



New York State Professional Fire Fighters Association, Inc.

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Memorandum in Opposition

SFY 2013-14 Executive Budget Proposal A.3007 / S.2607 ELFA Article VII, Part Q

The New York State Professional Firefighters Association I.A.F.F. AFL-CIO (NYSPPFA), a not-for-profit association representing approximately 18,000 firefighters and its 102 Locals in various cities, villages and towns across New York State, strongly opposes the SFY 2013-14 Executive Budget A.3007 / S.2607 ELFA Article VII, Part Q ("Binding Arbitration Amendment") which would detrimentally effect approximately 6,000 of these firefighters. While the proposed Binding Arbitration Amendment would extend binding arbitration for four years, it also includes an unprecedented attack on New York's brave firefighters' fundamental right to collectively bargain by requiring arbitrators to make the determination as to whether a local government (county, city, town or village subject to the tax cap) is "Fiscally Distressed" when local contract negotiations reach impasse.

While we are in favor of extending binding arbitration for four years, we are adamantly opposed to the language that provides a safety net that avoids the current arbitration process for any local government that it determined to be Fiscally Distressed.

Fiscally distressed is defined as:

1. The local government's average full value property tax rate is above the 75th percentile for all municipalities statewide, as averaged over the most recent 5 fiscal years; or
2. The local government's 5 year general fund balance equals less than 5% of its budget.

If a local government is deemed fiscally distressed, by law, an arbitrator will be prohibited from making an award that increases compensation (including but is not limited to salary, stipends, local pay, insurance, and health insurance) by more than 2% per year.

In effect, if either of these tests is deemed met by the arbitration panel, there would be a statutory cap placed on compensation packages for local fire and police only. Thus, the Binding Arbitration Amendment would place a statutory 2% cap on compensation packages on local police and fire when no such cap exists for any other local or state public employee.

We are of the opinion that the above limitations are not needed as the current arbitration process, enacted in 1974, has served to meet the needs of both management and labor for the last 38 years and with few exceptions, has resulted in no major labor strike and has not forced any municipality or sub-division into bankruptcy.

In light of the foregoing, we ask that you take every step possible to remove the offensive language.

Respectfully submitted,

NEW YORK STATE PROFESSIONAL
FIRE FIGHTERS ASSOCIATION, INC.

By _____
Michael T. McManus, President