

PROFESSIONAL FIREFIGHTERS ASSOCIATION OF NEW JERSEY

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PFANJ LEGISLATIVE UPDATE AS OF FEBRUARY 21, 2011 *Dueling Pension Bills and Changes to Health Care Benefits*

Pension Bills and Health Care Bills

We now have all the bills on the table, or almost. Democrat Senator Steve Sweeney, the New Jersey State Senate President, has introduced **Senate Bill No. 2696** (Makes various changes to PERS, TPAF, PFRS, SPRS, JRS including to board membership, control of investments, adjustments to member contribution, adjustments to benefits, and benefit factor for TPAF and PERS) and Republican Assemblymen Declan O'Scanlon and Gary Chiusano along with Republican Senator Joseph Pennachio have introduced **Assembly Bill No. 3796/Senate Bill No. 2705** (Makes changes to retirement benefits for members of the State-administered retirement systems and eliminates future COLAs).

We have the press release for Senator Sweeney's health care proposal, but not the bill. What we do know is that it appears to be similar to the announcement from the Governor in that it seeks to legislate, not bargain, increasing health care costs on employees and cuts in benefits.

Five points to be made:

First, there is no Assembly counterpart to Senate Bill No. 2696. Does this mean the Assembly Democrats are not embracing Senator Sweeney's bill?;

Second, are Assembly Bill No. 3796 and Senate Bill No. 2705 truly the Governor's proposals or will he propose something else in his Budget Message on Tuesday, February 22nd; and

Third, no hearings have been announced on any of the proposals (pension and health care). The Legislature will break the third week of March for budget hearings and unless the Senate President and Assembly Speaker schedule special hearings and voting sessions, this may well become part of the budget process.

Fourth, we are working with the State AFL and other public sector unions to ensure that there is a strong guarantee of pension funding and that any changes do not amount to making our members pay for the local and State government's failure to manage and fund our pension system.

Fifth, we are working with the State AFL to vigorously oppose the attack on collective bargaining of health care benefits and costs.

What the PFANJ is doing:

The Professional Fire Fighters Association has made the point over and over that the pension fund shortfalls are due to the FAILURE of both State and local governments to make their required contributions to the pension funds, and investment losses that were outside of the control of our members, who had no say in investments. We have working to ensure that there is a real commitment of funding that recognizes that public employees have been making their contributions to their respective pension funds and that the employer must do the same. In the health care arena we have opposed the earlier 1.5% legislation, and we are continuing to make the point that health care benefits and costs are to be bargained, not legislated.

In short, both the Democrat and Republican pension and health care proposals do the following: they cut benefits and require public employees to pay more. The irresponsibility of the Governor's position is best shown by the fact that the State is not making any pension payment this year and at most will contribute around 15% of what it owes next year, making the problem much worse, and that neither proposal will fix that.

The PFANJ has been working hand-in-hand with the New Jersey State AFL-CIO and its affiliates to protect the interest of its members in their respective pension funds and to protect their health care benefits and will continue this effort throughout the legislative process, including testifying at legislative committee meetings and meeting with legislators on a daily bases. Additionally, the PFANJ has had both bills reviewed by a Pension Advisory Group and by attorneys .

Following is an overview of some of the major provisions of the two pension plan proposals as they apply to the PFRS:

Senate Bill No. 2696

1. Changes the membership of the board of trustees to ensure that there are an equal number of trustees representing public employers and an equal number representing public employees. The trustees representing public employees will be appointed by the heads of the four public safety unions in this State and the Director of the John J. Heldrich Center for Workforce Development at the Edward J. Bloustein School of Planning and Public Policy at Rutgers, the State University will allocate the number of trustees to be appointed by each union head. Election of trustees is eliminated. In this legislation, the PFANJ will have one of the two fire fighter seats, but there will be more law enforcement seats and the PFANJ is proposing that **the number of trustees appointed from among the four unions with members in PFRS should be equal.**

2. The bill vests with the PFRS board of trustees all the functions, powers, and duties for, or relating to, investment or reinvestment of moneys, and purchase, sale or exchange of any investments or securities, of or for any funds or accounts under the control and management of the board. **While the PFANJ favors the independent PFRS board, it is concerned that the current language in**

the bill does not protect PFRS members from having to pay for the unfunded liability resulting from the failure of government employers to pay into the fund as well as investment losses, occurring before the date that the new board is able to take over and manage investments.

3. The contribution rate of PFRS members will remain at 8.5% but the board may adjust the contribution rate of its members as determined to be reasonable, necessary and appropriate. This language is not entirely clear and the language on adjustment raises serious concerns because it is open-ended, vague and if not corrected could lead to substantial increases in contributions by members.

4. While the board has the authority to determine the repayment of the unfunded liability of PFRS and over what period of time, it also allocates the unfunded liability resulting from the failure of local governments to make their payments to the fund and losses stemming from investment interest and earnings equally between members and employers. **The PFANJ has serious concerns with this provision because it does believe members should be responsible for these losses and we are working to eliminate this liability.**

5. Regarding cost of living adjustments or COLA's, the bill terminates them for members with less than five years of service credit in the system on the bill's effective date. For those members with five or more years of service on the effective date, COLA's may continue if the members elect to contribute such an additional amount to the retirement system as determined by the board for the benefit going forward. Contributions by the employer will also continue for those members who make such an election.

The loss of a COLA for those with less than five years of service and the requirement that members pay for the COLA is very significant because it will undermine the pension benefit system by introducing a two tier system with newer workers losing out on COLA. We believe and are arguing strongly that a cost of living adjustment is essential for police and fire because of the age when our people retire at and the number of years that a member will be collecting a pension, hopefully. This provision is opposed because of its severe impact upon members who will have to pay a substantial amount to continue to receive a COLA in retirement perhaps up to 4% more in contributions, and because newer workers are excluded.

6. **PFRS members have a contractual right to a securely funded retirement system in which contributions are made at the annual required contribution level by the employer. This contractual right is deemed a non-forfeitable benefit established by law and the failure of the employer to honor these provisions will be deemed to be an impairment of the contractual right of each employee to a securely funded retirement system. There is language in the Sweeney pension reform bill that we worked on that includes such guarantees, but no such language in the Republicans version.**

Assembly Bill No. 3796/Senate Bill No. 2705

1. For members of PFRS with fewer than 25 years of creditable service on the 120th. day after the bill is enacted, the bill redefines final compensation as the average compensation received for the three highest years and decreases the special retirement allowance from 65% to 60% of salary with the additional 1% for each year of service credit over 25 up to 30 years, for a maximum benefit of 65%. **This reduction in benefits for police officers is unnecessary and puts the burden of the unfunded liability of the PFRS fund on the backs of its members.**

2. Applications for accidental disability pensions (66 2/3%) are ended and in their place the bill standardizes a level of disability benefits among all of the defined benefit retirement systems and provides the same level of disability benefit for those with 10 or more years in a retirement system, including an earnings test. The bill establishes a work-related disability benefit for a member regardless of years of service if the member is totally and permanently disabled as a direct result of an accident or occupational exposure and receives an award of permanent disability (40%) under the workers' compensation law. **The termination of accidental disability pensions for fire fighters injured while on the job is strongly opposed by the PFANJ.**

3. With regard to the benefits of all retirees, current and future, and their beneficiaries, the bill provides that there will be no future cost-of-living adjustments (COLA) to pension benefits. **The PFANJ is opposed to this provision for the reasons described above in comment # 5 to S2696.**

Health Benefit Plan

Governor Christie's Proposal

While the Governor will not announce his plan until his Budget Message on Tuesday, February 22nd., according to the press he intends to require that all public employees pay 30% of the insurance premium, regardless of their level of income. To offset this increase, he will propose that employees can reduce their cost by reducing the level of benefits. The proposal will also call for an increase in the number of health plans.

Senate Bill No. 2718, sponsored by Senate President Steve Sweeney

Senator Sweeney introduced his bill on February 17th and while it is not yet available we do know the following:

1. Instead of a flat 30% premium, there is a tiered plan that would gradually boost contributions but tie the increase to a worker's pay level. For employees making \$20,000.00 a year, their contribution for a family plan would be 2% of their health-care cost, or \$380, in the first year of the new health insurance system, rising to 12%, or \$2,280.00 the seventh year. For an employee making \$120,000.00, the contribution would be 12%, or \$2,280.00, in the first year, rising to 30%, or \$5,700.00 in the seventh year.

2. At least five health plans must be provided with different out-of-pocket costs.

The PFANJ's position on both the Governor's proposal and Senator Sweeney's proposal is that these proposals should be negotiated at the bargaining table rather than legislated. It should also be noted that both the Governor's proposal and Senator Sweeney's proposal appear to affect only the State Health Benefits Plan at this time but it is not clear, and until

we have both written legislative bills, we cannot be sure.

The PFANJ will continue to work to protect our members and will be sending you updates as we learn more and will also be asking for your help to ensure that the public and the legislators understand that this attack upon fire fighters is wrong and that we are part of the solution, not the problem.

UPDATE ON THE PFANJ'S LAWSUIT AGAINST THE STATE OF NEW JERSEY WITH RESPECT TO THE IMPOSED 1.5% HEALTH INSURANCE TAX ([below](#))

1/20/11

To All PFANJ Members:

Today, the Superior Court finally issued its decision on our challenge to the 1.5% salary deduction for healthcare.

Unfortunately, the Court ruled in favor of the State and dismissed all of the complaints filed by the various unions.

In short, the Court found that the statute is Constitutional and does not create an illegal parity clause.

Our attorneys are analyzing the 167 page decision to determine if there is a basis for appeal.

If so, we will file an appeal with the Appellate Division within 45 days of the entry of the Court's order.

We will provide you with a synopsis of the decision and an update tomorrow.

On Friday, November 19, 2010, our case was heard in court. Of the 5 arguments that we put forth, the Judge dismissed 1. The remaining 4 the Judge is considering, and we should have that decision in the next 30 to 45 days.

The State attempted to get the case thrown out and they were not successful. We were successful in getting the case heard, and we are optimistic on the out come.

UNIONS FILE LAW SUIT VS. STATE

POLITICKERNJ.COM - April 23, 2010 - The Professional Firefighters Association of New Jersey (PFANJ) and Teamsters Local 97 filed a lawsuit against the Christie administration and the legislative leadership in an effort to overturn a 1.5% pay reduction to cover the cost of health insurance for public employees.

"In passing this law, the Members of the State Legislature, from both political parties, rushed to appease the Governor's desire to circumvent collective negotiations. The result is a statute that violates long-standing principles of fair play as well as the State and Federal Constitutional rights of our clients' members. We anxiously await our day in court to present our clients' claims to an impartial judiciary," said James Mets, the attorney for the two unions.

The suit, filed in Mercer County Superior Court, argues that the newly-passed law violates the constitutional rights of public employees.

"An overwhelming majority of the Legislature and the Governor came together to enact these reforms because they are fair to current employees and will ensure the state's promise of a full pension to career public servants. I am confident the courts will share that view and dismiss this lawsuit," said State Sen. Stephen Sweeney (D-West Deptford).

UPDATE ON A-386

During the October 14, 2010 Assembly State Government Committee Meeting, A-386 was voted out of committee with 3 Yes votes (Democrats), 2 No votes (Republicans).

The FMBA basically spoke against the bill claiming "if it isn't broke, don't fix it".

A-386:

This bill increases the membership of the board of trustees of the Police and Firemen's Retirement System from 11 to 19. The bill provides for four additional public members to be appointed by the Governor. It also replaces the two elected trustees who are active policemen and the two elected trustees who are active firemen with eight members of the retirement system appointed by the Governor, with the advice and consent of the Senate, two each upon the recommendation of the State Policemen's Benevolent Association, the State Fraternal Order of Police, the State Firemen's Mutual Benevolent Association, and the Professional Firefighters Association of New Jersey.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE HEARING SEPTEMBER 13, 2010

To: All Members of The PFANJ

From : 1st Vice President George Borek

Re: Senate Budget And Appropriations Committee Hearing September 13, 2010

The Senate Budget Committee met today in regards to S-2220 Sarlo (Limits certain unused sick leave pay and vacation leave carry-forward for school and local employees; permits local unit to pay certain benefits over 10 years; limits sick leave use by new public employees before retirement)

I am happy to report that Senator Sarlo has along with Senator Cunningham have offered up the following amendments to said bill.

- 1-Any compensation that you have accrued to the point of your contract expiring you will keep that is yours.
- 2-Moving forward you will be only able to accrue a additional \$15,000.
- 3-Payout will be at 5 years not 10
- 4- Any new hires after the effect date will be capped at \$ 15,000 thousand

We are waiting to see the written amendments to this legislation as this was a verbal discussion with Senator Sarlo, and Senator Cunningham. That said I would like to thank the following individuals who where prepared to testify today before the committee. Chief of the Hoboken Fire Department Richard Blohm, Deputy Chief Michael Terpak Jersey City Fire Department, Dominick Marino President PFANJ, Steve Demofonte FOP, and James Stewart Jr., Newark FOP.

Respectfully
George M. Borek
1st Vice President



DOMINICK MARINO
President

Professional Firefighters Association of New Jersey
International Association of Fire Fighters
AFL-CIO-CLC



7-14-10

To All PFANJ members:

Update on what the State Association is doing with respect to the copious legislative bills that have or are in the process of being introduced that has an adverse effect on your wages, benefits and your pension.

Because the Governor was successful in March in winning reduced benefits for any newly hired firefighter after May 21st, 2010, he now believes that all existing firefighters should have their benefits and pension reduced.

We have testified in front of a number of Assembly and Senate committee hearings on behalf of all PFANJ members and all union members. We will continue to testify on your behalf as committee hearings are announced.

Over the next two months Vice-President's Borek and Maguire and myself will be meeting with key Democratic legislators in the Assembly and Senate to discuss the varies bills and how it will affect you as firefighters. We will be presenting as much data and information with the objective to show how adverse and unjust the legislation is towards firefighters. Getting the legislators to understand and agree and to be willing to do something about it is our objective.

Meeting our objective is an uphill climb! There are many obstacles in our way. The general public and our state legislators have joined in the notion that what you and those before you have negotiated for over the last 40+ years, now must be cut through legislation and not negotiations. That is just plain wrong. Your ability to negotiate is a fundamental right and should not be legislated away. Your local political leaders whom you have negotiated with over the years are now getting behind the Governor and his bully pulpit to undo 40+ years of labor agreements. You can help by calling your local Assemblyperson and State Senator and ask them to vote against any legislation that reduces your pension and benefits. If they ask you for more information, let them know they can call the state office @ 609-396-9766 and ask for President Marino or get a number and name of someone they would like us to call and talk to about the issues.

We will try and keep all members updated as things develop. The problem is that things are changing daily and although your state executive board is working daily to stay on top of everything, daily updates are just not possible. If you have a question, direct it towards your District Vice President and they will get you the answers. You can always email the State Association with your questions. All members are asked to stay vigilant and in these most difficult times, look out for each other as we perform our duty to ensure that everyone goes home after their tour of duty.



Dominick Marino
President

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Edward Brannigan
President

**Fraternal Order of Police - New Jersey State
Lodge
Professional Firefighters' Association of New
Jersey**



Dominick Marino
President

**POLICE OFFICERS AND FIREFIGHTERS TO GOVERNOR CHRISTIE: KEEP YOUR WORD;
HANDS OFF BINDING ARBITRATION**

(Trenton, NJ, February 26, 2010) -- The Fraternal Order of Police - New Jersey State Lodge and the Professional Firefighters Association of New Jersey - AFL-CIO today called on Governor Christie to stay true to his word and leave unchanged the state's binding arbitration system for municipal police officers and firefighters.

"Our board met personally with then-candidate Christie on September 3, 2009, and he looked into our eyes and promised he wouldn't touch the binding arbitration system," said Edward R. Brannigan, president of the NJFOP. "We're asking that now-Governor Christie keep his word and not disrupt the only means of ensuring a fair playing field between police officers and municipalities."

Binding arbitration is a process for labor and management to resolve contract disputes. Unlike other labor groups, police officers and firefighters are prohibited by law from striking. Without the ability to strike, binding arbitration is the only means police officers and firefighters have to negotiate a fair contract.

"The legislature revised the binding arbitration process in 1996 by imposing new arbitrator guidelines that help management and giving arbitrators leeway in crafting an agreement," said Dominick Marino, president of the PFANJ.

Municipalities already benefit from safeguards built into the arbitration process, including permitting arbitrators to consider the financial status of a municipality before rendering a decision.

"Binding arbitration forces management and labor to reach an agreement," said Marino. "During the last five years there have been just seventeen firefighter arbitration rulings, which are only about three each year. The famous phrase 'If it isn't broke, don't fix it' certainly applies here. Binding arbitration works. The arbitration process compels both sides to settle and with only three binding arbitration rulings a year, the process must be working."

"It was unsettling to read that the governor suggested changes to the binding arbitration system before a gathering of mayors," continued Brannigan. "Men and women throughout our state put their lives in jeopardy daily to protect our communities from crime, and they deserve to be treated honestly and respectfully. They deserve the governor to keep his word."

The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with more than 318,000 members in more than 2,100 lodges. The FOP is the voice of those who dedicate their lives to protecting and serving our communities. It is committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement, and employee representation.

The Professional Firefighters Association of New Jersey is the state organization for the International Association of Firefighters, which represents over 292,000 firefighters in the United States and Canada.

Contact:

New Jersey Fraternal Order of Police

Edward R. Brannigan

President

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Professional Firefighters Association of New Jersey

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**New Jersey State Fraternal Order of Police
&**





**Professional Firefighters Association of New
Jersey
IAFF, AFL-CIO-CLC**



Edward Brannigan
President

Dominick Marino
President

February 21, 2010

VIA FAX and EMAIL

Dear Senator:

The New Jersey State Senate is scheduled tomorrow to consider four bills that will significantly alter and reduce pensions and benefits for New Jersey's firefighters and police officers. On behalf of the Professional Firefighters Association of New Jersey AFL-CIO, the Fraternal Order of Police – New Jersey State Lodge and the more than 20,000 members we represent, we respectfully ask that you vote against SCR1, S2, S3 and S4.

As we advised the Senate State Government, Wagering, Tourism and Historic Preservation Committee on Friday, it is impossible to remedy the state's financial problems overnight. While the financial picture requires lawmakers to move diligently, it is equally important to move cautiously and act with the benefit of input from the workers who will feel the impact of the proposed pension and benefit changes. We kindly ask that you consider slowing the rush to pass these bills and meet with us to discuss alternative ideas to address the state's financial situation.

The mere fact these changes are being considered by the State Senate has already alarmed workers and may cause unintended harm to the pension system. We know many veteran firefighters and police officers that had no intention to retire immediately. Since Friday's amendment to S3, these workers have begun preparing to retire now to avoid the impact S3 will have on their retirement benefits.

An exodus of senior police officers and firefighters will leave departments bereft of valuable experience and knowledge. This will certainly impact the effectiveness of fire and police departments, many of which are already understaffed and have shown no indication of hiring new firefighters or police officers. The sudden retirement of senior police officers and firefighters drawing on the pension fund and the lack of new hires contributing to the pension fund will create a perfect storm that will place the state pension system in further crisis.

Regrettably, these bills also violate the spirit of collective bargaining, which involves two sides to a dispute negotiating toward a resolution. Contract agreements that are now in place, which cover more than strictly wages and benefits, are the result of as much as 40 years of collective bargaining. Enactment of these bills will unilaterally vacate the goodwill and progress developed over years of collective bargaining and very likely damage the relationship between labor and management.

New Jersey's firefighters and police officers are prepared and eager to work constructively with Governor Christie and the State Legislature to reach a solution that advances our state, protect our taxpayers, and preserves public safety.

The Professional Firefighters Association of New Jersey and Fraternal Order of Police – New Jersey State Lodge cannot overstate our members' opposition to SCR1, S2, S3 and S4. We respectfully urge that you vote in opposition to these bills.

Respectfully submitted,

Dominick Marino
President
Professional Firefighters Association of
of New Jersey, I.A.F.F.-AFL-CIO

Edward R. Brannigan
President
Fraternal Order of Police -
New Jersey State Lodge

Fraternal Order of Police - New Jersey State Lodge Professional Firefighters' Association of New Jersey

February 9, 2010

NJFOP and PFANJ Issue Joint Statement on Proposed Changes to Public Employee Benefits

"We look forward to working with the Governor and State Legislature to resolve the fiscal crisis facing New Jersey," said Edward R. Brannigan, president of the New Jersey Fraternal Order of Police. "We are similarly committed to preserving the collective bargaining process and protecting the hard-earned pension and health care benefits of New Jersey's police officers and firefighters, who make one of the highest pension system contributions of any public workforce in the nation."

"Both the Professional Firefighters Association of New Jersey and the New Jersey Fraternal Order of Police stand united with our fellow brothers and sisters in all areas of public service," said Dominick Marino of the PFANJ. "The hard working men and women that serve the public strive to provide, and build a better future for, their families. We stand in solidarity with them and share in their struggle for fairness."

The NJFOP and PFANJ believe that the state and local government's failure to make its statutorily required payments



Fraternal Order of Police - New Jersey State Lodge

Edward R. Brannigan
President

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into the employee pension system is the fundamental cause of the current pension fund crisis.

#

Contact:

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**New Jersey State Fraternal Order of Police
&**

**Professional Firefighters Association of New
Jersey
IAFF, AFL-CIO-CLC**



Edward Brannigan
President



Dominick Marino
President

June 12, 2009

On behalf of the members of the Fraternal Order of Police - New Jersey State Lodge and the Professional Firefighters Association of New Jersey, we urge you to protect the state's property tax deduction and oppose the \$1 billion cut to the state's scheduled public employees' pension fund payment.

Eliminating the property tax deduction on next year's income tax filings for anyone earning more than \$150,000 annually would hurt our members.

Many of our members, in order to provide for their families, work two jobs or have spouses who work to stay financially above water.

New Jersey, as well as other states, is still reeling from the recent economic downturn, which is causing workers to lose their jobs, placing a financial strain on families and reducing home values.

Altering the property tax deduction will only worsen the burden on struggling New Jerseyans.

We hope you will support preserving the property tax deduction as is and oppose cuts to the state's pension payment obligation.

Sincerely,

Edward R. Brannigan
President
Fraternal Order of Police -
New Jersey State Lodge

Dominick Marino
President
Professional Firefighters Association of
New Jersey, I.A.F.F.-AFL-CIO



Professional Firefighters Association of New Jersey
International Association of Fire Fighters
AFL-CIO-CLC





DOMINICK MARINO
President

Statement is Support of Assembly Bill 3578

On behalf of the Professional Firefighters Association of New Jersey, I would like to take this opportunity to extend my sincere appreciation to the Chair and Members of the Committee for the opportunity to offer commentary and our full support of Assembly Bill 3578. The Professional Firefighters Association of New Jersey, AFL-CIO, is the chartered New Jersey state organization of the 292,000 member International Association of Fire Fighters, representing approximately 4,000 active career professional firefighters, Emergency Medical Technicians, Paramedics and related emergency service employees serving throughout the State of New Jersey.

Assembly Bill 3578 provides for the more appropriate treatment, respect and according authority for those members of the State's career professional fire service who serve as Chief of Department in Civil Service or Non-Civil Service jurisdiction.

Fire Chiefs, by virtue of their rank and responsibilities, serve as a municipality's senior fire, emergency medical services and technical rescue expert, and in that regard, bear the ultimate responsibility for the safety and welfare of a community's citizens and real property. In a post 9/11 world, fire chiefs have assumed an even greater role and responsibility as it relates to post terrorism response.

Fire Chiefs require, as well as deserve, the protections and authority proposed by this initiative, of which is similar in nature and content to protections afforded to their law enforcement counterpart police chiefs.

The rank and file firefighters and fire officers who are led by these executive and command professionals support Assembly Bill 3578, and accordingly urge our legislators to do so as well.

Dominick Marino
President

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Professional Firefighters Association of New Jersey
International Association of Fire Fighters AFL-CIO-CLC

DOMINICK MARINO
President

Date: April 22, 2009

To: PFANJ Membership

Subject: Civil Service Emergency Furlough Rule

As you may or may not know, the state in their infamous wisdom had implemented an emergency furlough rule with respect to Civil Service. In essence this emergency rule gives municipalities the ability to "lay" a fire fighter off for a period of time. Since the emergency rule was put forth, we have been in contact with the governor's office because firefighting was not specifically spelled out in the rule under public safety, but police officer was. The reason for this was that there was some language that gave a limited ability to be exempt from furloughs due to public safety. We were successful in getting fire fighting spelled out, but not successful in getting a "concrete" exemption. We were able to get language written that made it more complex for a municipality to furlough a fire fighter

When a law suit was filed against the state, we were not initially on the suit because we were working with the Governor's office and the Civil Service Commission to address our needs. We have since become part of the law suit, through labor attorney, Bruce Leder.

Here is a synopsis of what has and is happening at this point;

On April 17, 2009 the Appellate Division of the Supreme Court of New Jersey rendered its decision regarding the challenge to the promulgation of regulations by the Civil Service Commission on an emergency basis. The Court found that there was imminent peril to promulgate emergency rules based upon the economic crisis confronting the State and the Nation. The Court went on though to find that the substantive validity of the regulations is undecided. The Court was concerned with furloughs based upon a staggered implementation. The Court also restrained public employers from the layoff of part of the work force on Monday, another part on Tuesday. The Court did permit layoff of all employees even if on a temporary (daily) basis.

The Court then decided that the issue with regard to staggered layoffs should be considered by the Public Employment Relations Commission (PERC) in a scope of negotiations proceeding. We believe that PERC has no jurisdiction to determine that the Civil Service rules regarding staggered layoffs are a violation of the statutes on layoffs.


The bottom line is that we feel PERC will find that staggered layoff as established by the emergency promulgation at the Civil Service Commission preempts negotiations. It is our belief that PERC will send it back to the Appellate Division.

We will continue to be involved in this fight! When more is known, we will advise!

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Professional Firefighters Association of New Jersey
IAFF, AFL-CIO-CLC
 &
New Jersey State Fraternal Order of Police

Dominick Marino
President



Edward Brannigan
President

February 2, 2009

VIA FAX and EMAIL

Dear Honorable Member of the General Assembly:

Legislation to allow local employers to reduce their pension contribution obligation to the Police and Firemen's Retirement System (PFRS) and the Public Employee Retirement System (PERS) is scheduled for a vote February 5. On behalf of the Professional Firefighters Association of New Jersey AFL-CIO and the Fraternal Order of Police – New Jersey State Lodge, we respectfully ask that you vote against A3688.

PFRS was once funded at 95% of its projected pension obligations, but that was back in 1993. From 1999 till 2008 the state and municipalities failed to continue funding the pension system to keep pace with pension obligations. This has caused PFRS' current fund value to fall to only 62% of expected pension obligations.

This year the state and municipalities are required to resume contributing 100% of their pension contributions into the pension system, but A3688 would permit the continuation of dangerous under-funding of worker pensions. A3688 disguises insufficient funding of pensions as a deferment. This so-called deferment will instead require a future pension fund contribution from the state and municipalities greater than the sum of the payments if they were made fully and on time.

Between 1999 and 2008 – when municipalities and the state were allowed to contribute only small

amounts or nothing into worker pension funds – firefighters and police officers continued to contribute 8.5% of their annual salary to PFRS. Without regard to the fact that firefighters and police officers continued to contribute their share to the pension system while the state and municipalities did not, some, including some legislators, have unfairly and inaccurately criticized firefighters and police officers regarding the issue of funding pensions.

The fact is the state legislature set a harmful precedent when it allowed the state and municipalities to steeply curb or halt their pension contributions between 1999 and 2008. A-3688 would continue this destructive skirting of pension contributions and burden our future municipalities even larger pension liabilities.

The enactment in 2003 of legislation permitting the suspension of pension contributions deprived PFRS the funds to maintain a sound actuarial reserve. The consequence of this was an alarming and significant drop in the plan's earnings. In response, a lawsuit filed by the Professional Firefighters Association of New Jersey, I.A.F.F.-AFL-CIO, and the Fraternal Order of Police – New Jersey State Lodge seeks to find the 2003 law unconstitutional, end any conflict of interest involving the State Treasurer determining the type and variety of pension contributions, and to direct defendants to make regular full payments in accordance with fiscally responsible actuarial calculations.

We understand the stress on property taxes. Our members and their families pay property taxes, too – a fact sometimes overlooked. But the reluctance to pay current obligations now creates a new and more ominous obligation – a future debt much larger than the current obligation.

The Professional Firefighters Association of New Jersey and Fraternal Order of Police – New Jersey State cannot overstate our member's opposition to A3688 and any legislation that adjusts local employer contributions to PFRS. For our members, we kindly ask that you vote against A3688.

Respectfully submitted,




Dominick Marino
President
Professional Firefighters Association
of New Jersey, I.A.F.F.-AFL-CIO

Edward R. Brannigan
President
Fraternal Order of Police -
New Jersey State Lodge



Professional Firefighters Association of New Jersey
International Association of Fire Fighters AFL-CIO-CLC

DOMINICK MARINO
President

To: All PFANJ Members

From: Dominick Marino, President

Date: December 7, 2008

Subject: DOP Testing Update

We need to advise that the Fire Officer 1 test that was due out by the end of the year or January 2009 – might be delayed.

As was reported back in September, the Fire Officer 1, 1st Level Supervisor's test was under investigation. There was a complaint filed that there might have been a breach of the test security. It was reported to us that the DOP initiated an investigation along with the State Police and the Department of Justice. In September we were told the investigation was for the most part

completed and that there was no evidence of a breach or that any scoring was out of sorts.

Some developments that have occurred over the last few weeks that you should be aware of. There is still an investigation being done by the Criminal Justice investigators. They have been in a few towns asking questions. Until this investigation is complete and depending on the outcome of the investigation, no list will be issued.

So with the above said, the DOP will extend the old lists (which I believe expire on December 21st) until the new lists are certified.

As things develop and we are notified, we will send out the information.



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Visit our Web Page at www.PFANJ.org



Professional Firefighters Association of New Jersey
International Association of Fire Fighters AFL-CIO-CLC

DOMINICK MARINO
President

October 15, 2008

PFANJ Member:

The Governor's speech today to the joint legislative branches outlined how he wants everyone in government to work together and quickly to get a New Jersey stimulus package put forward. Although we are waiting for the complete document as to the entire package, we are very concerned with how he plans to fund this package.

I participated in a telephone conference call prior to the Governor's address today with the NJ State Treasurer, NJFOP, PBA, FMBA and other major unions. A quick synopsis of that call was to give us somewhat of an advanced notice as to the Governor's speech.

What concerns us is that the financial funding is going to come through our Pension Systems! What we were told is that the thought process was that the Pension Systems would "invest" in guaranteed and fully insured loans to any State or Federally-chartered bank in New Jersey on a short term, somewhere under five years.

The only way a bank would be able to receive this financial backing would be to then turn it around and have it available for small businesses in New Jersey to borrow to meet their needs to stay in business. The interest that will be earned on the loan and amount of the loan would have to be paid back within the time allotted. A quick look at this type of investment seems to sound "ok" because it is guaranteed and insured and it will make money after the loan is satisfied, as opposed to investing in the stock market that has taken numerous hits over the last month.

Because of the struggling economy and the stock market taking big hits, right now our Pension system is at 69% funding! This is a major concern for us. For anyone to think that taking "OUR" money from "OUR" pension system and using it to help someone other than "the members of the system" better have thought the process through.

This is meant to advise everyone what is being pushed on the state level and to let you know that we will be sitting with the Governor and his people in the near future to see exactly what his "stimulus" package means to **OUR PENSION SYSTEM**, before we sign on as supporters of the plan.

Fraternally,



Dominick Marino
President

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SWEENEY PUSHES DISASTER WORKERS' COMP

NJ.COM - December 4, 2007 - TRENTON - State Sen. Stephen Sweeney introduced legislation Monday to give emergency workers a better chance of receiving workers compensation for chronic illnesses suffered as a result of responding to disasters.

"9/11 is really what brought this to the forefront," said Sweeney, D-3 of West Deptford. "Everyone said it was safe to be there in New York, now you're finding out people are getting very sick from it."



The measure would place the burden on employers to prove that a responder's illness did not stem from a response effort, rather than requiring employees to prove that it did to receive workers compensation.

The bill would also require workers compensation to cover testing and other healthcare costs leading to the diagnosis of an illness, even if it is later discovered that the employee has a clean bill of health.

"The last thing a first responder needs when they're in the initial stages of an emergency (is to think) Is my family going to be taken care of if suddenly I lose my health?" said Keith B. Kemery, ex-president of the Professional Firefighters Association of New Jersey.

"We need this legislation in place so that our protectors are protected."

The measure is called the "Thomas P. Canzanella Twenty First Century First Responders Protection Act," named after a deputy chief in the Hackensack Fire Department who died of a heart attack in June. Prior to his death, Canzanella lobbied for such a measure after witnessing emergency personnel falling ill after Sept. 11.

The bill would cover paid or volunteer emergency, correctional, fire, police and medical personnel responding to fires, chemical explosions, spills or other disasters.

"This happens every single day, whether it's a rail car, whether it's just running into a burning building where there's chemicals..." Sweeney said. "But these brave men and women, they don't hesitate, they're there looking out for us, we have to look out for them."

**Letter to Star Ledger
Posted in Friday Edition May 7, 2010
Readers Forum**

Truer portrait:

In your Sunday, May 2, 2010 editorial, "Pay freezes, round 2" you continue to paint a picture of greed and debauchery on the part of New Jersey fire fighters and police officers, claiming they have lathered themselves for years in a bubble bath of taxpayer generosity. You mistake generosity for appreciation. Hidden in your portrait is the level of training and education that encompass both professions. It also hides the level of stress and the questions of liability that enter the split second decisions that incident commanders and first responders make that impact their own lives, the lives of their crews and the public in general.

Hundreds and maybe thousands of lives are on the line. Any profession that comes close to fitting that bill makes much more money. Police and fire fighters are highly skilled and highly trained professionals working in a world in disarray charged with saving lives and protecting property. The people of New Jersey are in good hands. Don't demonize hard working men and woman with ugly characterizations. They deserve better.

John Sandella
Past President, Newark Fire Officers Union
IAFF, Local 1860

NEWARK FIRE OFFICERS LOCAL 1860 PAST PRESIDENT RESPONDS TO RECENT STAR LEDGER ARTICLE

October 16, 2007

To the Editor:

After reading Mr. Sherk's Oct.8th op-ed article. I couldn't tell what bill he was writing about because it sure wasn't the Public Safety Employer-Employee Cooperation Act that firefighters in New Jersey have worked so hard on.

If the bill actually did the things the article claims it does, such as closing volunteer fire departments, few elected officials would support it. Fortunately, Members of Congress know what the bill actually does, unlike Mr. Sherk, and they approved it by an overwhelming 314-97 vote in July, with the support of majorities from both parties, and it is poised to win similar support from both parties in the Senate.

The bill would simply ensure that fire fighters and police officers in every state have the ability to talk to their employer about how they protect the public safety. The bill includes numerous safeguards to make sure it gives every state and local jurisdiction wide flexibility to manage its own first responders however they see fit. But it also ensures that the fire fighters and cops who are on the front lines get to share their views.

Public safety officers who put on a uniform everyday and put their lives on the line deserve the same rights as other citizens to have their voices heard. And when fire fighters and police officers can meet with city officials to discuss public safety issues, we all benefit from a safer community. The only "assault" on the "civic fabric" here is Mr. Sherk's assault of misinformation and scare tactics.

Sincerely,

John B. Sandella
 Verona
 The writer is Past President of the Newark Fire officers Union
 Local 1860, IAFF

CARRYING THE LOAD

Star Ledger - Letters to the Editor

Posted - August 16, 2006

After reading your Aug. 6 article "Huge pension payments testing towns," I think New Jersey's police and fire fighters deserve not to be signaled out as villains when, in fact police and fire fighters have carried the Police and Fireman's Retirement System (PFRS) on their backs since 1997, paying 8.5% of their salaries while employers saved millions. By the way, just how much did cities and towns save over the past 9 years while police and fire fighters carried the load?

You omit the fact that most police and fire fighters in New Jersey are not eligible for Social Security. Police and fire fighters and the cities and towns in which they work don't pay into the system, another

3/6/2011

PFANJ In The News

enormous savings to cities and towns. Are their issues regarding New Jersey's pension funds? You bet. But leave the police and fire fighters out of it.

John B. Sandella

Verona.

The writer is the past president of Newark Fire Officers Union Local 1860

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