

City of Philadelphia



(Bill No. 190608-A)

AN ORDINANCE

Amending Title 21 of The Philadelphia Code, entitled "Miscellaneous," by adding a new Chapter 21-3100, entitled "Reporting of Settlements of Civil Actions," to establish a system of quarterly reporting and evaluation of means to reduce future liability; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 21 of The Philadelphia Code is hereby amended to read as follows:

TITLE 21. MISCELLANEOUS.

* * *

CHAPTER 21-3100. REPORTING RELATED TO CIVIL ACTIONS

* * *

§ 21-3101. Reporting of Information Related to Civil Actions and Related City Liability

(1) *Reporting of City Information Related to Civil Actions and Related City Liability*

(a) *On or before January 31, April 30, July 31, and October 31 of each year, the Director of Finance shall submit a quarterly written report to the Chief Clerk of Council. Council further calls upon the Director of Finance to file a copy of such report with the Department of Records and publish such report on an appropriate City website in a manner that allows the data to be searched by the public and provides direction to requesters seeking copies of related records that may be made available pursuant to applicable law, including where and how to submit a request for such records.*

(b) *Each report required by § 21-3101(1)(a) shall include the following information for the three-month period ending one month prior to the submission deadline:*

(.1) a list of all closed civil court actions, and all other legal claims resolved by the City without a lawsuit being filed (including labor grievances but excluding workers compensation claims) that resulted in a monetary payment by the City, which concern an allegation against the City, a City agency, department, board, or commission, or an employee or member of a City agency, department, board, or commission, or both, and for each such civil court action or claim:

City of Philadelphia

BILL NO. 190608-A continued

Certified Copy

(.a) the date the civil action or claim was served on or presented to the City, as applicable;

(.b) a unique identification number, such as a docket number or other claim identification number;

(.c) the City agency, department, board, or commission to which the case pertains;

(.d) whether the resolution included a payment by the City and, if so, the amount of such payment;

(.e) whether or not the resolution of the case included nonmonetary relief, if possible; and

(.f) any descriptive groupings or categories that the City may adopt to identify the type of claim or claims asserted.

(.2) Aggregate information on the number of cases handled during the applicable period by each of the following units of the Law Department: Tort Litigation, Civil Rights, Labor & Employment, and Affirmative and Special Litigation. This information should be provided for each such unit broken down as follows:

(.a) open cases;

(.b) new cases;

(.c) cases closed without payment;

(.d) cases closed with payment;

(.e) cases transferred to other units.

This information should be further broken down by the applicable City agency, department, board, or commission, if reasonably practicable.

(.3) Aggregate information on the number of workers' compensation claims approved by a workers' compensation judge and the total dollar value paid out to claimants as the result of approved workers' compensation claims during the applicable period, broken down further by the City agency, department, board, or commission by whom the claimant was employed, all to the extent feasible.

(2) Evaluation of and recommendations from Reports of Settlements and Judgments.

City of Philadelphia

BILL NO. 190608-A continued

Certified Copy

(a) An interagency group shall regularly convene to make recommendations with respect to the reports required under this Section 21-3101 with the goal of preventing or addressing any systemic patterns of misconduct and future liability. The group shall include representatives or designees from the Office of Risk Management, the Managing Director's Office, City Council, the Commission on Human Relations, any civil complaint review board, and such other departments, boards, or commissions as the Managing Director determines appropriate to participate in these meetings.

(3) Nothing in this section shall be construed to require any City agency, department, board, or commission to provide:

(a) any information or documents relating to ongoing criminal, civil, or administrative investigations or proceedings (except as set forth in subparagraph (1)(b)(.2), above);

(b) any information that is subject to attorney-client privilege or legally protected work product; or

(c) the identity of a plaintiff, claimant, or grievant where there exists an agreement to keep the settlement or identity of the individual confidential to the extent allowed by law, unless the City would be required to disclose the identity of such individual in response to a request for records made pursuant to another applicable law.

SECTION 2. Effective Date. This Ordinance shall be effective immediately.

Explanation:

Italics indicate new matter added.

City of Philadelphia

BILL NO. 190608-A continued

Certified Copy

CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on October 10, 2019. The Bill was Signed by the Mayor on October 23, 2019.



Michael A. Decker
Chief Clerk of the City Council