



The Siren

Important News and Updates for NYSPFFA Members

Prepared by Hinman Straub and Corning Place Communications

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Sandy Recovery: Where Do We Go From Here?

Recovering from a disaster is a challenge under even the best of circumstances. Recovering from a region-wide “superstorm” such as Hurricane Sandy is going to be a lengthy and difficult process.

Only now, almost a month since the storm, are the scope of the damage - and what it will take to repair it - becoming clear.

As New Yorkers continue to pull our lives back together, the focus on the rebuilding efforts is turning to the federal government, and the state’s funding request. Gov. Cuomo and other state officials have said that they intend to request 100% reimbursement from the Federal Emergency Management Agency (FEMA) to cover the costs of restoring city and state facilities, including the MTA’s mass transit system.

Gov. Cuomo recently detailed the state’s request for \$42 billion in federal aid. In addition to \$30 billion in direct storm-related costs, the state is also seeking \$12 billion for building projects to protect against future storms.

It is unclear whether the federal government will deliver the requested aid. Federal lawmakers are focused right now on avoiding automatic tax hikes and spending cuts. Congress helped the Gulf coast recover after Hurricane Katrina in 2005. Now we need the federal government to do the same for New York.

NYSPFFA Insurance - [Open Enrollment](#) ends on December 7.

Upcoming District Meetings

[2nd District](#): November 29

[5th District](#): December 4

[3rd District](#): December 11

[4th District](#): December 13

If you have any questions or concerns regarding the information in this newsletter, please contact Joseph Dougherty or John Black at (518) 436-0751. For other questions or concerns, please contact Mike McManus or Sam Fresina at (518) 436-8827.

SARATOGA FIRE DEPT'S AMBULANCE SERVICE GENERATES \$700K IN LOCAL GOV'T REVENUE

The Saratoga Springs Fire Department, which became the city's primary ambulance service in February, has generated \$726,764 in revenue as of Oct. 1.

The department became the primary ambulance service when SEMS went out of business early this year.

The majority of city firefighters are cross-trained as paramedics or emergency medical technicians. The fire department had been providing emergency services at accident scenes for a decade, but SEMS transported accident victims and collected the considerable transport fees.

Over a period of 240 days, firefighters answered 2,172 emergency services calls and made 1,595 transports to Saratoga Hospital and other health care facilities.

City firefighters have been busier this year with the new transport duties. The department is asking for two additional firefighters in the 2013 budget in light of the increased workload.

ELECTION RECAP

Election Day 2012 was a good one for Democrats in New York. President Obama

easily carried the state, helping "down ballot" Democrats win U.S. House and state legislative races.

The Assembly's Democratic majority gained seven seats, resulting in a super-majority of 107 of the body's 150 members.

As of this writing, it is still not clear which party will control the State Senate next January. Democrats picked up two seats, giving them 32 members, and one race remains unresolved. Under normal circumstances, this would enable the Senate Democrats to control the Senate. But a newly elected Democratic Senator from Brooklyn has said that he will support Republican Dean Skelos as Senate Majority Leader., and four "Independent" Democrats are pushing for a "[coalition government](#)."

The uncertainty regarding the State Senate's future leadership is putting the much-discussed special session of the Legislature in doubt. Without knowing who will be in charge come January, it appears unlikely that the Senate's leadership will reach agreement on special session agenda items, which could reportedly include a minimum wage increase, campaign finance reform, and storm-related matters.

GOVERNOR APPOINTS MCMANUS

This week, Gov. Cuomo [appointed](#) NYSPFFA Pres. Michael McManus to serve on the NYS RESPOND Commission, one of three new entities that will help the state prepare for and respond to emergencies, including natural disasters and major weather events.

The commissions were created in the wake of Superstorm Sandy – the latest of three major storms to hit New York over the past year and a half. Sandy knocked out power to millions of New Yorkers and inundated New York City and Long Island.

NYS RESPOND will look at improving planning, training and resource commitment to ensure that the state is prepared for the next major weather event.

The other commissions are NYS 2100, which will find ways to "improve the resilience and strength of the state's infrastructure in the face of natural disasters and other emergencies," and NYS READY, which has been tasked with ensuring that critical systems and services — such as utilities, health care and transportation systems — are prepared for the next of emergency the state must face.

COURT OF APPEALS RULES THAT LETTER OF DISCIPLINE CANNOT BE PLACED IN FIREFIGHTER'S FILE WITHOUT HEARING

In a 6-1 [decision](#) handed down on October 18th, the Court of Appeals found that a disciplinary letter placed in a NYC Firefighter's permanent file without a hearing violated [section 15-113 of the Administrative Code of the City of New York](#).

The letter from the Assistant Commissioner of the NYC Fire Department placed in the Firefighter's permanent file advised him that he violated the Department's Code of Conduct and Equal Employment Opportunity (EEO) Policy.

The Firefighter objected to the placement of the letter, contending that the Department denied him due process. On September 29, 2008, the Firefighter commenced an article 78 proceeding, requesting the Supreme Court, among other things, direct the Department to provide petitioner with a hearing on the matter.

On December 10, 2009, the Supreme Court annulled the Department's determination and expunged the Assistant Commissioner's letter from the Firefighter's EEO file. The court concluded that "the letter [was] a disciplinary reprimand and not a critical evaluation" and, therefore, the Firefighter had the right to a formal hearing.

The Appellate Division affirmed the order of Supreme Court ([Matter of D'Angelo v Scopetta](#), 81 AD3d 820, 821 [2d Dept 2011]). The Court of Appeals granted the Department's leave to appeal and affirmed the lower Courts' determinations.

Distinguishing the case from its earlier ruling in [Holt v Board of Educ. of Webutuck Cent. School Dist.](#) (52 NY2d 625 [1981]), the Court of Appeals stated:

"The letter clearly reflects the serious nature of the Department's investigation of the

complaint. The Assistant Commissioner wrote the letter to [the Firefighter] and noted that such document "serve[d] as a formal Notice of Disposition of the filed Complaint." The letter, in no uncertain terms, informs [the Firefighter] that a thorough investigation revealed that he "exercised unprofessional conduct" and "made an offensive racial statement." The letter further advises [the Firefighter] that, as a consequence of his misconduct, he was required to review and sign an EEO Advisory Memorandum and participate in further EEO training."

OSWEGO LOCAL 2707 WINS BATTLE OVER BUDGET CUTS, HOUSE CLOSURE

In recent weeks, the Oswego Fire Fighters Association, led by President John Geraci, have been working against provisions in Oswego's 2013 budget proposal to close a fire house and cut fire department staff.

Local 2707 executed an aggressive communications strategy that was designed to inform taxpayers about how reducing emergency services would undermine public safety. The effort included contacting reporters and broadcasters, getting [opinion pieces](#) placed in local newspapers, and a direct mail effort.

In the end, the firehouse remains open and daily staffing levels were maintained.

If your community is looking to diminish your department's ability to protect the public, you may want to consider your options.

NYSPFFA's communications consultant, Corning Place Communications, can help. Contact Paul Larrabee at 518.689.7246 or via e-mail at plarrabee@corningplace.com.