.

14 Please identify yourself for
15 the record.

16 MR. GOODMAN: Good afternoon,
17 Councilmembers. My name is Jason Landau
18 Goodman. I'm a student at the University
19 of Pennsylvania and the Executive
20 Director of the Pennsylvania Student
21 Equality Coalition. On behalf of PSEC
22 and the LGBTQ youth we represent across
23 the City, I would like to thank you for
24 accepting this testimony.

25 The Pennsylvania Student

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2 Equality Coalition is the Keystone
3 State's LGBTQ youth policy organization.
4 We represent thousands of young
5 Pennsylvanians based with student
6 organizations at high schools, colleges,
7 and universities throughout the
8 Commonwealth. Our Philadelphia
9 affiliates include youth who learn, live,
10 and work throughout the City.

11 We support the passage of this
12 bill as essential in reinforcing the Fair
13 Practices Ordinance and securing
14 prosperity for Philadelphians regardless
15 of gender identity and sexual
16 orientation.

17 Before I begin, I would like to
18 just point out that it was 30 years ago
19 that LGBT youth were forcibly refused to
20 address City Council in these forums,
21 especially when beginning the work for
22 the sexual orientation protections. One
23 Councilmember even said in 1972 that any
24 mention in testimony of homosexuality is
25 not to be allowed.

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2 Things have certainly changed
3 for the better since. Local organizers
4 across the state have been passing local
5 ordinances inclusive of
6 non-discrimination on sexual orientation
7 and gender identity, but I am very
8 humbled to speak to you today in the
9 legacy of those LGBT youth whose voices
10 are finally being able to be heard at the
11 table in City government.

12 The two main components of this
13 bill, on relationship recognition and
14 transgender protections, will allow
15 Philadelphians to further prosper in the
16 pursuit of happiness. I will focus my
17 comments on the gender identity
18 protections as it relates extensively to
19 youth issues.

20 The adoption of this bill will
21 send an extraordinarily positive message
22 to Philadelphia youth. Without these
23 protections, there is a message that it
24 is acceptable or expected to make
25 transgender Philadelphians feel

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2 uncomfortable in public spaces. Youth
3 notice this in coming out into the world.
4 Mandated sex segregation only serves to
5 reinforce a binary that strips away the
6 self-determination of people to identify
7 their own gender.

8 In the 21st century, many young
9 people look to how inclusive institutions
10 are before seeking opportunities for
11 employment or school, including if they
12 provide safe access to people regardless
13 of gender identity and sexual
14 orientation. Gender neutral bathrooms,
15 gender inclusive language in forms, and
16 healthcare insurance are increasingly
17 common at our nation's top-tier
18 educational institutions and Fortune 50
19 companies. The provisions in this bill
20 are essential in attracting young
21 entrepreneurs to a welcoming and
22 affirming city, whether they are trans or
23 not.

24 Trans youth who face
25 discrimination in restroom access can

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2 experience violence and psychological
3 harm. One story I just share with you is
4 from a college student in the northern
5 tier of Pennsylvania who was told by her
6 school administration that she was no
7 longer allowed to use the women's
8 restroom after two years of doing so.
9 The administration was faced with either
10 updating their policy or neglecting the
11 issue and just doing that because it was
12 easier, and they just chose to do that
13 because it was easier. The ultimatum
14 they gave her was that if she used the
15 girl's restroom one more time, she would
16 be suspended. And for her using the
17 boys' restroom was not an option. So the
18 only choice they gave her was to use a
19 single-stall restroom 1.2 miles away from
20 her dorm. Could you imagine facing that
21 long walk every day just to shower?
22 Besides being in science class and
23 knowing that the only way to relieve
24 yourself would be to walk over a mile?
25 Eventually she chose to move off campus

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2 because that was easier.

3 This experience happens
4 frequently in Philadelphia as well and
5 should not be part of growing up in our
6 city.

7 It is the government's role to
8 ensure all people have equal access to
9 public accommodations. The harassment
10 and violence we face is directly linked
11 to the laws you pass or do not pass. If
12 a trans youth in Philadelphia can spend
13 less time enduring the psychological and
14 physical harm of not being able to access
15 a restroom, they can be more attentive on
16 school work and becoming healthy and
17 contributing members of society. Now is
18 the time to head towards full inclusion.

19 In terms of healthcare
20 insurance, at Penn, where I'm a student,
21 we were successful in expanding our
22 healthcare insurance to be trans
23 inclusive. As one of the original
24 students involved in leading the campus
25 advocacy towards this policy, we were

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2 able to fully cover triadic treatments -
3 hormones, therapy, and procedures - and
4 then two years later extend that to
5 faculty and staff. Penn, our city's
6 largest private employer, made this
7 decision because the administration had
8 the facts, that this inclusion in
9 absolutely imperative, it is medically
10 necessary, and truly negligible in cost,
11 amounting to a rounding error. For this
12 bill in front of the Committee, you now
13 have the information you need. With
14 years of preparation, we support you
15 moving full steam ahead on this bill.

16 At Penn, because of this
17 update, a friend of mine was able to
18 receive urgent care that was previously
19 denied to him by the insurance provider.
20 Before, there was boxes of how Aetna
21 would only cover certain checkups, no
22 matter how important, if you still had
23 this body part but not body that part.
24 There are some medically necessary
25 procedures that must be completed or

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2 there can be threat of cancer or other
3 complications. Encouraging healthcare
4 inclusion will truly help save lives.

5 So while we work hard in
6 Harrisburg and Washington towards
7 extending these protections, Philadelphia
8 must continue to lead. The National Gay
9 and Lesbian Task Force recently found
10 that there was an average of 14 years
11 between the adoption of sexual
12 orientation protections and transgender
13 inclusive language by local governments
14 in the United States. How many people
15 have faced hardships because of these
16 waits we will never know, but we
17 sincerely thank you for reviewing this
18 bill in 2013 and being swift in
19 considering its adoption.

20 In conclusion, I think it's
21 very important to prioritize trans voices
22 in this conversation. Mara Keisling, a
23 Pennsylvanian and Executive Director of
24 the National Center for Transgender
25 Equality, once wrote, Transitioning is

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2 first and foremost not about surgery but
3 about gender identity and living and
4 expressing that identity. As our
5 collective work to make medical care more
6 available to trans people succeeds, we
7 have an obligation to discuss the
8 realities of transgender lives in ways
9 that are true to who we are and also help
10 advance humane and useful policies.

11 We commend for your support
12 today. This bill will significantly
13 better the lives of transgender
14 Philadelphians. So on behalf of the
15 Pennsylvania Student Equality Coalition
16 and LGBTQ youth PSEC represents in
17 Philadelphia, we thank you for your
18 leadership on this issue.

19 COUNCILMAN KENNEY: Thank you
20 for your testimony. I'm hopeful that
21 some of your student colleagues will
22 decide to stay in Philadelphia after
23 graduation, which is always nice.

24 MR. GOODMAN: Absolutely.

25 COUNCILMAN KENNEY: Thank you.

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2 Rue. First, before you start,
3 I just want to acknowledge all the people
4 at the table's hard work in the Fair
5 Practices Ordinance. It was
6 groundbreaking in its passage. I know
7 how hard you all worked on it. As I told
8 you in our previous meetings, I view this
9 piece of legislation as a further
10 extension of that Fair Practices
11 Ordinance, and I think we're moving in
12 the right direction. So thank you for
13 your hard work.

14 MS. LANDAU: Thank you too.

15 COUNCILMAN KENNEY: Please
16 identify yourself.

17 MS. LANDAU: Sure. Good
18 afternoon, Chairperson Kenney and members
19 of the Labor and Civil Service Committee.
20 Thank you for this opportunity to testify
21 in support of Bill 130224. My name is
22 Rue Landau and I am the Executive
23 Director of the Philadelphia Commission
24 on Human Relations. The Commission is
25 the City agency that administers and

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2 enforces the Fair Practices Ordinance,
3 the City law that protects people from
4 unlawful discrimination in employment,
5 housing, and real property and public
6 accommodations. The PCHR also would be
7 directly responsible for implementing
8 some of the amendments being discussed
9 today. I am joined by Gloria Casarez,
10 the Mayor's Director of LGBT Affairs, and
11 my Deputy Director, Reynelle Brown
12 Staley.

13 Philadelphia has a long history
14 of protecting the lesbian, guy, bisexual
15 and transgender community. Since 1982,
16 when sexual orientation was first added
17 to the Fair Practices Ordinance,
18 Philadelphia has extended numerous
19 protections to the LGBT community,
20 including Life Partnership benefits in
21 1998 and protections against gender
22 identity discrimination in 2002. In
23 2011, the law was amended again to
24 strengthen all of the LGBT protections.
25 In fact, last year, Philadelphia gained

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2 national recognition for its LGBT laws
3 and policies when it was ranked No. 2
4 overall of 137 municipalities in the
5 Human Rights Campaign's first annual
6 Municipal Equality Index. Philadelphia
7 was the highest scoring big city and
8 received the highest score of any city
9 that does not have statewide LGBT rights
10 protections.

11 Despite significant obstacles
12 at the state and federal level,
13 Philadelphia has made great progress
14 throughout all areas of government on
15 LGBT issues. Bill No. 130224 will
16 further that progress by doing three main
17 things: codifying City Administration
18 practices that have not been written into
19 law, highlighting certain rights that are
20 available to LGBT individuals under the
21 Fair Practices Ordinance, and creating
22 new protections for LGBT community.
23 Specifically, the bill provides for equal
24 treatment of life partners for all
25 protections, rights, benefits, and

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2 responsibilities in the code; reinforces
3 protections for equal access to public
4 accommodations for transgender
5 individuals; provides for gender neutral
6 language in certain City forms; provides
7 for gender neutral bathrooms in newly
8 constructed or City-controlled buildings;
9 reinforces the right of people to dress
10 consistently with their gender identity;
11 ensures the right of transgender
12 individuals to request name and gender
13 changes on pertinent records; and
14 establishes tax credits to encourage
15 employers to expand health benefits to
16 the life partners of their employees and
17 medically necessary health benefits to
18 their transgender employees.

19 The first of the bill's goals,
20 to codify existing processes, is
21 important because there is no guarantee
22 to future leaders will be as protective
23 of the rights of LGBT community as this
24 Administration and City Council currently
25 are. Many City departments and agencies

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2 have developed regulations or internal
3 operating policies to ensure equality for
4 the LGBT community, but relevant portions
5 of The Philadelphia Code do not always
6 reflect these administrative policy
7 changes. For example, the term "Life
8 Partners" is not included in the
9 definition of "family" in the Property
10 Maintenance or Zoning Codes, and it is
11 not included in the definition of
12 "patient" in the Health Code. It also
13 doesn't appear in the Public Employees
14 Retirements Benefits Code. Moreover,
15 because the current definition of "Life
16 Partnership" in the code refers to
17 couples of the same gender, it could be
18 viewed to exclude transgender couples who
19 can otherwise meet the PCHR's
20 verification requirements. The bill
21 addresses the actual or perceived
22 inequalities created by the
23 inconsistencies in the code. It gives
24 uniformity, clarity, and permanency to
25 the work that has already been done to

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2 protect the LGBT community.

3 As many of you recall, when the
4 Fair Practices Ordinance was amended just
5 two years ago, both the language and the
6 protections of the ordinance were
7 broadened to significantly strengthen the
8 rights of the LGBT community. This bill
9 highlights specific rights provided by
10 the broad language of the FPO. For
11 example, the bill reinforces the right of
12 life partners and their children to equal
13 access to medical facilities for
14 visitation. It also affirms the rights
15 of transgender individuals to access
16 bathrooms according to their gender
17 identities and to dress consistent with
18 their gender identities at work. By
19 making explicit forms of discrimination
20 that the PCHR has long recognized, the
21 bill ensures that business owners,
22 residents, and visitors are on notice of
23 our law.

24 Finally, new elements of the
25 bill will make the City's services and

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2 facilities more accessible to transgender
3 individuals by requiring gender
4 neutrality in most City forms and gender
5 neutral bathrooms in all new and
6 renovated City buildings. The City
7 currently has gender neutral
8 wheelchair-accessed bathrooms in all of
9 these buildings, so implementing this
10 provision would not add an additional
11 cost.

12 The bill also requires the PCHR
13 to give life partnership applicants more
14 information about their life partnership
15 status. Applicants will be advised that
16 life partnership does not provide the
17 same benefits as marriage and that living
18 wills, healthcare directives, and other
19 legal documents must be put in place if
20 they would like to further formalize
21 their union.

22 Lastly, the bill authorizes two
23 tax credits. The first encourages
24 private businesses to expand health
25 benefits to the life partners of their

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2 employees and the children of those life
3 partners. The second encourages
4 expanding medically necessary health
5 benefits to their transgender employees.
6 Adding these benefits is a low-cost way
7 for businesses to attract and retain LGBT
8 employees. To be eligible for the tax
9 credits, a business must not have offered
10 these health benefits for three tax years
11 prior to submitting a claim. Eligible
12 businesses will receive credits up to
13 \$750 per person to defer the costs of
14 covering the benefits, and the aggregate
15 credits will be capped at \$2 million.

16 We support Bill 130224 as
17 introduced in City Council on March 21st,
18 2013.

19 Thank you for your time, and
20 we're available for any questions.

21 COUNCILMAN KENNEY: Thank you
22 very much for your testimony.

23 Are there any questions for any
24 of the witnesses in the first panel?

25 (No response.)

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2 COUNCILMAN KENNEY: Seeing
3 none, thank you very much for your
4 testimony.

5 MS. LANDAU: Thank you.

6 COUNCILMAN KENNEY: The second
7 panel will deal with life partner and
8 transgender healthcare equality tax
9 credits. We'd ask Mr. Harvey Hurdle and
10 Joe Grace from the Chamber of Commerce to
11 come forward.

12 (Witnesses approached witness
13 table.)

14 COUNCILMAN KENNEY: Please
15 identify yourself for the record.

16 MR. HURDLE: Chairman Kenney
17 and members of Council, my name is Harvey
18 Hurdle. Thank you for allowing me to
19 offer my thoughts today. I'm here today
20 as the CEO of Sellers Dorsey, a national
21 healthcare consulting firm based here in
22 Philadelphia. I'm also here as someone
23 who has worked on issues of workplace
24 equality for nearly two decades locally,
25 statewide, and on the federal level. I

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2 am here to support the tax credits
3 contained in the legislation. And I do
4 this as the CEO of a growing and
5 successful company located in
6 Philadelphia. Quite simply, our business
7 is about people, and it's the right thing
8 to do for our people.

9 Sellers Dorsey has provided
10 domestic partnership benefits to its
11 employees since it was founded in 2000.
12 By offering these benefits, we have a
13 competitive advantage for talent, and
14 that's allowed us to drive recruitment
15 and retention of employees. It's what
16 any small business wants. We want our
17 college graduates to stay here with their
18 energies and ideas, and polls have shown
19 that for this generation, the treatment
20 of LGBT citizens is extremely important.
21 We want this talent in Philadelphia.

22 Pennsylvania is the least
23 friendly of all East Coast states when it
24 comes to LGBT rights. Philadelphia is
25 our only oasis in the state for these

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2 rights, thanks to many of the people in
3 this room today. This bill will send a
4 clear message to potential business and
5 employees that Philadelphia wants to
6 truly be a leader nationwide on how their
7 LGBT residents should be treated.

8 Domestic partner coverage
9 allows our employees to know their
10 families have coverage, allowing our
11 employees to focus on the work and
12 productivity on behalf of their clients.

13 I'd also like to reference a
14 letter sent to Councilman Kenney from
15 Mary Krick, who is the Vice President of
16 Human Resources for PECO, where she
17 states, We have always viewed offering
18 same-sex domestic partner benefits as
19 both a good business practice and a
20 matter of fairness to all of our
21 employees.

22 I am also here in favor of the
23 incentive to offer healthcare coverage
24 for the transgender community. While we
25 do not have coverage through our

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2 insurance company, our company has an
3 internal policy that if a transgender
4 employee needed medical necessary for
5 care, our firm would work with that
6 employee to ensure that he or she was
7 provided that care.

8 I want to reference a letter
9 that was also sent to Councilman Kenney
10 from the University of Pennsylvania,
11 Jeffrey Cooper, Vice President of
12 Government and Community Affairs, that
13 says, Since July 1st, 2012, the
14 University of Pennsylvania has provided
15 transgender health benefits to its
16 employees. Penn joins academic
17 institutions, American University, UCLA,
18 Harvard, Stanford, Yale, and the
19 University of Michigan, as well as
20 corporations, Johnson & Johnson,
21 Campbell's Soup, J.P. Morgan, Chase,
22 Goldman Sachs, Bank of America, and
23 Merrill Lynch in offering these benefits
24 to their employees.

25 Our firm is mission-driven and

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2 seeks to expand access to quality and
3 affordable healthcare. We know that
4 members of the LGBT community are much
5 less likely to be insured than their
6 non-LGBT counterparts. Creating these
7 tax incentives for companies in
8 Philadelphia, increasing opportunities to
9 get insurance, is one way that we can
10 help to close the gap.

11 Thank you.

12 COUNCILMAN KENNEY: Thank you
13 for your testimony.

14 Mr. Grace, please identify
15 yourself for the record.

16 MR. GRACE: Good afternoon,
17 Chairman Kenney and members of the
18 Committee on Labor and Civil Service. My
19 name is Joe Grace, Director of Public
20 Policy of the Philadelphia Chamber of
21 Commerce. I'm here today in support of
22 Bill 130224, which offers a business tax
23 credit to businesses in the City that
24 elect to provide healthcare coverage to
25 life partners of their employees.

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2 GPCC has always supported tax
3 credits as an inducement to persuade
4 business in Philadelphia to create new
5 jobs and employment opportunities, and we
6 support this policy strategy as a
7 productive way for government to work
8 with the business community to advance
9 our shared goal of a more vibrant local
10 economy.

11 The Jobs Commission of
12 Philadelphia recently endorsed the
13 strategic use of tax credits as well,
14 either to attract a business to the City
15 or to, quote, "encourage certain
16 desirable business actions; for example,
17 hiring ex-offenders."

18 The Chamber has also long
19 supported the goals of diversity and
20 equality in Philadelphia and
21 Pennsylvania. A diverse workplace that
22 treats employees fairly and equally
23 without regard to race, gender, sexual
24 orientation or sexual identity is a
25 workplace where employees feel more of a

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2 sense of inclusion and engagement in
3 their companies, which can only enhance
4 the company's bottom-line performance.

5 In reviewing Bill No. 130224,
6 we understand that if an employer in
7 Philadelphia voluntarily elects to extend
8 healthcare coverage to an employee's life
9 partner, the employer will be eligible to
10 claim a tax credit against its business
11 income and receipts tax liability of 25
12 percent or \$4,000, whichever is lesser,
13 of the total amount spent by the business
14 to purchase the health benefits for the
15 life partners of its employees and the
16 partners' children.

17 It's also our understanding
18 that Bill 130224 offers, in addition to
19 the life partner health benefits tax
20 credit, a separate tax credit to those
21 companies that voluntarily elect to
22 provide transgender healthcare coverage
23 employees. The tax credit offered is the
24 same, 25 percent or \$4,000, whichever is
25 less, of the amount spent by the business

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2 to offer the additional coverage.

3 We know that the tax credits
4 offered are for two years and must be
5 taken consecutively. We also know that
6 if at any time during the three years
7 that the business first opts to provide
8 the additional healthcare coverage that
9 it makes a business decision to
10 discontinue the coverage, that it would
11 have to refund these tax credits to the
12 City.

13 Having reviewed the sections of
14 the bill that apply to the local business
15 community and specifically these portions
16 of the ordinance offering a voluntary
17 business tax credit to companies as an
18 inducement to provide healthcare to the
19 life partners of employees and their
20 children as well as to transgendered
21 employees, the Chamber of Commerce
22 supports these tax credits, in keeping
23 with its longstanding support not only
24 for using tax credits to stimulate
25 economic activity, but for diversity and

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2 equality in the workplace in
3 Philadelphia.

4 Lastly, I just want to, if I
5 may, commend Council and the Committee
6 Chairman and particularly that reference
7 to what things were like 20 years ago or
8 25 years ago and hearing your remarks,
9 Mr. Chairman, it reminded me President
10 Kennedy once said that the Constitution
11 should be colorblind. Well, maybe now in
12 2013 the Constitution should also be
13 sexual orientation and sexual identity
14 blind as well.

15 Thanks for the chance to
16 testify today. We look forward to
17 working with you on these issues, and I'd
18 be happy to answer any questions that you
19 may have.

20 COUNCILMAN KENNEY: Thank you
21 very much for your testimony.

22 Councilmember Squilla.

23 COUNCILMAN SQUILLA: Thank you.

24 Mr. Grace, thank you for coming
25 here. Just a quick question. If the tax

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2 credits weren't part of this procedure,
3 would you think the Chamber would come
4 out in favor of it?

5 MR. GRACE: I think it's a good
6 question, Councilman, and I think that
7 the Chamber historically supports
8 diversity and equality, and we would have
9 taken a hard look at the legislation,
10 this legislation, because we support
11 diversity and equality. But it's also
12 true that the offering of this as a
13 voluntary tax credit as opposed to a
14 mandatory offering of these benefits to
15 life partners, it's in keeping with the
16 Chamber supporting tax credits as an
17 inducement to move businesses toward
18 either it's the right thing or to, as we
19 quoted the Jobs Commission, Councilman,
20 to generate desirable economic activity
21 in Philadelphia. So the offering of the
22 tax credit was an important part of our
23 calculus in looking at the legislation.

24 COUNCILMAN SQUILLA: All right.
25 Thank you. Because, I mean, it does make

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2 sense for the businesses and to see that
3 it's enticing and encouraging, but also
4 knowing that we're having hard times and
5 businesses are complaining about some of
6 our taxes and now we're having real
7 estate taxes with AVI, we raised the real
8 estate taxes three years in row, our
9 business tax, our U&O taxes, and this is
10 a way to give back to businesses that do
11 the right thing. And I agree with that
12 model, and I really appreciate your
13 support on this bill, and this makes
14 sense moving forward that if we could
15 induce businesses to do the right thing,
16 we will.

17 So thank you for your support
18 of this bill, and I appreciate you coming
19 here today.

20 MR. GRACE: Thank you,
21 Councilman.

22 COUNCILMAN KENNEY:
23 Councilmember Bass.

24 COUNCILWOMAN BASS: Thank you.
25 We got special sounds effect today.

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2 COUNCILMAN KENNEY: It's like
3 watching a cartoon.

4 COUNCILWOMAN BASS: Right.

5 I just wanted to say -- and
6 also to actually the previous panel as
7 well -- that this is progress. And so it
8 really wasn't all that long ago where it
9 was okay to have segregated bathrooms,
10 white only, and it really wasn't that
11 long ago that Pennsylvania elected its
12 first female State Senator, Roxanne
13 Jones, and I was just reminded of how
14 when she went to Harrisburg, there were
15 no women's bathrooms. And so she had to
16 lobby for a bathroom, because they never
17 expected a woman to be elected to the
18 Pennsylvania State Senate and how
19 ridiculous that sounds.

20 And so as we talk about having
21 restrooms and space available for the
22 LGBT community to make sure that they
23 have an opportunity to do what we all do
24 and need to do, you need some privacy,
25 you need some space, and you should be

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2 respected every day, whatever it is that
3 you need to do. Whether it's using a
4 restroom, whether it's going into a
5 restaurant, whether it's patronizing a
6 business, you need to be respected.

7 And so just a couple of things
8 I wanted to mention, because this law
9 really is a sweeping law, and the first
10 is that I know that Councilman Kenney I'm
11 sure will have a lot of input and a lot
12 to say in terms of how we would implement
13 such a law and be effective, but I also
14 think that groups like the Mazzoni Center
15 and the groups like the Chamber of
16 Commerce, which have two very different
17 missions but would need to be engaged to
18 make sure that the law will be effective
19 and that it will be implemented in a way
20 that basically leaves no stone unturned
21 and let's businesses know that this is
22 something that would be beneficial to
23 them. And I would even like to suggest,
24 if there was a way, to recognize
25 businesses that are supportive of these

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2 efforts, because those are businesses
3 that I would like to patronize.

4 (Applause.)

5 MR. GRACE: To that end,
6 Councilwoman, and Harvey already had
7 quoted from the letter and then also
8 explained some of the other businesses in
9 town or institutions in town that have
10 submitted letters of support of the
11 Councilman's legislation, but there was a
12 line in the letter from PECO --

13 COUNCILWOMAN BASS: Yes.

14 MR. GRACE: -- that I actually
15 thought was better than, respectfully,
16 anything that we offered in terms of
17 testimony, and the line is that offering
18 same-sex domestic partner benefits is
19 both a good business practice and it's a
20 fairness practice to our employees. And,
21 you know, to do something that's fair is
22 also good business. So that's why we're
23 here.

24 COUNCILWOMAN BASS: Thank you.

25 And I'm a PECO customer too.

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2 Thank you.

3 COUNCILMAN KENNEY: Thank you
4 very much for your questions and for your
5 testimony.

6 Any other -- Councilmember
7 Blondell Reynolds Brown.

8 COUNCILWOMAN BROWN: Good
9 afternoon, members. I wanted to seize
10 the moment and stop by, although I'm not
11 able to stay, I stepped out of another
12 meeting, because I wanted to put on the
13 record first commending Councilman
14 Kenney, who has been a real leader for
15 this community, long before many of us
16 got here, and we should never, ever
17 forget that.

18 And, secondly, I've learned by
19 trying to pay attention that this is the
20 first of its type in country. So it
21 really puts Philadelphia on the cutting
22 edge of, again, leading when it comes to
23 leveling the playing field for equality
24 for the LGBT community. And we should
25 always be mindful of when Philadelphia

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2 can be a first.

3 Thank you, Mr. Chairman.

4 COUNCILMAN KENNEY: Thank you
5 for your comments. I appreciate it.

6 Any other questions?

7 (No response.)

8 COUNCILMAN KENNEY: Seeing
9 none, the last panel we have scheduled is
10 discussing the ending of transgender
11 discrimination. It's Kathleen Padilla,
12 Michael Williams, and Jason Tescher.

13 (Witnesses approached witness
14 table.)

15 COUNCILMAN KENNEY: Is Jason
16 here? Oh, that's our high-tech witness
17 on Skype. We're finding him in
18 California as we speak.

19 So whoever would like to go
20 first, please identify yourself for the
21 record.

22 MS. PADILLA: Good afternoon.
23 My name is Kathy Padilla. I'd like to
24 thank Chairman Kenney and the Committee
25 for allowing me to speak in support of

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2 this bill today.

3 I'm a disadvantaged business
4 enterprise coordinator working with the
5 City of Philadelphia at the Airport.
6 I've been with the City for about 11
7 years now, starting in 2002 when I worked
8 at the Free Library developing training
9 manuals and doing training for the
10 professional staff there. And I'm a
11 longtime transgender advocate and a
12 transgender person myself. I believe I
13 started working on these issues in 1984.

14 The transgender health portions
15 of these bills represent over a decade's
16 worth of work by advocates and by
17 government to try and remove this
18 discrimination from the City employees'
19 health plans. It was brought up when I
20 was a member of Mayor Street's LGBT
21 Advisory Board, and it has been brought
22 up with this Administration since I began
23 meeting with Gloria Casarez in 2008.
24 It's been part of the Liberty City PA
25 Gala and out-front candidate

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2 questionnaires for about ten years now,
3 and I want to thank a number of the
4 members of the panel for supporting that
5 in your answers.

6 Mayor Nutter spoke to this in
7 his 2007 -- in 2007 when he was before
8 the endorsement committee, and he
9 basically said that he thought that it
10 was important for government to lead on
11 these issues to try and set an example
12 for business and the community, and that
13 his only concern was that it might be
14 some costs that would be prohibitive.

15 So perhaps I just talk a little
16 bit about who transgender people are and
17 some of the things that we face in
18 society.

19 Transgender people have a
20 gender identity, which is your inborn
21 sense of self as a male and female that
22 is at variance with what cultural norms
23 are, and gender expression is the way
24 that that gets expressed in society, such
25 as language, makeup, and clothing.

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2 Transgender people from a 2009
3 national transgender discrimination
4 survey have doubled the rate of
5 unemployment of the population, with four
6 times the rate of unemployment for
7 transgender people of color. There's
8 widespread mistreatment at work. Ninety
9 percent have been harassed at work, 47
10 percent have had an adverse job outcome,
11 and over one-quarter have reported losing
12 a job due to the transgender status, 19
13 percent have been refused housing and
14 another 19 percent have been homeless.
15 Of those people who were homeless, 55
16 percent report being harassed by shelter
17 staff and other residents, 22 percent
18 were sexually assaulted by center staff
19 and other residents, and 29 percent were
20 turned away from shelter services
21 altogether, 19 percent of transgender
22 people have been refused medical care,
23 often for emergency medical care.

24 Now, we all know that
25 healthcare is a necessary and basic human

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2 need and that gender identity is part of
3 the Fair Practices Ordinance. Denying
4 healthcare based upon gender identity is
5 discrimination, and this denial of
6 healthcare harms transgender people. It
7 leads to a denial generic service like
8 mammograms, Pap smears, pelvic exams, and
9 prostate treatments, and along with other
10 medically necessary care that is more
11 transgender specific.

12 There's a business case and a
13 healthcare case, and both of these
14 strongly support getting rid of this
15 discrimination in the City's health plan.

16 There are studies that
17 demonstrate that these types of
18 exclusions lead to poor health outcomes,
19 poor social and emotional functioning,
20 lower personal income levels, lower
21 income potential, greater strain on
22 emergency services, of course borne by
23 the City and by all of the community, and
24 a fivefold rise in the incidence of
25 suicide for those who do not receive

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2 appropriate care.

3 The additional burden of paying
4 for this healthcare that should be
5 covered by people's compensation package
6 is something that works to lower people's
7 compensation in relationship to their
8 peers in the City. And it also means
9 that people have to make choices, because
10 they have inadequate funds to fund normal
11 healthcare and transgender-specific
12 healthcare. They don't share and
13 disclose their full medical histories
14 with providers, and this, of course, then
15 leads to other emergency services when
16 care is delayed. But, most importantly,
17 the social and personal costs are
18 enormous and life threatening to
19 transgender people ourselves.

20 Throughout the United States,
21 the experiences and examples from other
22 municipalities demonstrates that the cost
23 for providing this particular type of
24 non-discriminatory healthcare benefit is
25 minimal. In San Francisco, the insurer

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2 eliminated the extra surcharge that they
3 were charging after five years experience
4 because there were really only incidental
5 expenses. And this kind of healthcare is
6 covered just like any other medical need.
7 Independence Blue Cross, upon reviewing
8 the actuarial data for the City of
9 Philadelphia, has quoted a cost of
10 \$50,000 to cover the entire
11 non-represented health plan per year,
12 which comes out to about 77 cents per
13 policy per month. It's really minimal,
14 and that is before any consideration of
15 healthcare savings from providing
16 appropriate care and stopping
17 discrimination and generic services.

18 The American Medical
19 Association, the American Psychological
20 Association, the National Association of
21 Social Workers, the World Professional
22 Association for Transgender Health, and a
23 number of other professional
24 organizations enthusiastically endorse
25 providing this non-discriminatory care

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2 and making sure they're covered by
3 insurance. I think we all agree that
4 healthcare decisions should be based upon
5 science and facts and not upon fear and
6 bigotry.

7 The private sector is far ahead
8 of government on this issue of basic
9 equity. Two hundred and eighty-nine of
10 the country's largest businesses have
11 removed this healthcare discrimination
12 from their employee healthcare plans,
13 because they need to compete for the best
14 talent and they need their talent
15 operating at the highest levels.

16 Some of the local businesses
17 that actually support this coverage are
18 the University of Pennsylvania, Comcast,
19 Campbell's Soup, Glaxo, Raytheon, Exelon,
20 and Dupont, household names in this
21 community.

22 Removing discrimination from
23 the City employee's health plan will lead
24 to a healthier, more productive workforce
25 that uses fewer sick and disability

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2 benefits. It removes opportunities for
3 discrimination in healthcare by the
4 misapplication of the exclusion, and it
5 reinforces the value of transgender
6 individuals to their co-workers and to
7 the public.

8 It removes a large pay equity
9 burden from an already overburdened
10 group, and it improves the health,
11 well-being, and earning potential of
12 transgender people. It also saves money
13 on total healthcare costs when all costs
14 are considered.

15 I urge you to consider
16 Philadelphia's historic tradition of
17 leadership on matters of fairness and
18 equality and to provide leadership to
19 other municipalities by your example by
20 supporting this bill.

21 Thank you.

22 COUNCILMAN KENNEY: Thank you
23 very much for your testimony.

24 I'd like the record to reflect
25 that Councilman O'Neill has joined the

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2 Committee.

3 I'd also like to thank you,
4 Kathleen, for your hard work in putting
5 this bill together. You were diligent
6 and provided a great amount of
7 information and helped us work our way
8 through this. I want to thank you
9 personally.

10 MS. PADILLA: Thank you, sir.

11 COUNCILMAN KENNEY:

12 Mr. Williams, please identify yourself
13 for the record.

14 MR. WILLIAMS: Thank you,
15 Councilman and Chair of this Committee.
16 My name is Michael Williams. I'm the
17 Chairman of the Forensic Auditing Unit at
18 Picciotti and Schoenberg. I'm here today
19 to let you know that my husband and I
20 will be celebrating our 29-year
21 anniversary on July 21st.

22 COUNCILMAN KENNEY:

23 Congratulations.

24 MR. WILLIAMS: Or 20th. Don't
25 hold me to that.

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2 COUNCILMAN KENNEY: You'd
3 better get it right.

4 MR. WILLIAMS: 20th or 21st.
5 It's one of those days.

6 COUNCILMAN KENNEY: You'd
7 better get it right.

8 MR. WILLIAMS: I don't have my
9 BlackBerry up, but it's one of those
10 days. It's in July.

11 COUNCILMAN KENNEY: This is on
12 the permanent record, you know. Do you
13 know that?

14 MR. WILLIAMS: Well, then we'll
15 go with the 21st. I had it prepared.
16 Anyway, we'll be celebrating our 29-year
17 anniversary. We are both born and raised
18 in California, in Los Angeles. And we
19 are in Philadelphia. We are raising our
20 son here, sometimes successfully,
21 sometimes not, and we'll be welcoming our
22 first grandchild as Philadelphia as an
23 LGBT couple here. Why are we here? We
24 love this city. One of the things we
25 love about this city is people do the

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2 right things in government for the most
3 part, we feel very much. On these
4 issues, we feel this Council and this
5 Mayor have always been here for this
6 community. There's no question about
7 this at all. Most folks on Council,
8 including Councilman Kenney, folks have
9 been here for a while, have seen me here
10 lobbying on many issues, LGBT issues,
11 minority business issues. I helped
12 testify on slavery and profit issues and
13 a lot of community issues. So I always
14 feel that we can come here to Council,
15 and Council will always do the right
16 thing. So I want to thank you, Chairman
17 Kenney, and thank everybody on this board
18 for the work that we're doing here.

19 Kathy and I started working on
20 this a decade or so ago, and we thought
21 that our work was finished, and in a way
22 it was. There's just some loose ends
23 that we're glad that Councilman Kenney
24 and Chris Goy, folks who picked it up,
25 and we're glad to have helped them out.

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2 We think that this absolutely is the
3 right thing. This is the body to do the
4 right thing. We know the Mayor wants to
5 do the right thing. We all want to do
6 the right thing.

7 This will put us first in the
8 country. Sometimes we don't want to be
9 first in the country for some things, but
10 this we absolutely want to be first in
11 the country.

12 Thank you so very much.

13 COUNCILMAN KENNEY: Thank you
14 for your testimony, pop-pop, is it? What
15 are you, grand-dad, pop-pop?

16 MR. WILLIAMS: I have two
17 months to work that out.

18 COUNCILMAN KENNEY: Thank you
19 for your testimony.

20 Any questions for these
21 witnesses?

22 (No response.)

23 COUNCILMAN KENNEY: Now we're
24 going to go to Mr. Tescher.

25 Can you hear us?

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2 MR. TESCHER: Yeah, I can.

3 COUNCILMAN KENNEY: Great.

4 Could you please identify yourself for
5 the record and proceed with your
6 testimony.

7 MR. TESCHER: Sure. My name is
8 Jason Tescher and I am currently the
9 Health Program Specialist with the
10 California Department of Insurance, where
11 I focus on healthcare reform and consumer
12 protection issues, including LGBT health.

13 Here I authored the first and,
14 to my knowledge, still the only economic
15 and actuarial assessment of the cost of
16 removing discriminatory exclusions and
17 worked to pass regulations in California
18 to remove those exclusions. And prior to
19 that, I was the former Associate Director
20 at the Transgender Law Center on Health
21 Policy and authored guidelines on how
22 companies and municipalities can remove
23 exclusions. And I've also worked with
24 other cities in their efforts to remove
25 discriminatory exclusions from their

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2 health plans. And I have -- so I've seen
3 what works and what doesn't work, and I'm
4 going to try to be really brief here and
5 give you as much information as you want
6 or need to make the best decision
7 possible.

8 So as you've heard and as
9 you've read, I'm sure, coverage for
10 gender dysphoria and gender identity
11 disorder is slowly becoming the norm for
12 large companies and municipalities and
13 even, frankly, states like Colorado,
14 Oregon, and California in terms of
15 mandating that insurers can't
16 discriminate based on gender identity
17 and, in particular, transgender people.

18 What I want to do really
19 quickly is put gender dysphoria into
20 context for you in terms of how we think
21 about it from an insurance perspective.
22 We think of it actually just like any
23 other rare medical condition in terms of
24 medical necessity, treatment options, and
25 coverage. And as you've heard, there's

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2 no question anymore about medical
3 necessity, about whether this is
4 something that is -- whether there's
5 internationally recognized standards of
6 care for treatment as well, and that's
7 just not -- it's no longer a question in
8 the medical community about this being
9 absolutely medically necessary for people
10 based on their work with their doctor
11 between their doctor and themselves.

12 Coverage and who pays, of
13 course, is the big question, and,
14 frankly, I don't know of any other
15 condition where insurers have actually
16 arbitrarily denied coverage for a
17 condition that is specific to a protected
18 class of people. It would be similar to
19 a health insurer saying, We're not going
20 cover sickle cell anemia for African
21 American people. We know generally that
22 condition targets African American people
23 and as does gender dysphoria and gender
24 identity disorder. If not for their
25 gender identity, they wouldn't have this

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2 disorder. So the link is very, very
3 clear.

4 In the economic impact
5 assessment that we produced, once again,
6 it was the first in the nation, and it's
7 been widely cited. We used the best
8 available actuarial data to estimate the
9 impact on premiums for insurers, not cost
10 but premiums, and the result that we came
11 up with is literally the additional cost
12 is immaterial and insignificant in terms
13 of the size of the per member per month
14 increase compared to the rest of their
15 the premium. And, as you know, insurance
16 premiums are determined by a combination
17 of factors, including the cost of the
18 benefits in the package and the risks of
19 the people in the pool. And that's an
20 important definition distinction, risk
21 versus cost there.

22 So we found because this
23 condition is extremely rare and the cost
24 for treatment -- we found that the
25 condition is extremely rare and the cost

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2 for treatment is relatively minor. And
3 when we say "relatively minor," we're
4 comparing it with the cost of child
5 birth, the cost of a heart attack or
6 heart disease that we see every day or
7 diabetes care. It's simply not a
8 catastrophic claim. However, untreated,
9 gender dysphoria can lead to other
10 conditions that can pose significant
11 risk, like depression, complications from
12 unmonitored hormone use, violence, and
13 even suicide, as you've heard.

14 In the end, the goal is to
15 treat a medical condition that affects a
16 very small but marginalized segment of
17 the population, and our determination was
18 that the evidence clearly shows that the
19 issue is not one of cost.

20 And with that, I'll answer any
21 questions you have for me and -- there
22 you go.

23 COUNCILMAN KENNEY: Thank you
24 very much for your testimony. One of the
25 bugaboos about domestic partnership back

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2 in '98 was this overwhelming cost we
3 would have to bear as a result of doing
4 it, until the turning point and the
5 hearings came when Independence Blue
6 Cross testified that not only was it
7 insignificant, but they offered it to
8 their own employee back in '98, and that
9 was -- it went all downhill from then, so
10 the last gasp of discrimination or
11 argument for discrimination in those
12 bills.

13 But any questions for
14 Mr. Tescher or for the witnesses at the
15 table?

16 (No response.)

17 COUNCILMAN KENNEY: No one.
18 Thank you very much for beaming in from
19 Los Angeles. We appreciate it.

20 MR. TESCHER: Thank you very
21 much.

22 COUNCILMAN KENNEY: Thank you
23 very much.

24 Is there anyone else in the
25 room to testify on this bill?

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2 Please come forward.

3 (Witness approached witness
4 table.)

5 COUNCILMAN KENNEY: Please
6 identify yourself for the record.

7 MS. ROBINSON: Good afternoon.
8 My name is Judith Robinson and I'm here
9 to testify today. I'm testifying today
10 on 120956.

11 COUNCILMAN KENNEY: That
12 bill --

13 MS. ROBINSON: I'm sorry. I'm
14 sorry. 130224.

15 COUNCILMAN KENNEY: Yes. Okay.

16 MS. ROBINSON: As I read this
17 bill, the thing that -- the area, the
18 line, verbiage, that attracted me to make
19 me come to this hearing today is
20 "equality of treatment of all people in
21 the City of Philadelphia." I'm not going
22 to get into all the other aspect of the
23 bill. I'm only going to zero in on that
24 section of the bill, because equality for
25 all citizens is very important to me.

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2 I am a native Philadelphian,
3 African American woman, no way that can
4 be denied. White supremacy will have --
5 will allow this bill, because in order to
6 create a bill, you have to get a sponsor.
7 Access to have your case pleaded is a
8 problem for many of us, me as an African
9 American woman I'm saying. I have come
10 down here many times and spoken on many
11 different issues. I don't get the same
12 access to come to your office, sit down
13 with you, and plead a case for whatever I
14 may feel is unequitable, discriminatory.
15 So I'm here today to talk about equality
16 as an African American woman. Okay?

17 I've been here many times
18 talking about discrimination, economic
19 development. I had nobody here from any
20 kind of economic development entities to
21 say, Sure, you're right, or help us deal
22 with the problem.

23 Just to digress slightly, there
24 was a housing discrimination case in the
25 City just yesterday or so. Where is the

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2 Office of Human Relations, et cetera?

3 Discrimination should be dealt
4 with all around in Philadelphia. So many
5 times I've come here talking about
6 inclusion and minority inclusion without
7 any enforcement over many, many years.
8 So I'm really concerned about access to
9 sit down to talk with you all, especially
10 you Councilpeople at-large. You're not
11 representing, as far as I'm concerned,
12 equally everybody in the City. That's
13 why I'm here today, to talk about that.

14 So to have the process where I
15 could sit down with you to say to you,
16 Listen, how about a tax credit or
17 reparations for discrimination that I
18 have suffered as a black woman in this
19 city as a native Philadelphian, housing
20 discrimination, et cetera.

21 I am going to leave with you
22 all today something that I would like to
23 have put in record regarding a woman who
24 was enslaved by Stephen Girard, and I
25 brought this today because you all are

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2 still spending his money, and I think it
3 will illustrate real discrimination long
4 term, something that can't seem to be
5 dealt with in this town.

6 Hanna was the woman's name.

7 She was the first person bequest in
8 Stephen Girard's will. She was enslaved
9 by him for 50 years, nearly 50 years.
10 She was on his death bed. I want to put
11 this in this record for this hearing
12 today, please, because I want that --
13 this document to be put in record to talk
14 about discrimination of a black woman.

15 How do you deal with repairing
16 dealing with equity as it relates to a
17 black woman being enslaved for nearly 50
18 years? That's economics that we didn't
19 get. That's discrimination that's still
20 rampant in this town.

21 So I just want to just add
22 this, because you all have a heck of a
23 way of pandering to certain audiences.
24 So I'm just adding this to this hearing
25 today. As a black woman, I just want to

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2 say, let's stop discrimination. Let's be
3 respectful of everybody. Let's give tax
4 incentive to make things right, maybe
5 even reparations for Hannas of this town
6 who never would be in the condition we
7 are in if we had everything equal. So as
8 we talk about equality, let's really talk
9 about it. Open up the door and let's
10 deal with it for real, and stop pandering
11 to this one and that one and whoever
12 brings the biggest group.

13 Thank you very much for your
14 attention, and please have that document
15 put in the record.

16 COUNCILMAN KENNEY: Thank you
17 very much for your testimony.

18 Anyone else?

19 (No response.)

20 COUNCILMAN KENNEY: That will
21 conclude the public hearing on this bill,
22 but before I do that, I want to formally
23 withdraw Bill No. 120956, which is the
24 original bill we first introduced and
25 then we replaced it with 130224. So I

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2 want formally do that, and I also want to
3 recognize Councilmember Squilla for a
4 motion to approve a number of amendments.

5 COUNCILMAN SQUILLA: Thank you,
6 Chair. I do want to commend too the
7 Administration for working hard with this
8 and coming up with one of the amendments
9 and agreeing to these amendments as
10 moving forward as one of the amendments
11 we will be introducing today.

12 So, thank you, Mr. Chairman. I
13 move that all the amendments to Bill No.
14 130224 be adopted.

15 (Duly seconded.)

16 COUNCILMAN KENNEY: Moved and
17 seconded. Those amendments have been
18 circulated to the members of the
19 Committee.

20 All those in favor?

21 (Aye.)

22 COUNCILMAN KENNEY: Are there
23 any opposed?

24 (No response.)

25 COUNCILMAN KENNEY: There are

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2 none. The motion to approve the
3 amendments to Bill No. 130224 are
4 approved.

5 The Chair now recognizes
6 Councilmember Squilla for a motion on the
7 amended bill.

8 COUNCILMAN SQUILLA: Thank you,
9 Mr. Chairman. I move that Bill No.
10 130224, as amended, be reported from this
11 Committee with a favorable recommendation
12 and further move that the rules of
13 Council be suspended to permit first
14 reading of this bill at the next session
15 of Council.

16 (Duly seconded.)

17 COUNCILMAN KENNEY: Moved and
18 seconded.

19 All in favor?

20 (Aye.)

21 COUNCILMAN KENNEY: There are
22 none opposed. Bill No. 130224, as
23 amended -- can I also have a request for
24 a rules suspension to allow for first
25 reading.

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2 COUNCILMAN SQUILLA: I did.

3 COUNCILMAN KENNEY: You did
4 that? Okay.

5 So Bill No. 130224, as amended,
6 reported out of this Committee favorably
7 and a request will be made for a rules
8 suspension to allow for first reading at
9 our next Council session.

10 That concludes the business of
11 the Committee. We really do thank you
12 all for your attendance.

13 Thank you.

14 (Applause.)

15 COUNCILMAN KENNEY: Can I have
16 your attention, please. This is very
17 important. I want to publicly thank my
18 staff person, Chris Goy. Without him, I
19 would have --

20 (Applause.)

21 COUNCILMAN KENNEY: And also
22 thank Kathy Padilla for meeting me in the
23 kitchen of that house party that time,
24 because that got me on the right
25 direction too.

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2 But I want to thank him,
3 because without him, this issue would
4 have not been brought forward as quickly
5 as it has. He worked very hard on it. I
6 want to thank him publicly. So thank
7 you.

8 And Gwendolyn -- Jordan, you're
9 smiling. I like to see that. Thank you.

10 Have a good day, everybody.
11 Thank you.

12

13 (Committee on Labor and Civil
14 Serviced concluded at 4:45 p.m.)

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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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