



The Siren

Important News and Updates for NYSPFFA Members

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BINDING ARBITRATION

After a long and hard fought battle that commenced in January with the release of the Governor's proposed budget, we have a new binding arbitration statute which replicates the traditional statute with some modification (*see* chapter 67 of the Law of 2013).

First, it must be noted that the Governor's proposals to limit salary increases by 2%, to deduct from the 2% salary limit any increased costs in health insurance and to make the statute effective for two years were successfully removed.

Second, the legislation is effective for three years and applies only to arbitrations if the declaration of impasse occurred after June 14, 2013.

Third, the legislation creates a new category of "fiscal eligible municipality" (earlier versions of the legislation called this category "fiscally distressed municipality"). A municipality falls in this category if its average full value property tax rate is greater than 75% of all municipalities in the State of New York. A municipality would also fall into this category if its average fund balance is less than 5% of total expenditures from its general fund. (*continued next page*)

CALENDAR

No Events Scheduled

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 NYSPFFA matters, please contact Mike McManus or Sam Fresina at (518) 436-8827.

BINDING ARBITRATION

(continued)

Fourth, if a municipality is deemed a “fiscally eligible municipality” then the arbitration panel must first and foremost afford 70% of its decision’s weight to the municipality’s ability to pay. All other factors and consideration would receive the remaining 30% weight of its decision.

Fifth, if a municipality is not deemed a “fiscally eligible municipality,” then the traditional binding arbitration provisions would apply.

Sixth, the public arbitration panel would evaluate whether a municipality is “fiscally eligible.”

Seventh, the legislation also created a “financial restructuring board for local governments” (FRBLG), which is composed of the Director of Budget, the Attorney General, the State Comptroller, the Secretary of State and six other members appointed by the Governor. The purpose of the FRBLG, among other things, is to make traditional awards recognizing municipalities that have undertaken actions to improve the its overall efficiency and financial situation but also to

provide reform and restructuring recommendations and awards to fiscally eligible municipalities. The FRLG would evaluate whether a municipality is “fiscally eligible.” Municipalities may apply to the FRLG under two different scenarios:

1. If the employee union and municipality both agree, the FRBLG’s can hear and resolve an impasse in lieu of traditional binding arbitration and render a binding decision on both parties, or
2. A municipality may apply to the board for a grant and/or loan. The FRBLG shall undertake a comprehensive review.

Importantly, police and fire collective bargaining units employed by the State or NYC have traditional binding arbitration extended for three years.

NYSPPFA 75TH ANNUAL CONVENTION

This past week, firefighters and fire officers from across New York joined in Niagara Falls to participate in the New York Profession Firefighters Association’s 75th Annual

Convention, which was hosted by the Niagara Falls Firefighters and Officers, Local 714/3359 of Niagara Falls. Over 100 cities, towns and villages were represented by delegates at the convention, and NYSPPFA’s official business covered current legislation, pensions and health and safety issues.

Delegates had the honor of hearing from Assemblyman John D. Ceretto, R-Lewiston; Thomas Miller, general secretary-treasurer of the IAFF; Sam Fresina, secretary-treasurer of the professional firefighters association; Niagara Falls Fire Chief Thomas Colangelo; and Gordon Stewart, president of Local 3359.

The turnout and contributions of the delegates and speakers highlight the strength of NYSPPFA and is a tribute not only to New York’s Bravest but also this Association’s accomplishments in protecting each other, our families and the public.

2013 LEGISLATIVE PASSED PROPOSALS

Statewide 20-Year Section 384-d Retirement Plan and “Bubble” Bill

A bill covering the availability of a statewide 20-year retirement plan under section 384-d of the Retirement and Social Security Law and the authorization of a special retirement plan, commonly referred to as the “Buffalo-Bubble Bill,” passed both houses and is awaiting delivery to the Governor.

If signed and chaptered, this legislation would afford New York State and Local Police and Fire Retirement System members working without a collective bargaining agreement the opportunity to participate in a 20-year retirement plan and also permit members who were on the “bubble”—i.e., entered the retirement system between July 1, 2009 and January 10, 2010—to enroll in a special retirement plan pursuant to a collectively bargained agreement. This legislation corrects two major inequities that have plagued our fellow firefighters and fire officers.

Special Accidental Death Benefit COLA Increase

A bill authorizing an increase in the special accidental death benefit passed both Houses is awaiting delivery to Governor Cuomo. This legislation provides for an upward adjustment of the special accident death benefit for widows/widowers or children of fallen firefighters.

Building and Fire Code Training for City Fire Officers

Before the close of session, the Legislature passed a bill mandating that fire officers in a city with a population of one million or more receive at least 40 hours each of field training and classroom instruction on building and construction codes and local ordinances. This legislation corrects a fundamental training oversight by the State and provides necessary training for conducting building inspections.

City of Utica Residency Exemption

Both houses passed a bill that relaxes the requirement that paid City

firefighters reside within the city limits. Once the Governor signs the bill, the City of Utica may employ paid firefighters who reside in the county of Oneida or in a surrounding county, giving much needed residency flexibility for Utica firefighters.

Extension of Injunctive Relief in Improper Practice Cases

On June 30, 2013, the Governor signed into law chapter 73 of the Laws of 2013, a bill extending injunctive relief for parties in an improper practices case.

Increase of Lump Sum Payments to Retirees

A bill passed both Houses and is awaiting delivery to the Governor, which would provide a greater lump sum payment for members of the New York State and local police and fire retirement system for members who file for retirement 4 or more years after they are eligible.