



The Siren

Important News and Updates for NYSPFFA Members

Prepared by *Hinman Straub and Corning Place Communications*

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nyspffa.org

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Governor Signs Ambulance Bill

We are pleased to inform you that Gov. Cuomo has signed into law a bill ([A.9943-C](#), Brindisi) that will allow Utica and Glens Falls to maintain their municipal ambulance services. Had the Governor vetoed the bill, ambulance services in those cities would have been in jeopardy of being terminated.

The new law — Chapter 464 of 2012 — is a significant legislative accomplishment for NYSPFFA. Local governments and fire districts dedicate a lot of time and resources developing first-responder programs and training their personnel, and they are well-qualified to make health, safety and financial decisions on behalf of their communities. Now that we have ensured that these critical services will continue in Utica and Glens Falls, we will turn our attention to fixing current state law (Public Health Law Article 30) so that these programs will not be jeopardized in other communities around New York

Upcoming District Meetings—[5th District](#): December 4

*NYSPFFA Insurance Program—*Open Enrollment period has begun; it runs through December 7. Click [here for forms](#).

Election Day - Tuesday, Nov. 6 - be sure to exercise your right to vote

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 your NYSPFFA leadership — Mike McManus or Sam Fresina at (518) 436-8827.

NYSPPFA LAUNCHES NEW WEB SITE

Earlier this month, the NYS Professional Fire Fighters Association launched our newly updated and enhanced web site, which is intended to better serve and communicate with our membership.

The site address has not changed; it remains at www.nysppfa.org. But we have incorporated social media tools such as Twitter, while providing more information in terms of Member Updates, News and Legislative Updates.

We hope that you take the time to visit the updated site, and share any thoughts or suggestions you may have via telephone at (518) 436-8827 or e-mail at profire@nysppfa.org.

COURT SETS HIGH BAR FOR SUCCESS IN DISABILITY BENEFITS APPEAL

In [Matter of Ashley v DiNapoli](#), the 3rd Department (the state's intermediate appellate court) upheld the decision of the State Comptroller denying Mr. Ashley (Petitioner) a disability retirement benefit based largely on the fact that at the administrative hearing, Mr. Ashley failed to present actual medical testimony.

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The Court said that "although the burden was on the petitioner to prove his entitlement to the retirement benefits...the petitioner failed to offer an expert witness to testify before the Hearing Officer, instead relying on his own testimony and the submitted records."

We can be pretty confident that moving forward, attorneys for the Retirement System will cite this case in any disability hearing where the member fails to call a medical expert.

COMPTROLLER RELEASES ANNUAL STATE SPENDING AND REVENUE REPORT

Last week, State Comptroller Tom DiNapoli [released](#) his annual report on the [state's financial condition](#). The report finds that while total state spending decreased 1% (\$1.3 billion) from the prior year, state spending has grown by 15% since 2008 – nearly twice the rate of inflation.

The report also has projections for future budget balances. The fiscal year starting in 2013 faces a projected deficit of \$982 million, while 2014 and 2015 face projected budget deficits of \$3.6 billion and \$4.4 billion.

It looks as if the state's fiscal situation is not going to improve much in the near future.

COALITION OF MAYORS WANT TO WATER DOWN BINDING ARBITRATION

The *Wall Street Journal* [reports](#) that the mayors of Syracuse, Rochester, Albany and Yonkers are pushing for a change to state law that would require arbitrators to consider a city's financial situation before granting a pay increase through the binding arbitration process.

The current state law, which is set to expire in 2013, requires arbitrators to look at constitutional limits on taxes, not at the city's ability to pay salary increases without raising taxes or cutting services.

Our fear is that if this proposal becomes law, it will make it virtually impossible for public safety bargaining units to gain any sort of pay increase through negotiations.

Many local governments throughout the state are having a difficult time providing services in the current economic environment. But it isn't fair to single out uniformed public employees and expect us to make sacrifices when there are other options to be considered. This will obviously be an important issue for us in 2013.