

City of Philadelphia



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

(Resolution No. 060914)

RESOLUTION

In favor of honoring The Firefighter And Paramedic Interest Arbitration Award.

WHEREAS, Philadelphia's Firefighters and Paramedics put their lives on the line every day to protect the residents of our City; and

WHEREAS, These City's 2,400 Firefighters and Paramedics are represented by the Philadelphia Fire Fighters' Union, Local 22 of the International Association of Fire Fighters, AFL-CIO; and

WHEREAS, The most recent collective bargaining agreement governing the City's Firefighters and Paramedics expired in June 2005, and for the last 17 months the Firefighters and Paramedics have worked without a contract, making them the only municipal union whose contract remains unresolved; and

WHEREAS, The City's Firefighters and Paramedics are legally prohibited from striking to resolve their contract disputes, but instead are permitted to engage in "final and binding" interest arbitration to resolve those disputes; and

WHEREAS, From December 2004 through June 2006, the Firefighters and the City engaged in extensive negotiations for a new contract, including 16 days of interest arbitration hearings, 38 separate witnesses and hundreds of exhibits; and

WHEREAS, On June 28, 2006, and after months of deliberations, an Arbitration Panel charged with deciding the terms and conditions of employment of Philadelphia's Firefighters and Paramedics released a three-year contract Award that covers the period from July 1, 2005 through June 30, 2008; and

WHEREAS, The Arbitration Panel's Award, including a 16-page preamble that explained and justified each of the Panel's actions, provided a number of fair and reasonable changes to the Firefighter contract, including the following:

City of Philadelphia

RESOLUTION NO. 060914 continued

- * Wages. The Award provides for limited wage increases that match raises awarded to the City's Police Officers in 2004 – without appeal by the City – 3% (July 2005), 3% (July 2006) and 4% (July 2007).
- * Healthcare. The Award provides measured increases to the City's contribution toward the Firefighters' Health and Welfare Fund. The changes will enable Firefighters to maintain – not improve – their current health benefits, but will also require the Firefighters to “spend-down” the buying power of their current reserves.
- * Fire Company Eliminations – Independent Review Process. The Award resolves a longstanding dispute between the Firefighters and the City over the methodology used to determine whether neighborhood fire companies should be eliminated. The Award does not prohibit the City from closing a single fire company. But the Award does require the parties to participate in an independent and scientific review process before any neighborhood fire company is eliminated.
- * EMS Improvements and Paramedic Relief. The Award requires the City to address its overwhelmed EMS system, and aid the Paramedics who are crushed by the weight of that system, by implementing a system in which certain fire companies will be staffed by cross-trained Firefighter/Paramedics. The Award will place highly-trained Paramedics on the fire trucks that arrive first at emergency scenes, in a manner that will save lives and better utilize the City's Paramedics; and

WHEREAS, The Arbitration Panel's Award was issued after a comprehensive review of the health and safety needs unique to Firefighters and Paramedics, measured against the fiscal condition of the City, which fact was specifically noted by the Panel in the Award as follows:

Based on the record as a whole, we conclude that the City is fully able to meet the requirements of a just and fair Award for its firefighters, and that the Award . . . is completely consistent with the City's ability to pay the costs associated with its terms; and

WHEREAS, Despite the fact that the Arbitration Award is just and fair, and that Act 111 both expressly prohibits appeals from Firefighter interest arbitration awards and mandates that public employers implement those awards, in July 2006 the Administration elected to appeal the Firefighter Arbitration Award to the Philadelphia County Court of Common Pleas, and has since refused to abide by its terms; and

City of Philadelphia

RESOLUTION NO. 060914 continued

WHEREAS, On September 8, 2006, the Philadelphia County Court of Common Pleas flatly rejected the Administration's challenge to the Firefighter Award, and ordered that the Award be implemented; and

WHEREAS, Despite clear guidance from the Court of Common Pleas, the Administration has continued its refusal to comply with the Firefighter Award, and has opted to appeal the Award yet again, to Pennsylvania's Commonwealth Court; and

WHEREAS, The City's continued refusal to comply with the Firefighter Award is an affront to both the brave men and women of the Philadelphia Fire Department, who risk their lives to protect Philadelphia's citizens and workers, as well as the citizens that they serve; and

WHEREAS, The Administration's continued refusal to comply with the Firefighter Award has deprived citizens of the common sense service-improvements that would result in improved EMS operations within the City; and

WHEREAS, The Administration's decision to continue to litigate the Firefighter Award even after losing before the Court of Common Pleas constitutes an imprudent allocation of taxpayer dollars; and

WHEREAS, If the Administration continues its refusal to comply with the "final and binding" Firefighter Award, such action would send a clear signal that the City does not believe that our Firefighters and Paramedics should be adequately compensated for their work; that the City is unwilling to address the valid and considerable health care needs facing Firefighters and Paramedics, including Hepatitis C; that the City is unwilling to implement process improvements that will make EMS services more effective for citizens; and that the City is willing to place the desire for cost savings before the health and safety of Philadelphia's Firefighters, Paramedics and citizens; now therefore

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Urges the City Administration to honor the just and fair Arbitration Award that was secured by the City's Firefighters and Paramedics by lawful means, and to abandon its ill-considered decision to challenge that just and fair Award in court.

City of Philadelphia

RESOLUTION NO. 060914 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the thirtieth of November, 2006.

Anna C. Verna
PRESIDENT OF THE COUNCIL

Patricia Rafferty
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmembers O'Neill and DiCicco

Sponsored by: Councilmembers O'Neill, DiCicco, Kelly, Krajewski, Kenney, Rizzo, Goode, Greenlee, Ramos, Tasco, Campbell, Savage, Miller, Clarke, Blackwell, Council President Verna and Councilmember Reynolds Brown