



# BUFFALO PROFESSIONAL FIREFIGHTERS ASSOC., INC.

LOCAL 282 I.A.F.F., AFL-CIO-CLC

December 10, 2014

Seth Agata  
First Assistant Counsel to the Governor  
Executive Chamber  
New York State Capitol  
Albany, New York 12224

## **LETTER IN SUPPORT**

Re: *A.9162 (Abbate) / S.7716 (Young)*  
*An act to amend the retirement and social security law, relating to an optional twenty-year retirement plan for members of the New York state and local police and fire retirement system and to amend chapter 504 of the laws of 2009, amending the retirement and social security law relating to establishing police and fire retirement provisions, in relation to special retirement plans for members of the New York state police and fire retirement system*

Dear Mr. Agata:

As a fire fighter employed by the City of Buffalo / member of Local 282, I strongly urge the Governor to enact this legislation that would amend the New York State Retirement and Social Security Law ("RSSL") to correct two anomalies created by legislation involving the ability of New York State and Local Police and Fire Retirement System (hereinafter the "Retirement System") members to enroll in particular retirement plans.

First, this legislation would permit certain fire fighters operating without a collective bargaining agreement at the time of their membership in the Retirement System to participate in an optional 20-year retirement plan. This would correct an unintended oversight for fire fighters hired between July 1, 2009 and March 2012 (Tier V), who were working without a collective bargaining agreement and without the ability to enter into the optional retirement plan pursuant to Section 384-d of the RSSL.

Second, this legislation would also permit those who became members of the Retirement System on or after July 1, 2009 and before January 10, 2010, to enroll in a special retirement plan. Specifically, new Section 8-a provides that any member of the Retirement System, who became a member on or after July 1, 2009 and before January 10, 2010, may enroll in a special retirement plan open to him or her pursuant to a collectively negotiated agreement with any state or local government employer where such agreement was in effect at the time he or she became a member.

The purpose of the original Section 8 was to provide the members of an employee organization, who were eligible to join a special retirement plan pursuant to a collectively negotiated agreement with any state or local government employer the ability to enroll in the special plan after the enactment of Chapter 504 until the date that such agreement terminated. Due to the effective date of Part A and the date on which the Chapter was signed, members who joined the Retirement System on or after July 1, 2009 and before January 10, 2010, remain on the “bubble” as they are unaddressed by the provisions of Chapter 504. Therefore, this legislation would correct this unintended and inequitable result and allow members who joined the Retirement System on or after July 1, 2009 and before January 10, 2010 to enroll in a special retirement plan.

I implore the Governor to reconsider his previous veto of a similar bill last session, as the current legislation addresses the Governor’s issue with the 2013 legislation by explicitly exempting the application of Section 25 of the RSSL to the changes created by this legislation. Furthermore, this legislation would correct the inequitable treatment of fire fighters that selflessly serve and ensure the safety of the local communities.

Respectfully submitted,

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