

President's Report January 2011

Respectfully Submitted – Dominick Marino, President

It is with regret and sadness that I report the passing of Captain Daniel Byrne – President of IAFF Local 2040 Elizabeth Fire Officers on December 19th. Dan was a true, loyal union firefighter, always working for the betterment of our profession. He will truly be missed.

Secondary Employment Issue:

The IAFF Constitution and By-laws is very specific when it comes to the issue of Secondary employment. Here is an excerpt from Article 15 Section 1, subsection N:

Working a secondary job part-time, paid on call, volunteer or otherwise as a firefighter, emergency medical services worker, public safety or law enforcement officer, or as a worker in a related service, whether in the public or private sector, where such job is within the work jurisdiction of any affiliate or which adversely impacts the interests of any affiliate or the IAFF. Upon a finding of guilt of working a secondary job in violation of this subsection, it is recommended that the penalty include disqualification from holding office in any affiliate and/or expulsion from membership for the period that the misconduct persists. Charges filed for the misconduct described in this subsection shall be preferred by a member of the charged party's local and/or a member of an adversely affected affiliate.

During these difficult economic times where many of our members have been asked to give back to their collective bargaining agreements and many departments are being reduced by attrition, layoffs and demotions, we remind members of prohibited secondary employment.

Pension Litigation:

The hearing on our case took place on Tuesday January 4th in Trenton. Our attorney, Mel was able to make the full presentation for which he had very thoroughly prepared, and that the judges were very attentive the whole time. They asked very few questions to either Mel or the State's and Legislature's attorneys, so it is hard to tell what they were thinking. Both the opposing attorneys presented very few arguments, relying principally on the Teachers decision, and it was obvious that they did not spend much preparation time. They each took about 10 minutes while Mel took the entire 30 minutes allotted to him. We believe our briefs and oral argument presented our case in the strongest possible light. Now we just have to wait for their decision which could be in two weeks or six months.

November 2011 Senate and Assembly Elections!

This year's elections are going to be extremely important to the future for all of us, as union members. It is extremely important that we elect the right person for the position.

As you can see, at present with a republican governor (who does not like unions) and a democratic controlled legislature, our benefits and compensation has been under attack. Many departments have suffered reductions from attrition and some have experienced layoffs. The Governor's office has no compassion or desire to help in any way. Over the next few months, we will be meeting with as many legislators as possible as to give our members the best prospect on whom they should support and vote for in the June primary.

As of the writing of this report a meeting was to be held on Tuesday January 11th with Democratic Chairman John Wisniewski to discuss the future and where the Democratic Party stands. Report to follow.

1.5% Health TAX Litigation:

As was reported on November 19th via the website and email, the case is moving forward. The states attempt to have it vacated was denied. We are still awaiting a ruling from the Judge.

Over the last few weeks we have been working with the Camden Firefighters and Fire Officers to see if there is something that the PFANJ/IAFF and the local Union could do to fend off the impending layoffs. A meeting and conference all was held in Camden before the Christmas holiday with all the relevant parties. The PFANJ's counsel investigated one avenue of savings with respect to Health insurance. We believe there is an avenue for the local union to explore. Further details will be heard when the 3rd district VP gives his report.

LEGISLATION:

The arbitration process was reformed and signed into law on December 21st. Included in this month's packet is a copy of the law. The law only affects contracts that expired as of January 1st, 2011.

The major changes with this new arbitration law is the 2% cap on the monetary issues, establishes a task force to evaluate the Interest Arbitration law over the next three years, reporting annually on April 1st and a final report due on April 1st, 2014, limits the amount an arbitrator can charge and set's a stricter time frame on the entire process.

Pension reform:

We met with Senate President Sweeney and his staff to discuss his pension reform legislation as opposed to the Governor's legislation. Although we are not 100% in favor of the Senator's version, it is a better piece of legislation than the Governors. The proposed legislation would not reduce a member's retirement percentage, would not increase a member's contribution and would give the unions some control as to how and where the money is invested. We have many concerns and questions and until the final draft of the legislation is drawn, we will continue to let the Senate President know of those concerns. Any piece of legislation from the Senator will only be advanced if there is a "guarantee" that the state makes pension payments. And any piece of legislation

will only be advanced that has protections built in that “mandates” the contributions from the State and local employers year after year.

PFANJ Executive Board compensation for work:

It has become necessary to temporarily reduce the daily compensation that the current Constitution and By-Laws allow. Currently, the CBL allows \$200.00 per day plus reimbursement for other expenses. Because of the current financial obligations of the PFANJ with respect to the purchase of the building and lot, the April lawsuit (that was not budgeted for), the reduction of membership through attrition and layoffs and the delay in local union per capita payments, the compensation has been reduced to \$100.00 per day beginning January 1, 2011. This will remain in effect until such time that it is fiscally prudent to increase. Historically the Executive Board of the PFANJ has always ‘stepped up to the plate’ when it came to the needs of the UNION.

PEMSA victory over MONOC with respect to their disinfecting ambulances:

After many months of persistence on behalf of PEMSAs (IAFF Local 4610), they have been successful in stopping MONOC from disinfecting the ambulances with a pesticide as a mist or fog. The union contended and maintained that the misting and fogging of the ambulance was detrimental to the health and welfare of the patients and EMTs and was not the proper use of the product. And although there were many “road blocks” put up by the employer (MONOC) it did not deter the union and the union prevailed.

MONOC was ordered by the United States Environmental Protection Agency to STOP the use (application) of any antimicrobial pesticide acquired from Zimek or its representatives in its ambulances via any system that delivers such pesticides to the interior of a vehicle as micro particles or sub micron particles in a mist or fog. EPA further ORDERED MONCO to stop the use (application) of Zimek QD in its ambulances in any manner and also ordered MONCO not to sell or otherwise remove any antimicrobial pesticide acquired from Zimek or its representatives as a product intended for use as a disinfectant of the interiors of ambulances via a micro particle disinfecting system until otherwise instructed by EPA.

**PFRS LOAN INTEREST RATE AND ADMINISTRATIVE FEE
FOR 2011**

- For eligible borrowers, the interest rate for pension loan applications received in 2011 will be **5.25%** per annum on the declining balance of the loan.
- The administrative processing fee in 2011 will be **\$8.00** per loan.

Please Note: All MBOS Loan Applications submitted **after 12:00 a.m. Saturday, January 1, 2011** will be processed with the 2011 interest rate of **5.25%**. (To obtain the 2010 interest rate of 3.25% per annum, your MBOS Loan Application must have been submitted *prior to* 11:59 p.m. Friday, December 31, 2010.)

Important dates and events:

1/17 – 19/2011 - IAFF ALTS Conference (Phoenix, AZ)
1/20 – 21/2011 - IAFF LMI Conference (Phoenix, AZ)
2/09/2011 – monthly PFANJ State meeting
2/10/2011 – ST. Barnabas Annual Ski Race
3/09/2011 – monthly PFANJ State meeting (open meeting for all PFANJ members)
3/13 – 17/2011 – IAFF Legislative Conference
4/13/2011 – monthly PFANJ State meeting
4/30/2011 – PFANJ Valor Awards Brunch (PNC Arts Center Reception Center)
5/11/2011 – monthly PFANJ State meeting
5/31/2011 – PFANJ Annual Golf Outing (Atlantic City Country Club)
5/31 – 6/3/2011 – Annual PFANJ Convention
9/14/2011 – monthly PFANJ State meeting (open meeting for all PFANJ members)

Included in December's packet:

- PFANJ Balance Sheet as of 12/31/10
- PFANJ AD Journal form for Valor awards
- PFANJ ticket form for Valor awards
- PFANJ Annual Golf outing registration form
- IAFF 1st District Vice President Kevin Gallagher's Report
- Snap shot of PFANJ website
- IAFF Internet Manual: The Law and the Internet for IAFF Affiliates
- IAFF agenda for the Legislative Conference
- Reprint of Article – Democrats unveil curbs on pensions
- Reprint of Article – Change for the Better
- Reprint of Article – Gov's pay caps called 'socialist'
- Reprint of Article – More giveaways by arbitrators
- Reprint of Article – Sunset clause needs clarity
- Reprint of Article – State must budget \$57M to finance \$36.9B debt
- Reprint of Article – Camden OKs laying off 1-in-4 workers
- Reprint of Article – Camden gets state OK to lay off city workers
- Reprint of Article – NJ's Pension Shortfall: What to Do about it...
- Reprint of Article – State must ante up for pensions
- Reprint of Article – Breaking Point
- Reprint of Article – Christie, Democrats unite on arbitration
- Reprint of Article – Falling revenues forced tax hikes elsewhere
- Reprint of Article – For local budgets, worst yet to come
- Reprint of Article – Christie warns of 'day of reckoning'
- Reprint of Article – Pension insecurity a top concern
- Reprint of Article – Latest estimate shows N.J. pension deficit \$8B larger
- Reprint of Article – Stop the red ink in pension funds
- Reprint of Article – Toll collectors fear job loss
- Reprint of Article – Lawmakers OK arbitration, civil service reforms
- Reprint of Article – Exodus predicted in light of pay caps

- Reprint of Article – Gov signs law to help towns control expenses
- Reprint of Article – 100 homeless after Perth Amboy fire
- Reprint of Article – State Senate to hold last 2010 session
- Reprint of Article – America’s leaders are cheating our children (again)
- State of New Jersey Press Release on Pension and Benefits Reform
- Reprint of Article – Out Sick? Prove it!
- Reprint of Article – Three obstacles to property tax relief
- Reprint of Article – Group scrutinizes unions’ ties to pension system
- League of Municipalities memo on the 1.5% and recent PERC Decisions
- NJ AFL-CIO Labor Fax – 2010 year in review
- Chart of current SAFER grant recipients
- Reprint of Article – True reform would end perks for League of Municipalities
- Reprint of Article – Interactive exchanges gov’s forte
- Reprint of Article – How’d Christie do in Year one? B-
- Reprint of Article – Englewood fireman responds to F.A.S.T.
- List of Saint Barnabas Events for 2011
- Public Employee Safety & Health Bulletin #31 – confined space rescue team
- Reprint of Article – Phillipsburg cops’ 4.7 percent contractual raise draws fire from town council President David DeGerolamo
- Copy of Arbitration Law – P.L.2010,c,105
- List of 2010 Chapter Laws
- Reprint of Article – EPS orders ambulance company to stop using fogger
- Copy of IAFF’s memo to all affiliates
- Copy of EPA order against MONOC
- Reprinted from NJ Municipalities magazine – The Times they are a changin’
- Reprinted from NJ Municipalities magazine – 2011 Legislative Priorities
- Reprinted from NJ Municipalities magazine – NJ ROIC Fusion Centers and ‘What’s in it for you”
- Reprint of Opinion – More of same for trust fund?
- Reprint of Opinion – Our Top-10 ‘to-do’ list for Christie
- Reprint of Article – Christie won’t alter focus for new year
- PFRS questions and answers with respect to lay offs
- PFRS Fact sheet #24 – WITHDRAWAL FROM THE RETIREMENT SYSTEM
- PFRS Fact Sheet #26 – Health Benefits Options When Terminating Employment
- PFRS Fact Sheet #30 – Continuation of Health Benefits Under COBRA
- PFANJ Valor awards application