

# City of Philadelphia



(Bill No. 200364-A)

## AN ORDINANCE

Amending Title 17 of The Philadelphia Code, entitled “Contracts and Procurement,” by adding a new Chapter 17-2300, entitled “Public Hearing Required Prior to Execution of a Labor Agreement with City Workers Represented by the Fraternal Order Of Police With Respect To The Workers’ Terms And Conditions Of Employment,” by establishing certain definitions; and requiring a public hearing within thirty (30) days prior to the City entering into or amending a labor agreement with City workers represented by the Fraternal Order of Police, all under certain terms and conditions.

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

SECTION 1. Title 17 of The Philadelphia Code is hereby amended to read as follows:

### TITLE 17. CONTRACTS AND PROCUREMENT.

\* \* \*

#### *CHAPTER 17-2300. PUBLIC HEARING PRIOR TO EXECUTION OF A LABOR AGREEMENT CONCERNING POLICE EMPLOYEES REPRESENTED BY THE FRATERNAL ORDER OF POLICE.*

*§17-2301. Legislative Findings.*

*WHEREAS, The City has a financial interest in ensuring the fairness and transparency in the approval process for contracting with the labor union representing the uniformed workers of the Philadelphia Police Department; and*

*WHEREAS, The Philadelphia Police Department’s personnel spending equates to roughly 14.72% of the City’s entire budget; and*

*WHEREAS, In FY 2020, the police overtime spending through the third quarter was approximately \$53,000,0000 with only 20% of the allotted overtime budget remaining for the fourth quarter; and*

*WHEREAS, Transparency in government is key to improving the public’s trust in government to carry out the will and best interest of the public it serves; and*

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*WHEREAS, The City cannot provide transparency to the public while simultaneously spending over 1/10<sup>th</sup> of the overall budget on a single department where the right of the public to be heard is not afforded prior to the execution of such a contract.*

## *§17-2302. Definitions.*

*The following definitions apply to this Chapter:*

- (1) "Contract" means a collective bargaining labor agreement, between the City and Police Employees in the Philadelphia Police Department represented by the Fraternal Order of Police ("FOP") concerning general terms and conditions of employment as part of the interest arbitration process set forth in the Police and Fireman Collective Bargaining Act, 43 P.S. 217.1 et seq. It does not include an agreement based on a demand for interest arbitration or other dispute during the course of the term of a general contract or a settlement arising from a grievance arbitration, unfair labor practice complaint or representation petition.*

## *§17-2303. Public Hearing Required.*

- (1) The City shall not send a proposal to the FOP to enter into or amend a Contract as defined herein, unless the Mayor has requested, by letter provided to the Chief Clerk of Council, and City Council has held, a public hearing addressing the Contract proposal, including but not limited to, the cost of the Contract proposal and any other terms or conditions set forth therein, at least thirty days before sending the proposal, unless the Council President certifies to the Office of Labor that Council is unavailable for a 30 day period from the time of receiving the Mayor's request for a hearing to do so. No further hearing shall be required on a revised proposal made after such a hearing. Nothing herein shall be construed to require Council approval of the Contract for it to be binding and effective.*
- (2) An Administration representative shall be present at the hearing to inform the Council and the public about the terms of the Contract Proposal and the Administration shall be subject to the requirements of §10-110 of the Home Rule Charter, regarding refusal to testify.*
- (3) Prior notice of the Public Hearing shall be required and the hearings must allow for the public to attend and comment on the terms of the Contract presented by the Administration representative.*
- (4) No later than 30 days after the Public Hearing, the Administration shall send a written report to the Council President detailing the changes or lack thereof made to their proposal.*

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SECTION 2. This Ordinance shall take effect immediately.

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on September 17, 2020. The Bill was Signed by the Mayor on September 30, 2020.



Michael A. Decker  
Chief Clerk of the City Council