

TESTIMONY OF CATHERINE SCOTT

CITY COUNCIL - BILL NO. 100128 AND BILL NO. 080660

Wednesday, May 12, 2010

Good afternoon President Verna and members of City Council. My name is Catherine Scott and I am President of AFSCME District Council 47. I welcome the opportunity to testify today on the proposed amendment to Bill No. 100128 amending Chapter 20-600 of the Philadelphia Code entitled “Standards of Conduct and Ethics”.

AFSCME District Council 47 has three local Unions with approximately 4,000 members affected by this proposed legislation. I would like to commend city Council for analyzing and acting on the recommendations of the Mayor’s Task Force on Ethics and Campaign Finance Reform. I do have some concerns about the approach in the bill which classifies some employees as “less restricted” and some employees as “more restricted” in their ability to engage in off work political activity. I think it bears repeating that the members of AFSCME District Council 47 in Locals 2186 and 2187 are Civil Service employees who pass competitive civil service examinations and finish high enough on the civil service list to be hired. They successfully complete 6 month probationary periods. Many of them are members of professional associations in their career choice such as the National Association of Social Workers, hold certifications such as Certified Public Accountants or Social Workers or are licensed to practice their profession such as physicians, registered nurses and physician assistants to name a few. Our Union objects to including any of our members under Section 1, #4d.

There is no credible reason why employees who investigate reports of child abuse and neglect should be restricted as in 4 d III. They follow both Federal and State mandates which include very strict criteria for conducting safety assessments in those investigations, which are then reviewed and approved by multiple levels of management before any action is taken. In those instances where there is imminent danger to a child, before that child can be removed, the Social Worker must obtain the prior approval of DHS management and the City Law Department which writes and files the petition which is then acted upon by a judge. Protective service workers throughout the country follow these mandates and are not precluded from political activity.

Sections #4 d (4), (5), (6), (7), (8), and (9) refer to employees with the authority to act in some way. It is important to define the term authority. Let's review #4 d (4) "Employees with the authority to assess the value of real estate or other taxable property". Our members, real property evaluators, review the mass assessments, using sales trends and other objective criteria such as permits and other property renovations to recommend assessment changes which are then reviewed and decided by administrators or the Chief Assessor. Our Union would argue that our members do not have the authority to assess the value.

In 4 d (5) and 4 d (6) if our members in water revenue who as an example oversee issuing bills which include a legally predetermined penalty for a late payment or a legally required fee such as a permit application fee, we do not believe their political activity should be restricted.

Is the Sanitarian inspecting a restaurant who finds violations to the health code as laid out by law and regulation restricted, especially when that violation is reviewed by multiple levels of management in the health department and possibly the law department and may or may not be acted upon? In 4 d (7) is the Procurement Technician who oversees the announcement of contract bids and the transparent and public process of reviewing bids which must conform to very specific Requests for Proposals restricted especially when they have no authority to ultimately grant or deny those bids?

#8 is written so broadly it is difficult, if not impossible, to understand the scope of “any other permission or request impacting property rights or interests”. Does this include the Surveyor who oversees street layouts, the Traffic Engineer who does street signage and traffic lights, or the Civil Engineer who oversees bridge construction contracts?

Our members’ job is to provide essential City and County services and enforce City codes, regulations and laws. These restrictions appear to be written to keep the City’s professional employees and supervisors from engaging in political activity. Our Union believes this approach is unconstitutional.

In addition we believe that Section 1, #4 a (viii) should include the ability to circulate nominating petitions in addition to signing nominating petitions. For many citizens, circulating a nominating petition is a very basic way to engage in the political process, and a way to express their opinion about a candidate. If a

potential candidate cannot obtain a sufficient number of signatures on nominating petitions, he or she never becomes a candidate. I would suggest that #viii be amended to read sign and circulate nominating petitions.

What this legislation fails to address is the inconsistent application of political activity restrictions on some City employees referenced on page 40 of the Mayor's Taskforce report especially, and I quote from that report, "Contract employees who work full time in City offices alongside City employees and perform the same functions as some City employees, and are, to the public, indistinguishable from City employees, are not subject to the same restrictions (because they are not subject to the Charter)". This legislation would further codify that inconsistency.

If the work performed by Tax Analysts in the Law Department or Tax and Revenue Conferees in the Revenue Department would be covered as activities listed in the subsections of 4 d such as #viii, how does the City propose to address what appears to be obvious inconsistency of contracting out this work? I believe in order to address this issue a few questions need to be answered.

- 1) Has the administration provided City Council with a list of all contracts it presently has with private companies and agencies which perform the work/activities listed in the subsections of 4 d (v) through (xi)?
- 2) Has the administration explained why employees who work for private companies or agencies which are not subject to the Charter should be permitted the unfettered ability to engage in political activity, especially since there is far less public accountability and transparency over the work they are

performing than the work that Civil Service public employees are performing, while City employees performing that work would have their political activity restricted?

Our Union believes that restricting the political activity of Civil Service City employees engaged in activities listed in 4 d but contracting out that work to private companies or agencies whose firm and employees can engage in political activity is arbitrary and capricious. The City should have a consistent policy that all those who perform this work listed in 4 d should be restricted from engaging in political activity listed in 4 b 1 - 3 and therefore can only be done by City employees or that none of the work listed in 4 d should have political restrictions. Unless the legislation addresses this issue, it is fatally flawed.

The framers of the Charter believed that City Civil Service employees should perform the vast majority of the City work (see Section 7-301) with limited exemptions. The philosophy of the City administrations for the past two (2) decades has carved out numerous exceptions to Civil Service employees exclusively performing the work and the budget allocations in class 200 category demonstrates that reality. There must be provisions in this legislation to address this reality.

I would like to add that the Union objects to the restrictions in Bill #080660. We support the taskforce's recommendations on page 28 to maintain the status quo. Except for the teaching provision in section 2 many of our members would be forced to leave their outside employment. I do not need to repeat Ms. Markman's comments on outside employment with which we agree except to emphasize that this proposed bill is overly broad. For this reason we do not support this bill.