



NEW YORK STATE PROFESSIONAL FIRE FIGHTERS ASSOCIATION

Samuel Fresina – President

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David Holleran – Executive Vice President

Senate Standing Committee on Civil Service and Pensions Chair: Senator Robert Jackson

Public Hearing to Discuss Retention and Recruitment for Civil Service Jobs in New York State

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Testimony of Samuel A. Fresina President, New York State Professional Fire Fighters Association (NYSPFFA)

Good afternoon, Chairman Jackson and other members of the New York State Senate. I am Sam Fresina and I currently serve as the President of the New York State Professional Fire Fighters Association (NYSPFFA), I.A.F.F AFL-CIO. We are a not-for-profit association representing approximately 18,000 firefighters in 109 Locals in various cities, villages and towns across New York State.

I want to thank you for holding this critical hearing today regarding the retention and recruitment of civil service employees in New York State.

As president of the state association, the recruitment and retention of the state's professional firefighters is an issue of critical public safety and one of my top priorities as NYSPFFA president.

Throughout the year, I travel the entire state, meeting with our membership and ensuring that their needs are being addressed so they can adequately perform their jobs as firefighters protecting their local communities. There is nothing more important than the health and safety of our membership.

One of the critical components of this is that municipalities provide adequate staffing levels on each apparatus for firefighters to safely and effectively carry out their duties. There are communities throughout the state that are now at a breaking point in filling empty firefighter positions. Across the state we are seeing a steep drop off in the number of applicants for professional firefighters, which is having a larger and more dangerous impact in the smaller cities and communities we serve.

In last year's Executive Budget, Gov. Hochul outlined a plan to stabilize statewide fire service to improve emergency response. Unfortunately, this plan only focused on one aspect of the fire service, the volunteers, and did not include any plan or reference to bolster and improve the paid, professional firefighter ranks in the state. NYSPFFA would support a wholistic approach to a statewide fire service plan and I would personally be happy to work alongside the Governor, the Office of Fire Prevention and Control and the Legislature to address the shortage across New York State.

We fully contend that the most effective way to ensure that a community has adequate fire protection service is through a fully staffed, trained fire department that is available 24 hours a day and seven days a week to respond to fires and other emergency situations. NYSPFFA believes that this can be accomplished in certain communities through the continued transition toward "combination fire departments" staffed by both paid firefighters and trained volunteers. The combination department model has already been a proven success in many suburban and rural areas in New York State, particularly in Monroe and Westchester counties.

As I previously mentioned, safety of our firefighters is my top priority. Following a four-year enlistment in the United States Air Force, I served as a professional firefighter in the City of Albany for more than 20 years. This was a calling for me, I knew when I took the job, as I do now, the dangers and risks associated with becoming a professional firefighter. It is a reality that in this profession – even the most well-trained, physically fit, and circumstantially aware firefighters can be severely injured, suffer a line of duty death or succumb to other diseases or health impairments such as cancer stemming from an exposure to toxins during a fire situation.

Just yesterday, I participated in the annual Fallen Firefighters Memorial Ceremony at the Empire State Plaza to honor 29 firefighters who gave their lives in the line of duty. Since being created, the New York State Fallen Firefighters Memorial has stood as a solemn tribute to those who gave their lives in the service of their community.

As of this year, there will be 2,660 names on the wall. I pray for the time, when we will gather to remember, that no new families are mourning a line of duty loss.

For many of my brother and sister firefighters, we assumed this risk and the dangers of firefighting, knowing that our retirement and health care benefits would be there for us and our families once we finally exit the fire house. I was always prepared to sacrifice my own life on the job, but we were never asked to sacrifice the well-being of our families. The erosion of our benefits has resulted in unnecessary and unneeded sacrifices for those who anxiously wait for us to walk through the door at home following a shift.

Unfortunately, the firefighter retirement benefits that I earned no longer exist. A professional firefighter starting today in New York State will not have the same retirement that I have. The dangers and risks of firefighting have only increased as newer construction materials and fabrics are introduced to consumers, many of which release toxins and carcinogens into the air when they combust. More recently we see motorized scooters and electric bikes powered by lithium-ion batteries, which if damaged can cause an instant fire. This has resulted in fires that burn faster and at a higher temperature – and by extension they shorten the time residents must escape to safety or for firefighters to respond. According to the Fire Safety Research Institute, the number of fires being reported to fire departments has been going down, but fire deaths have increased by 30% over the last decade.

Firefighting is not an ordinary job. During one 24-hour shift, a firefighter can respond to extraordinary events ranging from multi-story blazes where chemicals fill the air they breathe, to accidents and medical emergencies where high-pressured decision making is the norm. Due to the uncontrolled environment and circumstances confronted while on duty, my members have high incidents of heart disease, cancer, and exposure to trauma – so much so that here in New York and other parts of the country – there are presumptions that these conditions are job related.

In short, our job has become more deadly and difficult, while our retirement benefits have been gutted.

The negative consequences of the enactment of Tiers 5 and 6 cannot be overstated. While professional firefighters can retire after 20 years, Tiers 5 and 6 eroded the pension and survivor benefits for the vast majority of those serving today. Professional firefighters already have a lower life expectancy than the general population. To support their families, many professional firefighters must work additional shifts and more years than they should. This is a dangerous situation, and it must end.

Now is the time for Governor Hochul and the legislature to make the necessary changes to the state's pension system to ensure that our communities are protected and receive a guaranteed response by the next generation of trained, professional firefighters. Restoring some of the benefits that were stripped by Tiers 5 and 6 will again make this job attractive to future applicants.

There are many New Yorkers that want to answer the call of becoming professional firefighters, but we must provide them the appropriate benefits and retirement for their families.

Senator Jackson, your public comments, and your feelings about Tier 6 are noted and welcomed by my organization.

Specifically, the NYSPFFA supports the following actions in the 2024 New York State Legislative Session:

1. Creating a uniform 3% employee contribution rate. (A.5487 Pheffer Amato)

Tier 6 created an unfair and unworkable sliding contribution rate between 3% and 6% for employees corresponding to their salaries. As a result, in our firehouses, we have some Tier 2 firefighters who are in a non-contributory plan, some Tier 5 firefighters or newer Tier 6 firefighters who may be contributing 3% and other firefighters that are contributing up to 6%. This is simply unjust and can create division within our ranks. A flat 3% contribution rate for all firefighters would provide equity and fairness.

2. Amending the overtime pay limits from the Final Average Salary (FAS) calculation. (S.6343 Gounardes/A.6574 Pheffer Amato)

This bill will raise the cap on overtime used in FAS calculation from 15% to 30% for firefighters in New York State. Firefighters are increasingly forced to work additional overtime shifts as some municipalities continue to reduce their firefighting ranks. Not only is this a dangerous public safety measure, it does not provide a firefighter their full and true benefit of time worked at retirement.

3. Defining FAS as the average wages earned over 3 years – capped at 20% above average earnings during the previous 2 years.

Currently, a Tier 6 member's FAS is defined as the average wages earned over five consecutive years, with wages earned during any year limited to the average of the prior four years' wages increased by 10%. This change would make these benefits identical for Tier 5 and Tier 6 members.

4. Creating a uniform 3% earnings for military service credits.

Prior to the enactment of Tier 6, police and firefighters who obtained military service credit had to pay 3% of compensation per year of service being claimed. Tier 6 doubled this amount, to a sum equaling 6 percent. It is fundamentally unfair to treat our veterans, who proudly served our country, differently for the purposes of their retirement calculations based on which tier they are enrolled in.

NYSPFFA has been one of the leading organizations in advocating for pension tier fairness in New York State. For all of the reasons previously discussed, our affiliated IAFF locals across the state continue to have difficulty with recruitment and retention of professional firefighters. We strongly contend that necessary changes to the state's pension system will once again help us attract the best candidates to serve our communities. We request that the legislature continue to review possible pension relief items before this crisis continues beyond its breaking point.

I appreciate the time and opportunity to speak before you today and I would be happy to answer any questions.

Thank you.