



## Professional Fire Fighters of Massachusetts

Affiliated with International Association of Fire Fighters AFL-CIO and Massachusetts AFL-CIO Council

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Subject: Update on "Fix It" Amendment

To: PFFM Executive Board, PFFM Locals, PFFM Members and Legislators

From: Bob McCarthy, President, Professional Firefighters of Massachusetts

We have been working with numerous members of the both the House, Senate and the staff of the Patrick Administration to facilitate a fair and equitable resolution that expedites a corrective legislative remedy as soon as possible that will rectify the injustice that resulted from the unintended reductions of accidental disability pensions of public employees who are injured in the line of duty and subsequently must retire. The Pension Reform Law that became effective on July 01, 2009 has resulted in numerous reductions in pensions that have created severe and unplanned financial hardships for our members and their families that were not expected.

The changes in the calculations for accidental disability pensions for employees working out of grade or in a temporary position was an issue and it was addressed in the Pension Reform Law.

Reducing all employees accidental pensions who worked in their respective permanent ranks was never an issue and was never discussed but in the end ""Language appeared in the law; Legislative action changed the law and became effective on July 1, 2009 that effected all public employees who are injured and subsequently retire. This was wrong. This was not intended and we were told by Legislative Leaders in June 2009; that it would be fixed before the formal legislative session ends on November 18, 2009.

Well now it is November and nothing has been fixed. Monday; November 10 is the next scheduled formal legislative session in the House of Representatives and I do not believe the "Fix It" issue will be acted on this Tuesday. My best guesstimate is that Tuesday of the next week; November 17 and Wednesday November 18; the last two days of formal sessions of the House and Senate is when and where this "Fix It" technical change will be addressed and rectified.

In order to be successful everyone needs to be in agreement with corrective language of "Fix It"., I have seen a draft of proposed language; and although it is good language and corrects the draconian reductions of the so-called "King for a Day" and also restores the language that was deleted unintentionally and thereby reduced the pensions of all employees who are injured and retire.

I sincerely believe that it would be a mistake to change any part of the so called "King for a Day" change as it would create a mass of controversy and we will run out of time and we will fail our mission to correct the inequity that was never an issue.

No one should oppose or be critical to fixing a mistake that has created unintended harm.

The language necessary to "Fix It" is not complicated. Simply add the language that was inadvertently deleted in Section 8 of Chapter 21 of the Acts of 2009.

Mr./Madam of \_\_\_\_\_ submit the following amendment: Chapter 21 Acts of 2009, S.8, (ii) delete first sentence and insert the following:

Employees who retired or retire on or after July 1, 2009 in accordance with this subsection: "A yearly amount of pension equal to seventy-two per cent of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone, or equal to seventy-two per cent of the average annual rate of his regular compensation for the twelve month period for which he last received compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; provided however....(.The King for a Day provision follows) That if an individual was in temporary or acting position on the date such injury was sustained or hazard undergone the amount to be provided under this sub-division shall be base on the average annual rate of the individual's regular compensation during the previous 12 month period for which he last received regular compensation immediately preceding the date such injury was sustained or such hazard was undergone; provided further,.....

The above language inserts the language that was unintentional and inadvertently deleted by the Conference Committee when they drafted language in reference to the "King for a Day" so called reform.

The above "Fix it" language does not change in any manner whatsoever the changes made by the Conference Committee in regards to working in a temporary or out of grade position. Even though we believe that King for a day language is punitive we are not proposing changing it at this time.

No one can be critical of the above corrective actions and no one will be criticized for fixing a mistake.

Time is of the essence. The clock is ticking. Formal sessions end November 18. The above amendment can be added on any and all legislative proposals going through the process concluding with enactment. I respectfully request that legislators support our position and I also request all or member to request of your respective legislators their support and encourage them to take action as soon as possible.

It is the right thing to do. Even the Attorney General of the Commonwealth of Ma has recently withdrawn her "Motion to Dismiss" our legal challenge to this mistake. It is clear that this provision was without merit and not intended and should be fixed. It is our responsibility to do so.

Hopefully this amendment will be adopted by the House of Representatives on Tuesday November 10,, 2009. For additional information please go to: [www.pffm.org](http://www.pffm.org)

Thank You and Happy Veteran's Day. May God Bless them all.