

Allegheny County Council

119 Courthouse
436 Grant Street
Pittsburgh, PA 15219
Phone: 412-350-6490



Meeting Minutes

Wednesday, September 16, 2020

4:00 PM

Conference Room 1

Committee on Government Reform

Nick Futules, Chair; Tom Baker, Liv Bennett, Sam DeMarco, Cindy Kirk, Paul Klein and Anita Prizio, Members

I. Call to Order

The meeting was called to order at 4:01..

Invited Guests:

William D. McKain, CPA, Allegheny County Manager or designee(s)

Mr. McKain was present from the Office of the County Manager.

Mr. Barker and Mr. Varhola were present from the Office of County Council.

II. Roll Call

Members Present: 2 - Anita Prizio and Nick Futules

Members Absent: 0

Members Phone: 6 - Tom Baker, Olivia Bennett, Sam DeMarco, Cindy Kirk, Paul Klein and Patrick Catena

Members 4 - Bethany Hallam, Tom Duerr, Bob Macey and DeWitt Walton

Non-Members:

III. Approval of Minutes

IV. Agenda Items

Ordinances

[11599-20](#)

An Ordinance amending the Allegheny County Code of Ordinances, Division 2, entitled "County Government Operations," Chapter 215, entitled "Boards, Commissions and Committees," Article V, entitled "Human Relations Commission," in order to clarify the applicability of existing Countywide nondiscrimination requirements in the context of discrimination based upon hairstyles.

Sponsors: Council Member Bennett, Council Member Prizio and Council Member Hallam

At the request of the Chair, the clerk read the title of the bill and Ms. Bennett summarized its provisions, noting that the ordinance is intended to add hairstyles to the protected classifications covered by the County's Human Relations Ordinance and to include public educational environments within the prohibition.

The Chair related his experience playing football in high school and his coaching staff's preference for short hair for all players.

In response to questions from Mr. DeMarco, Ms. Hallam discussed incidents in which a County Jail employees have alleged discrimination based upon their hairstyles, and Ms. Prizio confirmed that her understanding is that there is a lawsuit pending against the County based on such a claim.

Mr. DeMarco and Ms. Bennett discussed how appearance relates to employees who interact face to face with the public.

Mr. Klein noted that, as an amendment to the County Human Relations Ordinance, the

new language would apply to private entities, just as the parent ordinance does, and suggested that denial of consideration for employment based on hairstyle has been documented, and that whether specific examples have or have not occurred in Allegheny County is not in his view relevant to the decision of whether to bar a form of discrimination.

Ms. Prizio noted that she is a co-sponsor, and indicated that in her view hairstyle restrictions are at least sometimes veiled means of differential treatment based on culture or race, and that elimination of that possibility has merit in and of itself.

Ms. Kirk expressed a desire for additional information.

Mr. Macey expressed a desire to have documentation of specific instances of hairstyle-based discrimination prior to making a decision.

Ms. Hallam indicated that her understanding is that four women with red hair and employed at the County Jail have been forced to dye their hair, wear wigs, and the like as litigation on the matter remains pending.

Mr. Szefi indicated that at least one action has been filed and the County is in the process of defending that action, but cautioned the members about reflexively accepting allegations as fact.

Mr. Walton indicated that his concern is to ensure that people are not subject to discriminatory practices to the greatest extent possible, and that every step should be taken to ensure freedom of expression while remaining mindful of things like safety concerns. Mr. Walton also indicated that ensuring the protection of the rights of employees is a significant concern for labor unions like the Steelworkers.

Mr. Catena expressed support for the intent of the ordinance, but indicated that he has concerns about potential overbroad application.

Ms. Kirk indicated that she is not prepared to decide on the ordinance in the absence of additional information.

Ms. Hallam noted that it is known that the existing ordinance does not provide protection from hairstyle-based discrimination.

A motion was made by Bennett, seconded by Prizio, that this matter be Affirmatively Recommended. The motion failed by the following vote:

Members Yes: 1 - Prizio

Members No: 1 - Futules

Members Absent: 0

Members Phone: 1 - Catena

Members Yes Phone: 2 - Bennett and Klein

Members No Phone: 3 - Baker, DeMarco and Kirk

Members Non-Member: 4 - Hallam, Duerr, Macey and Walton

[11600-20](#)

An ordinance of the County of Allegheny, Commonwealth of Pennsylvania, amending the Administrative Code of Allegheny County, Article 1009, entitled "Personnel Policies," in order to establish a paid holiday structure for all County employees.

Sponsors: Council Member Bennett and Council Member Hallam

At the request of the Chair, the clerk read the title of the bill and Ms. Bennett discussed its provisions, noting that the intention is to formalize the list of County holidays, and in the process to include Juneteenth as a regular holiday and including Primary Election Day as a discretionary holiday, rather than a regular holiday.

At the request of the Chair, Mr. McKain discussed potential collective bargaining implications. Mr. Szefi indicated that the County and the unions have the ability to negotiate whatever holidays they choose, and that approximately 80% of the County's administrative personnel are covered by a collective bargaining agreement of some description.

Mr. DeMarco indicated that he fully supports recognition of the significance of Juneteenth, but suggested that there may be wisdom in attempting to temper this in light of potentially losing poll workers as a result of moving Primary Election Day to the discretionary holiday list.

Ms. Bennett noted that the Commonwealth and City of Pittsburgh have both made Juneteenth an official paid holiday, and suggested that following suit should not be all that disruptive.

The Chair and Mr. DeMarco asked if it would be possible to add Juneteenth as a 12th County holiday.

The Chair expressed a desire to determine how many County employees work at polling places before proceeding with a decision about Primary Election Day.

Ms. Kirk expressed a desire for additional information prior to proceeding.

Ms. Hallam noted that the ordinance as drafted would not add an additional paid County holiday.

Mr. Macey suggested that there may be wisdom in allowing the County and bargaining units to craft their own solutions, and the Chair noted that the ordinance contains a provision exempting collective bargaining agreements from its effect.

Ms. Prizio offered an amendment to alter Columbus Day to Indigenous Peoples' Day for County purposes. Ms. Prizio moved to amend, and Ms. Bennett seconded.

Mr. DeMarco indicated that he finds the proposed amendment to be problematic insofar as it focuses upon a portion of Italian-American heritage in which many Italian-Americans take great pride.

Ms. Bennett indicated that she supports the amendment, noting that her belief is that the narrative should be shifted from an individual to historical impacts.

The Chair indicated that he does not generally favor changing names of existing institutions.

Ms. Prizio's amendment failed with Ms. Bennett and Ms. Prizio voting in favor, and Mr. Baker, Mr. DeMarco, Ms. Kirk, and the Chair voting against.

The Chair indicated that he also would like to offer an amendment, noting that it is intended to mitigate towards three day weekends, rather than having holidays fall mid-week. The Chair moved to amend, Ms. Bennett seconded, and the amendment passed unanimously

Ms. Bennett expressed a desire to hold the bill until the full committee is present, and Ms. Kirk requested additional information regarding the tangible impact of the bill pending the next discussion.

Resolutions

[11605-20](#)

A Resolution of the Council of the County of Allegheny authorizing the County to adopt the Rules and Regulations of the Allegheny County Human Relations Commission ("ACHRC") in order to effect the policies and provisions of Chapter 215 Article V of the Allegheny County Code.

Sponsors: Chief Executive, Council Member Duerr, Council Member Klein, Council Member Walton, Council Member Bennett, Council Member Hallam, Council Member Macey and Council Member Futules

At the request of the Chair, the clerk read the title of the bill and Mr. Szefi summarized its provisions, noting that the existing Human Relations Ordinance authorizes the Human Relations Commission to create procedural rules for itself, subject to Council approval. Mr. Szefi noted that the proposed changes largely track the existing ordinance.

In response to a question from Mr. DeMarco, Mr. Szefi indicated that he would have to perform a side by side to find any specific example of a provision that is not identical to the existing ordinance, but that the rules do not in any way conflict with the ordinance in his opinion.

A motion was made by Futules, seconded by Prizio, that this matter be Affirmatively Recommended. The motion carried by the following vote:

Members Yes: 2 - Prizio and Futules

Members Absent: 0

Members Phone: 1 - Catena

Members Yes Phone: 5 - Baker, Bennett, DeMarco, Kirk and Klein

Members Non-Member: 4 - Hallam, Duerr, Macey and Walton

V. Adjournment

The meeting was adjourned at 5:04.