



Professional Fire Fighters of Massachusetts

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

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To: The Honorable Members of the Great and General Court

From: Bob McCarthy, President, Professional Firefighters of Ma.

Subj: Legislative Corrective Amendment to Section 8, of Chapter 21 of the Acts of 2009.
"UPDATE"

This communication is a follow up to my electronic mail sent to you on October 17, 2009 in regards to my request of you to file corrective language as an amendment or stand alone bill to correct and rectify the onerous and punitive change to the calculations of accidental disability pensions of firefighters who are permanently injured in the line of duty and must retire due to injury. This amendment does not change the so called "king for a Day" provision that was inserted by the Joint Conference Committee in reference to the so called "Pension Reform Bill" signed into law by Governor Patrick on June 16, 2009.

Effective July 01, 2009 all your our hard working dedicated firefighters are being punished if they are injured in the line of duty and subsequently must retire due to the disability. For whatever reason the Conference committee included all firefighters not just firefighters working out of grade in an Acting or Temporary position. Section 8. of the Acts of 2009 also drastically reduced pensions of firefighters serving in their respective ranks . The inadvertent and/or unintentional change reduces accidental disability pensions from 72% of their regular compensation received on their last day of employment to 72% of their regular compensation that they were receiving on the date of injury. This is a significant reduction that was never discussed and was never an issue during the entire proceedings of "Disability Reform" This wrong must be corrected and we are imploring you to collectively take action. It will be a travesty of justice and fairness if this outrageous reduction of pensions is allowed to continue.

The horror stories are coming to fruition. Example 1., The New Bedford Police Officer injured in the year 2000, Attempted to rehabilitate and even went back to work but could not perform his duties, Applied for pension, examined by 3 doctor Perac appointed Medical panel, voted by the City Retirement Board and approved by Perac but the date of retirement was after the effective date of Chapter 21 of 2009 so PERAC ordered retirement board to calculate pension using the regular compensation the police officer was receiving on the date of injury in the year 2000 . If he retired on June 30 His pension would of been 72%of his regular compensation that he was receiving on June 30, 2009.

Example #2., Firefighter injured in the line of duty., Undergoes operation, rehabilitation and his injuries are permanent and disabling, Applies for accidental pension in early 2009 is denied, Applicant appeals to the Division of Law Appeals; Win his appeal, City appeals to the Contributory Retirement Appeals Board, Applicant wins, City appeals to the courts., Time frame now goes into July 2009; City withdraws appeal. Perac orders board to calculate pension using the Regular Compensation he was receiving on the date of injury some 20 months previous to his last day of employment.

This is just a sampling of the inequities and financial hardships being created by legislation passed in the dark of the night. Please stand up for your courageous firefighters and do the right thing. These same people will risk their life and limb for you and your families unconditionally and unequivocally. They deserve you immediate attention.

Does it make sense for your firefighters to be second guessing risking their life and limb and in their back of their mind they are worrying that if permanently injured my family will incur a financial hardship. I do not think so. Please file the below correction and be proud of your actions.

Delete language of Section 8. of Chapter 21 of the Acts of 2009 and insert in place the following:

(ii) A yearly amount of pension equal to 72% of the annual rate of his regular compensation on the date such injury was sustained or such hazard was undergone, or equal to 72% of the average annual rate of his regular compensation for the twelve month period for which he last received regular compensation immediately preceding the date his retirement allowance becomes effective, whichever is greater; provided however, that if an individual was in a 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 based 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 of such injury was sustained or such hazard was undergone; provided further....."

The clock is ticking. As of Monday October 26 and excluding the holiday and election there is only 16 legislative days and in reality the number is in the vicinity of eight legislative days left to fix this mistake before formal sessions end on November 18, 2009. For this not to be fixed before November 18th; would be a travesty and a disservice to your brave public safety officers. Please do the right thing. Let us come together and work together and do the right thing.

I will be available to meet with you at anytime and at any place from now until November 18th to address any questions or concerns in regards to this important issue. I will have my cell phone on 24/7 .Please call if I can be of any further assistance. 1.617.803.5222

Thank You and have a safe and relaxing Week-end