

# City of Philadelphia



Council of the City of Philadelphia  
Office of the Chief Clerk  
Room 402, City Hall  
Philadelphia

(Resolution No. 140212)

## RESOLUTION

Authorizing the Committee on Labor and Civil Service to hold hearings on the current discipline, grievance and arbitration policies and procedures of the Philadelphia Fire Department and determine any steps that Council need take to ensure that Fire Department personnel are protected and that matters are adjudicated properly in a fair and reasonable amount of time.

WHEREAS, While discipline of Fire Department personnel is ultimately under the discretion of the Fire Commissioner through the issuance of directives, recent reports have shown that the system may be broken, and discipline is not being metered out the same across the department and across personnel classifications; and

WHEREAS, From reports received from IAFF Local 22, over 100 firefighter paramedics faced some sort of discipline in 2013, nearly half of all paramedics currently working for the Department; and

WHEREAS, NBC 10 reported on the discipline faced by current Fire Captain James Babst. On March 30, 2010, then Lt. Babst was enroute to a fire at 20th and McKean Streets in South Philadelphia when his apparatus, Engine 10 came upon the scene of an injured child at 18th and Snyder Avenue. Lt. Babst stopped the vehicle and waited until paramedics arrived to assist the child. Lt. Babst then alerted the Fire Command Center (FCC) that he would be continuing on to the fire which was visible only a few blocks away. The FCC attempted to contact Lt. Babst but he had switched to the tactical frequency as to assist in fighting the fire. When made aware that his engine had been recalled, Lt. Babst disengaged and returned his apparatus to the station as per the FCC's order; and

WHEREAS, After this incident occurred, Babst was removed from his command position and transferred to the Fire Academy. According to Deputy Commissioner Hargett, Babst was transferred because of his failure to follow an order. It should be noted that Captain Babst is also a long-time member of the United States Marine Corp, having earned the

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highest rank for an enlisted man, Master Gunnery Sergeant. Capt. Babst has served multiple tours in Iraq and Afghanistan, and was given a Letter of Commendation from his commanding officer while serving at Kandahar Air Force Base in 2011; and

WHEREAS, As a result of this unnecessary discipline, Captain Babst has had this suspension and docked pay hanging over his head for years. Babst returned from military service in August 2011, but due to delays most often caused by the City pertaining to the arbitration process, his appeal was not heard until March 13, 2014. Thousands of dollars and delayed justice has as of yet been the only results of this entire process; and

WHEREAS, The case of Captain Babst is unfortunately only one of many that that seem to be happening in the Philadelphia Fire Department. After examining the current processes, City Council should take whatever steps possible and necessary to change these procedures for the better; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That the Committee on Labor and Civil Service is authorized to hold hearings on the current discipline, grievance and arbitration policies of the Philadelphia Fire Department and determine any steps that Council need take to ensure that Fire Department personnel are protected and that matters are adjudicated properly in a reasonable amount of time.

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*RESOLUTION NO. 140212 continued*

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twentieth day of March, 2014.

Darrell L. Clarke  
PRESIDENT OF THE COUNCIL

Michael A. Decker  
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers Kenney, O'Brien, O'Neill, Jones and Squilla

Sponsored by: Councilmembers Kenney, O'Brien, O'Neill, Jones, Squilla, Bass, Greenlee, Goode, Johnson, Oh, Blackwell and Reynolds Brown