

Allegheny County Council

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



Meeting Minutes

Tuesday, September 29, 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. Barker and Mr. Varhola were present from the Office of County Council.

II. Roll Call

Members Present: 1 - Anita Prizio

Members Absent: 0

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

Members Non-Members: 5 - Bob Macey, Paul Zavarella, DeWitt Walton, Bethany Hallam and Tom Duerr

III. Approval of Minutes

[11619-20](#)

Motion to approve the minutes of the September 16, 2020 meeting of the Committee on Government Reform.

A motion was made by Prizio, seconded by Bennett, that this matter be Passed. The motion carried by a unanimous vote.

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 the Chair recapped the procedural history of the bill, noting that Ms. Bennett had requested that the bill be discussed in committee again.

Ms. Bennett suggested referring the bill to the full Council with a negative recommendation, noting that the bill had not moved out of committee at the last session, but that its provisions have broad applicability to any race, gender, religion, etc.

The Chair described his understanding of the bill, noting that he regards the bill as perhaps more applicable to existing employees, rather than in hiring practices, and indicating that his prior no vote was made before gaining additional understanding of the bill, and that he would likely support moving the bill to the full Council at this time.

Ms. Kirk reiterated her concerns relating to safety/health considerations. The Chair suggested that, at least in restaurant settings, health codes would apply, and safety regulations would apply in things like manufacturing settings.

Ms. Bennett indicated that her desire is to prohibit discrimination based solely upon hairstyle choices, and not to attempt to govern policies that are in place for other reasons and which impact all employees equally.

Mr. DeMarco indicated that his concern is that the ordinance is beyond the Council's purview, because he views the educational provisions as exceeding the Council's authority.

Mr. Macey expressed his own health and safety concerns.

Ms. Bennett moved to refer the bill to the full Council with an affirmative recommendation, Ms. Prizio seconded, and the motion failed with Ms. Bennett, Ms. Prizio, and the Chair voting in favor, and Mr. Baker, Mr. DeMarco, and Ms. Kirk voting against. Mr. Klein was not present for the vote.

Ms. Bennett moved to refer the bill to the full Council with a neutral recommendation, Ms. Prizio seconded, and the motion failed with Ms. Bennett, Ms. Prizio, and the Chair voting in favor, and Mr. Baker, Mr. DeMarco, and Ms. Kirk voting against. Mr. Klein was not present for the vote.

Ms. Bennett moved to refer the bill to the full Council with a negative recommendation, Mr. Baker seconded, and the motion failed with Mr. Baker, Ms. Bennett and the Chair voting in favor, and Mr. DeMarco, Ms. Kirk, and Ms. Prizio voting against. Mr. Klein was not present for the vote.

In the absence of a successful motion to refer the bill to the full Council, the bill was held in committee.

[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 indicated that Mr. Marshall was present to speak to the bill.

Mr. Marshall indicated that the recognition of Juneteenth has become more common nationally, with the Governor and Mayors of Pittsburgh and Philadelphia recognizing the day as a holiday recently. Mr. Marshall discussed the history of the date, noting that he regards it as essentially a second independence day.

The Chair noted that, should the County recognize Juneteenth as a holiday, it would take the place of Primary Election Day under the current wording of the ordinance, and the day would always be observed on a Monday or a Friday.

The Chair indicated that the County's staffing needs cost roughly \$2 million per day, but that the ordinance is cost-neutral, insofar as it does not add a 12th holiday to the County's calendar. The Chair also indicated that the County would be following the lead of the Commonwealth by recognizing the day as a paid holiday for County employees,

and expressed a belief that the various collective bargaining units can opt to negotiate the holiday at their discretion.

Mr. DeMarco suggested that his preference would be to create a list of floating holidays, because his concern is making sure that the polls are adequately staffed, and he regards it as uncertain that eliminating Primary Election Day as a County holiday would have no impact on poll workers' decisions to volunteer.

Ms. Hallam noted that the County has had significant numbers of poll workers during the course of the current pandemic, and that she therefore believes that adequate numbers of poll workers would be available.

Mr. DeMarco clarified his concern, noting that his concern is long term, as well as short term.

The Chair noted that the various collective bargaining units would remain free to negotiate holidays as they see fit, and the ordinance would only apply to those County employees who are not covered by collective bargaining agreements.

Ms. Kirk indicated that she believes that there may be merit in pursuing the floating holiday avenue may have merit in order to ensure that unionized and non-union County employees could be treated in the same fashion.

Ms. Hallam and the Chair noted that County employees are only granted Primary Election Day as a paid holiday, and not General Election Day, and Ms. Hallam suggested that this would seem to suggest that having an election day off does not hinder the operations of the polling places.

Mr. DeMarco noted that the ordinance as drafted would allow for both Primary Election and General Election Days to be offered as discretionary holidays by the various County offices.

Ms. Kirk and Mr. Zavarella discussed the status of Flag Day as a discretionary holiday/day of national observance and the impact of the ordinance.

Mr. Zavarella summarized the practical impact of the ordinance.

Mr. Macey expressed a desire to leave the holiday as it stands, and leave it entirely up to negotiations.

Mr. Marshall noted that the City of Pittsburgh, City of Philadelphia and Commonwealth made Juneteenth a holiday without becoming overly concerned about the cost, because they recognized that the holiday is on some level the equivalent of the Fourth of July holiday, expressed his opinion that nobody tends to concern themselves about the cost of granting the Fourth of July holiday, and suggested that the significance of the day should determine the merits of proceeding, rather than other considerations.

Ms. Hallam suggested that it may be wise to have questions submitted prior to the next meeting.

Mr. Baker suggested moving the bill to the full Council with a neutral recommendation with the proviso that additional clarification be obtained prior to the final vote.

Ms. Bennett moved to refer the bill to the full Council with an affirmative

recommendation, Ms. Prizio seconded, and the motion failed with Ms. Bennett and Ms. Prizio voting in favor, and Mr. Baker, Mr. DeMarco, Ms. Kirk, and the Chair voting against. Mr. Klein was not present for the vote.

Ms. Bennett moved to refer the bill to the full Council with a neutral recommendation, the Chair seconded, and the motion failed with Ms. Bennett, Ms. Prizio, and the Chair voting in favor, and Mr. Baker, Mr. DeMarco, and Ms. Kirk voting against. Mr. Klein was not present for the vote.

In the absence of a successful motion to refer the bill to the full Council, the bill was held in committee.

Motions

11617-20

Motion of the Council of Allegheny County urging the United States Congress to recognize Juneteenth National Freedom Day as a national holiday or national day of observance with all deliberate speed.

Sponsors: Council Member Futules, Council Member Duerr, Council Member Hallam, Council Member Bennett and Council Member Catena

At the request of the Chair, the clerk read the title of the bill and the Chair summarized its provisions and discussed his intent in introducing the bill.

Ms. Hallam and the Chair discussed the bill's relation to the ordinance establishing Juneteenth as a County holiday. The Chair noted that the motion does not moot the ordinance, so both could in theory be passed without impacting the other.

Ms. Kirk noted that she has an amendment to offer to alter the wording but not the effect of the motion, and discussed her intent in formulating and introducing it.

Ms. Bennett expressed concerns relating to the amendment's tone, but agreed to support the amendment in the hopes of securing a unanimous vote.

Ms. Kirk moved to amend the bill, Mr. DeMarco seconded, and the motion passed unanimously by voice vote.

The Chair expressed a desire to hold the bill for additional discussion in order to refer the two related bills to the full Council together. Upon additional discussion, the Committee reached the conclusion that the bill should be referred to the full Council for the October 20, 2020 regular meeting, in the hopes that additional discussion would yield a referral of Bill No. 11600-20 for the same regular meeting.

Mr. Baker moved to refer the bill as amended to the full Council for consideration at its October 20 regular meeting and with an affirmative recommendation, Ms. Bennett seconded, and the motion passed unanimously via voice vote.

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

Members Yes: 1 - Prizio

Members Absent: 0

Members Yes Phone: 6 - Baker, Bennett, DeMarco, Kirk, Klein and Futules

Members 5 - Macey, Zavarella, Walton, Hallam and Duerr
Non-Member:

V. Adjournment

The meeting was adjourned at 5:27.