



Professional Fire Fighters of Massachusetts

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

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Sent: Fri, Oct 30, 2009 7:35 pm
Subject: Fwd: PFFM's Weekly "Update" Update #3

To: PFFM Executive Board, PFFM Locals, PFFM Members, The Great and General Court of the Commonwealth of Ma.
From: Bob McCarthy, President PFFM

Subj: "Fix It" Chapter 21 of the Acts of 2009, Sec.8 Accidental Disability

Dear Legislators,

As of this Monday November 2, 2009, There is only twelve possible legislative calendar days left before the end of formal sessions for the House and Senate to pass an amendment and or a standalone bill to "FIX" the inadvertent language in Chapter 21 of the Acts of 2009 the so - called " Responsible Pension Reform Bill "that was signed into law on June 16, 2009.

I have been meeting and discussing almost on a daily basis with the leadership of the House and Senate since June in regards to fixing the draconian reductions in the calculations of accidental disability pensions for public employees who are injured in the line of duty and are permanently disabled and must retire. This "Fix It " proposed amendment does not change one letter or word in the section of the bill that addressed changes in pensions for persons working out of grade or in a temporary position and become injured and retire.

Over the past two weeks I have asked our local union members to communicate to you our concerns and we appreciate you listening and understanding this quagmire that we are in. If we all work together our goals can be accomplished by November 18. An injustice and disservice must be fixed. For whatever reason or Why? these actions were taken no one can explain but In the pension reform bill when the conference committee addressed the so called "King For A Day" they also changed the pensions for all employees working in their respective ranks and get injured and subsequently must retire.

In my last two updates; I highlighted two cases of injured public safety officers who were injured in past years, tried to rehabilitate one even came back to work but ultimately had to retire and because of the new law these individuals pensions were reduced and calculated using their regular compensation paid on the date of their injury instead of their regular compensation received on the date they retire. "A significant reduction"

Another example of how punitive this language is. A firefighter from a large City injured his back in the year 2006 in the line of duty. The firefighter sought medical care and rehabilitation. The City in early 2009 filed an involuntary accidental disability retirement application. The applicant did not want to retire; he wanted to rehabilitate and come back to work as he is a single parent and wanted to provide for his family when recovered.

The firefighter did what the City and the Retirement Board and Perac requested of him. He went to the medical panels for thorough medical examinations and was found to permanently disabled from performing the duties of a firefighter. The Retirement Board and Perac concurred with the Medical Panel findings. Perac and the City Board approved the accidental disability pension in early July 2009. Because of the effective date and language in the new: Pension Reform law; this firefighters pension was calculated on 72% of his regular compensation that he received on the date of the injury in 2006. This firefighter received increases in his regular compensation in accordance with his collective bargaining contract on July 2007, July 2008, and July 2009. Because of the new law these increases were not used in the calculation of his pension had he been approved on June 30, 2009, this firefighter would of received those increases in his regular compensation for pension purposes.

This is plain and simply wrong and is creating an enormous financial and mental strain and hardship and

must be corrected. This firefighter did work by the rules, played by the rules and yes was punished by the rules for whatever reason but surely through no fault of his.

Please let's fix this injustice and pass the following language before November 18, 2009. It is the right thing to do.

Chapter 21 of the Acts of 2009,

delete section 8, and replace language by adding the following language from G.L.c.32,S 7 (2)(ii):
Effective July 1, 2009 "or equal to seventy two percent 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 further that if an individual was in a temporary or acting position on the date such injury was sustained the amount 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 such injury was sustained...

The last sentence is the "King for a Day" change that was made by the conference Committee, The first sentence is restoring language that was in effect prior to July 01, 2009 for all employees serving in their respective permanent rank.

I would like to thank you in advance for your time and consideration and please contact me at anytime if you have any questions or concerns in regards to this very important issue.