New York State Professional Fire Fighters Association

2018 Labor Conference

Election, Legislative & Budget Overview

John Black & Matt O'Connor

Hinman Straub, P.C.

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Political Overview

- Gov. Cuomo's next steps?
- Continued Uncertainty in New York State Senate

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Gov. Cuomo State of the State

Stand with Labor Unions Facing Uncertainty from the Supreme Court

"Public-sector labor unions are under attack on the national level, facing legal challenges to their very core. The United States Supreme Court will soon hear a case called Janus v. American Federation of State, County, and Municipal Employees which seeks to effectively end public labor unions. The Court will determine whether fee arrangements like those permissible under the Taylor Law violate the First Amendment or not. As the nation waits for a decision in the Janus case, Governor Cuomo stands beside public labor unions in their fight for survival and will do everything in his power to preserve workers' rights and protect the right to organize and collectively bargain."

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Siena Polling Data

- NYS on Right Track or Wrong Direction?
  - 48% Right Track
  - 39% Wrong Direction
- Gov. Andrew Cuomo
  - 53% Favorable
  - 40% Unfavorable
- Sen. John DeFrancisco
  - 10% Favorable
  - 9% Unfavorable
  - 81% Don't Know/No Opinion
- Rate the job that Gov. Cuomo is doing?
  - 7% Excellent
  - 38% Good
  - 32% Fair
  - 21% Poor
- Re-elect Gov. Cuomo in 2018?
  - 50% Re-elect
  - 42% Prefer someone else

Siena College Research Institute – Feb 5-8, 2018; 823 NYS Voters

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New York State Senate – 63 Seats

Majority Coalition

- 31 Republicans + 1 Caucusing Democrat (Sen. Felder)
- 8 Independent Democrats

Minority

- 21 Democrats

2 Vacancies

Sen. John J. Flanagan
Temporary President and
Majority Leader

Sen. Jeffrey Klein
Senate Coalition Leader and
Independent Democratic
Conference Leader

Sen. Andrea Stewart-Cousins
Democratic Conference Leader

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New York State Assembly – 150 Seats

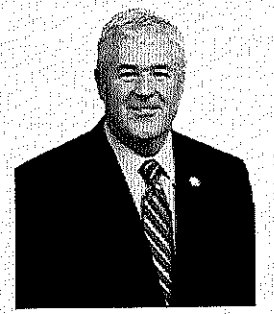
Majority

- 104 Democrats

Assemblyman Carl E. Heastie
Speaker

Minority

- 37 Republicans



Assemblyman Brian Kolb
Minority Leader

9 Vacancies

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April 24 Special Elections (Assembly)

- 5th AD in Suffolk County (formerly held by Republican Al Graf);
- 10th AD in Suffolk County (formerly held by Republican Chad Lupinacci);
- 17th AD in Nassau County (formerly held by Republican Tom McKevitt);
- 39th AS in Queens (formerly held by Democrat Francisco Moya);
- 74th AD in Manhattan (formerly held by Democrat Brian Kavanagh);
- 80th AD in the Bronx (formerly held by Democrat Mark Gjonaj);
- 102nd AD, a seven-county district that includes parts or all of Schoharie, Albany and Greene counties (formerly held by Republican Pete Lopez);
- 107th AD in the Capital Region (formerly held by Republican Steve McLaughlin); and
- 142nd AD in Erie County (formerly held by Democrat Mickey Kearns).

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April 24 Special Elections (Senate)

- 32nd SD in the Bronx (formerly held by Democrat Ruben Diaz)
  - Assemblyman Luis Sepulveda expected to win
- 37th SD in Westchester (formerly held by Democrat George Latimer).
  - Includes parts of Yonkers, White Plains, the Sound Shore communities, North Castle and Bedford
  - Assemblywoman Shelly Mayer (D) v. Julie Killian (R)
  - Killian lost to Sen. George Latimer 55%-45% in 2016

2018-19 Legislative Budget Schedule

- February 28 (on or before) Senate & Assembly Economic / Revenue Reports Released
- February 28 (tentative) Joint Revenue Forecasting Conference
- March 1 (on or before) Revenue Consensus Report
- March 14 Senate & Assembly One House Budget Actions
- March 14 Joint Senate & Assembly Budget Conference Committees Commence
- March 22 Joint Conference Committees End
- March 27-29 Joint Legislative Budget Bills Taken Up by Senate & Assembly

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2018-19 New York State Budget

- The 2018-19 Executive Budget is comprised of a $168 billion budget proposal that increases state spending by less than 2% over SFY 2017-2018. Similar to the last several years, the budget plan also taps $702 million from monetary settlements with financial institutions and other companies to help close a projected $4.4 billion deficit. The budget plan proposes to keep most state agency spending flat, and includes $1 billion in "tax actions."

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2018-19 New York State Budget

Make County-wide Shared Services Panels Permanent

- The Governor's proposal would make permanent the County-wide Shared Services panels created in 2017 in an effort to "encourage local governments to develop new savings actions that will help provide property tax relief." In addition, this proposal would also provide fire districts and fire protection districts with the option to participate, in addition to school districts, boards of cooperatives educational services, and special improvement districts.

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2018-19 New York State Budget

In his 30-Day Amendments, the Governor addresses federal tax law changes including:

- a new Employer Compensation Expense Tax (ECET) in which employers would be able to opt-in to a new ECET system. Employers opting-in would be subject to a five percent tax on all annual payroll expenses in excess of $40,000 per employee, phased in over three years beginning on January 1, 2019. The state's personal income tax system would remain in place, and a new tax credit corresponding with the value of the ECET would reduce the taxpayer's personal income tax on wages and ensure that state filers subject to the ECET would not experience a decline in take-home pay.

- Two new state-operated Charitable Contribution Funds to accept donations for the purposes of improving health care and education in the state. Taxpayers who itemize their deductions could claim these charitable contributions on their Federal and state tax returns, and a taxpayer making a donation could also claim a state tax credit equal to 85 percent of the donation amount. The amendment authorizes school districts and other local governments to create charitable funds for education and health care. Donations to these funds would provide a reduction in local property tax bills (via a local credit) equal to a percentage of the donation

- decoupling the state tax code from the federal tax code in some cases to avoid more than $1.5 billion in state tax increases that would result from increases in Federal taxes.

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NYSPFFA Legislation (2017 Recap)

Chapter 432 of 2017 – Extension of Time to File Accidental Disability

- New law acknowledges the evolving risk to fire fighters through their exposure to carcinogens and extends the filing period to obtain accidental disability benefits from two (2) years after their normal retirement to five (5) years.

Chapter 499 of 2017 – Foreign Fire Insurance in Yonkers

- Updates and clarifies state law to require that foreign fire insurance funds in Yonkers are distributed in accordance with sections 9104 & 9105 of the State Insurance Law.

Veto 197 of 2017 – Independent Hearing Officer

- "I fully support the valuable contributions that State and local workers provide to New Yorkers, including those workers that perform important public safety responsibilities. However, it is well-established that these types of benefits are typically bargained pursuant to the Taylor Law, and not unilaterally imposed through legislation.

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2018 NYSPFFA Legislation

Qualifications to Serve as a Fire Chief - S.6242-A (Akshar)/A.8057-A (Abbate)

- As New York State continues to witness a growth in Combination Fire Departments, legislation is needed to ensure that public protection and fire safety are not compromised.

- This Legislation would ensure that all Chiefs in Combination departments:
  - Satisfy the basic requirements for education, health and physical fitness established by the state fire administrator pursuant to section one hundred fifty-eight of the executive law, and
  - Have successfully completed training and education courses of minimum contact hour criteria approved by the State Fire Administrator and received certification for Supervisory Level 1 or higher pursuant to 19 NYCRR 427.9.

- Passed Assembly in 2017

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2018 NYSPFFA Legislation

Disbursement of Foreign Fire Tax (2%) Monies to NYSPFFA - S.4543-A(Golden) & A.6260 (Abbate)

- This legislation would provide a greater balance in allocating the percentage of foreign fire tax (2%) monies pursuant to Section 9105 of the Insurance Law.

- Currently 10% of the total foreign fire tax monies collected by the State go to Firemen's Association of New York (FASNY). On the other hand, NYSPFFA, the umbrella organization for paid, professional fire fighters, does not receive any distribution of the foreign fire tax monies. This bill would still allocate 9% of the foreign fire tax monies to FASNY with the other 1% distributed to NYSPFFA. Importantly, such redistribution would not affect or change the amounts being distributed directly to the fire companies.

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2017 NYSPFFA Legislation

Special Act Legislation to State Insurance Law

- NYSPFFA is currently drafting legislation that would require the New York State Comptroller to identify any outdated local special act legislation related to the distribution of foreign fire insurance funds and provide a solution for impacted locals to update and streamline the use of such funds consistent with sections 9104 and 9105 of the State Insurance Law.

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2018 NYSPFFA Legislation

Disciplinary in "Second Class Cities"

- Court of Appeals Matter of City of Schenectady v New York State Public Employee Relations Board
- The ruling "grandfathers" public employee discipline procedures that come from a state or local law or municipal charter provision that originated before the enactment of the Taylor Law in 1967 (Second Class Cities Law, Town Law, Village Law).
- In other words, the Court ruled that a union cannot collectively bargain discipline with a municipality that has a grandfathered disciplinary statute.
- NYSPFFA is working with NYS Troopers & PCNY in drafting legislation

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2017 NYSPFFA Legislation

Special Accidental Death Benefit COLA – S.7158-B (Golden) & A.9056 (Joyner)

- Since 1978, the Legislature passed, and the Governor signed into law, a cost of living increase and a one-year escalation for all New York State widows and widowers of police officers and fire fighters killed in the line-of-duty. The intent of the original 1978 law was to increase benefits to an amount that would reflect the impact of inflation. The law, however, did not provide for any additional cost of living increases after July 1, 1979.

- We support extending the escalation of a cost of living increase of approximately 3% for all line-of-duty widows or widowers for this fiscal year.

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2018 NYSPFFA Legislation

Cancer Presumption in Section 207-a – S.4564 (Golden)/S.6501 (Abbate)

- Amends the general municipal law, in relation to creating a cancer presumption for firefighters.
- Provides continued salary under Section 207-a after retirement disability is approved.
- Passed Senate 62-0 in 2017

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2018 NYSPFFA Legislation

Prohibit Diminishing Retiree Health Insurance – A.5455 (Weprin)

- This legislation would prohibit state and local governments from diminishing the health insurance benefits of retirees below the level of benefits that are in place 30 days after this act shall become law.
- Currently, Chapter 729 of the laws of 1994, as amended by Chapter 22 of the Laws of 2007 and the laws of 2009, prohibits school districts and BOCES from diminishing retiree health insurance benefits, unless there is a parallel diminution affecting active employees. There is no existing law protecting health insurance benefits of retirees from local governments.
- This bill merely requires the State to continue the level of benefits which it is now providing.

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2018 NYSPFFA Legislation

State Aid to Towns based on Tax Exempt Properties – S.745 (Ritchie)/A. 732 (Gunther)

- This legislation would create a new category of state aid to certain cities, towns, villages, or fire districts who are adversely affected based on the amount of tax exempt property in the jurisdiction. To be eligible, certain cities, towns, villages, or fire districts must have at least thirty-five percent of their real property exempt from taxation. Funds would be allocated by formula, with fifty percent distributed on the basis of population and the other fifty percent allocated by the amount of tax exempt property.
- The concentration of governmental, institutional and other non-profit uses deprives the town governments of a major portion of their potential property tax revenue, while increasing the burden on town services.

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2018 NYSPFFA Legislation

Optional 20-Year, Non-Contributory Retirement Plan for Tiers 5 & 6 – S.4540-A (Young)/A.8017-A (Abbate)

- This legislation would grant police officers and paid, professional fire fighters the opportunity to participate in a non-contributory, twenty-year retirement plan upon election by their employers.
- With the creation of Tier V in 2009, police officers and fire fighters hired after January 9, 2010 were placed into contributory twenty-year retirement plans, unless the police officers or fire fighters had a collective bargaining agreement, which contained provisions to the contrary.
- This bill would permit employers to offer non-contributory, twenty-year retirement plans to those members working without a collective bargaining agreement when Tier V became effective and to Tier VI members.
- Passed Senate 61-0 in 2017

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Questions?

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