

# City of Philadelphia



*June 6, 2013*

CERTIFICATION: This to certify that Bill No. 130185, entitled "An Ordinance authorizing and directing the use of the Fiscal Year 2013 General Fund positive fund balance to increase an appropriation for the Fire Department for the undisputed \$66,000,000 of the Fire Fighters' Contract," was returned by the Mayor to City Council on the sixth day of June, 2013 "DISAPPROVED.

The said bill having been considered again, was repassed on the sixth day of June, 2013. Two thirds of all of the members of City Council having voted in the affirmative, the said bill became law without the Mayor's approval, pursuant to the provisions of Section 2-202 of the Philadelphia Home Rule Charter.

A handwritten signature in cursive script that reads "Michael A. Decker".

Michael A. Decker  
Chief Clerk of the City Council

(Bill No. 130185)

## AN ORDINANCE

Authorizing and directing the use of the Fiscal Year 2013 General Fund positive fund balance to increase an appropriation for the Fire Department for the undisputed \$66,000,000 of the Fire Fighters' Contract.

WHEREAS, The Philadelphia Fire Fighters have been without a current contract since 2009; and

WHEREAS, This matter has been adjudicated twice in binding arbitration, appealed to Common Pleas Court and decided by the Judge, and further appealed by the Nutter Administration to the Commonwealth Court; and

WHEREAS, The Fire Fighters assert that the cost of the award shall be \$66,000,000; while the Nutter Administration contends that the cost of the award shall be over \$200,000,000; and

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WHEREAS, The non-disputed amount of the Fire Fighters' contract should be paid immediately to the men and women who risk their lives for the safety of the citizens of Philadelphia despite having no contract for more than three years; and

WHEREAS, The most recent (Second Quarter) City Manager's Report projects that the General Fund will end Fiscal Year 2013 with a positive fund balance of \$114,156,000, an amount more than sufficient to appropriate for the purpose of satisfying the non-disputed amount of the Fire Fighters' contract under the latest Arbitration Award; and

WHEREAS, The contract that is currently being disputed is set to expire in July 2013; and

WHEREAS, It is financially irresponsible for the Administration to withhold funds that must be paid and not set aside this money while continuing to spend and not to pay the Fire Fighters from the FY 2013 General Fund positive fund balance the non-disputed amount of the contract that has gone through two arbitration proceedings; now, therefore

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. The Director of Finance is hereby authorized and directed to use the Fiscal Year 2013 General Fund positive fund balance to increase the appropriation for the Fire Department by \$66,000,000.

SECTION 2. The Director of Finance is hereby authorized and directed to make the following increase in appropriation for Fiscal Year 2013 within the General Fund:

TO:

2.16 TO THE FIRE DEPARTMENT

Personal Services ..... \$ 66,000,000

Total..... \$ 66,000,000

Total "TO" Section..... \$ 66,000,000

SECTION 2. General Provisions.

- (1) The increased appropriation under subsection 2.16 shall be used to pay the minimum amount due under the latest Firefighter Arbitration Award with compensation retroactive from the beginning of the contract term to the present, and the remaining balance to be paid for the remaining pay periods through the end of the contract term.

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- (2) If the amount of the General Fund positive fund balance is not sufficient to pay the entire amount of the obligation, the obligation shall be satisfied from the General Fund positive fund balance as completely as practicable.
- (3) Nothing in this Ordinance will preclude the payment of any higher amount required by an arbitration award approved by final judicial decision.
- (4) No amount of the General Fund positive fund balance shall be used for any other purpose until the obligation set-forth in this Ordinance is satisfied.

SECTION 3. This Ordinance shall take effect immediately.

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