

IAFF ALWAYS ON THE FRONT LINE



FIRE FIGHTER ISSUES BOOK

**110TH CONGRESS
FIRST SESSION**



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

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February 23, 2007

Dear Member of Congress:

On behalf of the more than 280,000 men and women of the International Association of Fire Fighters, I am pleased to provide you with a copy of our 2007 Issues Book. The first session of the 110th Congress is expected to address many issues of concern to the nation's first responders, and this briefing book is intended to provide you with a better understanding of the IAFF's positions on the vital issues before you.

On March 11-14, more than 1,000 fire fighters and emergency medical personnel from across the nation will come to Washington, DC to attend the IAFF annual Legislative Conference and meet with their elected representatives. I hope you will have the opportunity to meet with your fire fighter-constituents to discuss the issues described on these pages, and that you will continue to seek the perspective of our nation's frontline domestic defenders on legislative matters in the months ahead.

I thank you in advance for your consideration of these issues and our positions. The IAFF Department of Governmental Affairs stands ready to assist you and your staff throughout the year. Please do not hesitate to call on us. We look forward to a cooperative and productive legislative session.

Sincerely,

Harold A. Schaitberger
General President

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IAFF LEGISLATIVE FACT SHEET

COLLECTIVE BARGAINING

The IAFF strongly supports the Public Safety Employer-Employee Cooperation Act and encourages members of Congress to sign on as cosponsors of the bill.

BACKGROUND

Fire and police departments benefit immeasurably from productive partnerships between employers and employees. Studies have shown that communities promoting such cooperation enjoy more effective and efficient delivery of emergency services. Such cooperation, however, is undermined in states that do not provide public safety employees with the fundamental right to bargain with their employers.

Over the years, Congress has expanded the scope of collective bargaining laws to protect private sector employees, non-profit association employees, transportation workers, federal government employees and, most recently, congressional employees. One of the few groups of workers not covered by federal law is state and local government employees, including public safety officers.

While Congress has historically given states and localities wide latitude in managing their own employees, the increasing role of the public safety community in homeland security creates an obligation for the federal government to ensure that public safety officers have basic collective bargaining rights.

CURRENT LEGISLATION

U.S. House: H.R. 980, the Public Safety Employer-Employee Cooperation Act

Sponsors: Representative Dale Kildee (D-MI)
Representative John Duncan (R-TN)

Summary: H.R. 980 would grant public safety officers minimum collective bargaining rights in states that currently don't have them. The bill would establish minimum standards for state collective bargaining laws, including:

- the right of public safety officers to bargain over wages, hours and working conditions;
- a dispute resolution mechanism, such as fact finding or mediation; and
- enforcement of contracts through state courts

The legislation expressly prohibits strikes and lockouts; does not infringe on right-to-work laws; and does not interfere with existing state laws and collective bargaining agreements.

CONGRESSIONAL ACTION

On February 12, 2007, H.R. 980 was introduced in the U.S. House of Representatives and referred to the Committee on Education and Labor.

The Senate version of the legislation will be introduced by Senators Judd Gregg (R-NH) and Edward Kennedy (D-MA).

KEY POINTS

COLLECTIVE BARGAINING

- Fire fighters, police officers and emergency medical personnel deserve the same right to discuss workplace issues with their employer that the federal government already grants to most employees. As evidenced by the tragic events of September 11, these public safety officers risk their lives every day to protect the public, and they should be allowed to bargain over their working conditions.
- The Public Safety Employer-Employee Cooperation Act would not allow the federal government to interfere with state and local government matters. The bill simply establishes basic minimum standards which state laws must meet. The implementation and enforcement of those laws are left entirely to the states.
- Most states already meet or exceed the basic collective bargaining rights established under the legislation, and would be exempt from its provisions. The bill provides such states with maximum flexibility to ensure that all public safety officers in states and localities that already provide collective bargaining rights are not adversely impacted.
- The bill expressly preserves state right-to-work laws and protects the rights of volunteer fire fighters.
- Labor-management partnerships, which are built on bargaining relationships, enhance public safety. Studies show that cooperation between public safety employers and employees reduces fire fighter fatalities and improves fire protection services.
- Cooperation between public safety employers and employees makes fire departments more effective by enabling rank-and-file workers to provide input into the most efficient methods of providing services.
- A nationwide poll found that voters overwhelmingly – by more than three to one – support federal legislation to grant fire fighters bargaining rights. This support cuts across party, geographic and demographic lines.
- Given the unique responsibilities of the public safety community, the bill specifically outlaws strikes by fire fighters, police officers and emergency medical personnel. Moreover, collective bargaining laws prevent strikes by providing a forum for public safety officers to express their views.

PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT

WHAT DOES THE BILL REQUIRE?	YES	NO
Public Safety Officers Permitted to Form and Join a Union	✓	
Management Must Meet with Employee Representatives	✓	
Bargaining over Hours, Wages & Working Conditions	✓	
Impasse Resolution Procedures	✓	
Legally Binding Contracts	✓	
Preserves Management Rights	✓	
Agreement Can be Imposed on Management		✓
Binding Arbitration		✓
Right to Strike		✓
Card-Check Process for Forming a Union		✓
Replaces Existing State and Local Collective Bargaining Laws		✓
Overturns “Right-to-Work” Laws		✓
Restricts the Right to Volunteer		✓

How it Works: Implementing the Public Safety Employer-Employee Cooperation Act

Rather than imposing a single federal labor relations law on all states, the goal of the legislation is to have 50 state laws that are administered by state agencies and enforced by state courts. Ideally, the legislation will ultimately require no direct federal involvement in state labor relations.

To make this happen, the legislation lists the minimum standards necessary for collective bargaining: (1) the right of workers to form a union and bargain over working conditions; (2) an impasse resolution mechanism, such as mediation, fact finding or arbitration; and (3) the ability of the two parties to sign legally enforceable contracts.

The Federal Labor Relations Authority (FLRA), an agency with decades of experience in public sector labor relations, would review existing state laws to determine if they meet these basic minimum standards. FLRA would issue its determination within 180 days of enactment. States that are found to already provide these basic rights—as most do—would be exempt from any further federal oversight, as long as they maintain their law.

States found to be not in compliance would be given 18 months after the FLRA determination to adopt a new law or amend their existing law. In many cases, only a minor change would be necessary to bring the state law into full compliance.

Those states that opt not to administer their own collective bargaining law would come under the jurisdiction of the FLRA. Under that scenario, FLRA would issue regulations that will function as labor law in these states, and the agency would serve as the labor board for public safety employers and employees. FLRA would immediately lose jurisdiction in any state that subsequently adopts a bargaining law.

In order to accommodate states that wish to leave this decision up to localities, FLRA would give local ordinances the same deference as state laws. In states that opt not to enact a statewide law, FLRA's authority would be limited solely to those jurisdictions where public safety officers do not have minimum bargaining rights.

IAFF LEGISLATIVE FACT SHEET

HEALTH INSURANCE FOR EARLY RETIREES

The IAFF supports legislation that provides more health insurance options for early retirees.

BACKGROUND

According to current estimates, 46 million - or one in six Americans - lack health insurance. The emerging health insurance crisis in this country endangers the health of the uninsured and increases health care costs for all Americans. One of the largest groups of uninsured Americans is early retirees - those who leave the workforce before becoming eligible for Medicare coverage. A staggering four million uninsured Americans are early retirees.

Early retiree access to health insurance is especially important to professional fire fighters because they retire earlier than other occupations. Not only do fire fighters often lose their health insurance when they retire, but they also find it more difficult than other Americans to purchase affordable health insurance because of health ailments unique to the fire service caused by long-term occupational exposure to toxins, smoke, stress and extreme physical exertion.

Fire fighters are particularly impacted by the large number of uninsured Americans because fire departments are the nation's primary provider of pre-hospital medical care and emergency transport. The uninsured are far more likely to use emergency care services for their health care needs than those with insurance, imposing greater demands upon fire departments already overwhelmed by rescue and homeland security duties. The International Association of Fire Fighters has long supported expanding access to health insurance for all Americans, and has been particularly engaged in providing more health insurance options for early retirees.

CURRENT LEGISLATION

Several legislative proposals have been advanced in recent years to give early retirees more health insurance options. One such proposal in the last Congress, the Medicare Early Access Act, would give people ages 55 to 64 the option to buy Medicare coverage. The bill would:

- give four million uninsured early retirees over age 54 the option to enroll in Medicare;
- give early retirees a refundable tax credit to offset a portion of their Medicare premiums; and
- allow early retirees who have employer-provided retiree health coverage to enroll in Medicare whereby their employer coverage would “wrap around” Medicare or, in other words, pay for a percentage of the monthly premium and cover medical services not paid for by Medicare.

CONGRESSIONAL ACTION

The House of Representatives and the Senate are expected to consider legislation addressing health insurance for early retirees in the 110th Congress.

KEY POINTS

HEALTH INSURANCE FOR EARLY RETIREES

- Retired fire fighters often face significant and unique health care needs as a result of a career spent responding to emergencies in hazardous and stressful environments. These health conditions often result in increased premiums, placing an even greater financial burden on retired fire fighters and their dependents.
- Fire fighters retire earlier than most professions. Because of the physical demands of their jobs, fire departments use mandatory retirement ages or structure their pension systems to encourage early retirement.
- Even in jurisdictions that offer retirees the option to remain in the employer-provided health plan, retirees are often required to pay all or most of the premiums. Whether the retirees retain their employer-provided insurance or seek another insurance carrier, it is not uncommon for retired fire fighters to spend 80 percent of their modest pension benefit on health insurance.
- Allowing early retirees to buy into Medicare would make health care more affordable for fire fighters and other Americans who lose access to employer-provided insurance when they need it most - during retirement.
- Proposals that expand access to health insurance save federal dollars in the long run by reducing costs associated with providing health care for the uninsured. Reducing the number of uninsured also alleviates strain on the nation's over-burdened emergency response and care systems.
- The Medicare Early Access Act would not affect the Medicare Trust Fund because it would require those who buy into Medicare to pay the full cost of the premiums, without the federal government subsidy provided to those over 65.
- The legislation allows early retirees who already have employer-provided retiree health coverage to enroll in Medicare whereby their employer coverage would pay for a percentage of the monthly premium and cover medical services not paid for by Medicare.
- The Medicare Early Access Act also creates a refundable tax credit for a portion of the Medicare premiums to make Medicare more affordable for early retirees, many of whom live on fixed incomes and cannot afford the full cost of the premiums.

IAFF LEGISLATIVE FACT SHEET

FUNDING FOR SAFER

The IAFF supports increased funding for the SAFER grant program and urges members of Congress to contact the Appropriations Committee in support of a significant increase over the \$115 million appropriated in Fiscal Year 2007.

BACKGROUND

Recognizing that the foremost need of the fire service is adequate staffing, Congress enacted the Staffing for Adequate Fire and Emergency Response (SAFER) Fire Fighters Act in 2003. This law authorizes funds to hire up to 75,000 new fire fighters over a seven-year period. Under SAFER, fire departments can apply for federal grants to help pay the costs associated with hiring new staff over a four-year period, with the local community contributing a gradually increasing match. In its second year of implementation, the law provided staffing grants in 86 percent of the states to help address fire fighter shortages in local departments across the country. The critical importance of adequate fire department staffing has been well documented by independent studies. Both the National Fire Protection Association (NFPA), the consensus standards making body of the fire service, and the Occupational Safety and Health Administration (OSHA) promulgated standards for the minimum number of fire fighters needed to respond safely and effectively to emergencies. An estimated two-thirds of all jurisdictions do not currently meet these safe staffing levels.

A study conducted by the U.S. Fire Administration found most fire departments unable to respond to many common emergencies with existing staff. A study by the *Boston Globe* found that fire departments are no longer meeting national standards for response times, and the National Institute for Occupational Safety and Health has identified lack of staffing as a key cause of fire fighter fatalities on the fireground.

In Fiscal Year 2007, Congress provided \$115 million for SAFER, only a fraction of the more than \$1 billion authorized for the program each year.

CURRENT LEGISLATION

Funding for SAFER will be addressed as part of the Department of Homeland Security Appropriations Act for Fiscal Year 2008.

CONGRESSIONAL ACTION

On February 5, 2007, the President released his budget proposal for Fiscal Year 2008. The proposal eliminates all funding for the SAFER grant program.

The House and Senate Appropriations Subcommittees on Homeland Security will begin drafting the Fiscal Year 2008 appropriations bills in early 2007.

KEY POINTS

FUNDING FOR SAFER

- Two-thirds of U.S. fire departments do not meet national standards for safe staffing levels, impairing fire fighters' ability to adequately protect the public.
- Last year, Congress appropriated \$115 million for SAFER to help communities hire additional fire fighters, only 11% of the authorized level. While this is a step in the right direction, it is a far cry from the funds actually needed to address staffing shortages nationwide.
- The federal government has provided billions of dollars for emergency responder equipment and training, but without enough fire fighters to make use of this equipment and training, the funding will do little to enhance public safety.
- According to multiple studies by the U.S. Fire Administration, fire departments throughout the nation lack sufficient personnel to respond to many emergency situations. For example, only 11% of fire departments can handle a rescue with EMS at a structural collapse of a building with 50 occupants with their current number of fire fighters.
- Adequate staffing is essential to fire fighter safety. Federal government studies have shown that operating with below minimum staffing is a leading cause of fire fighter fatalities.
- An independent analysis of fire department operations conducted by the *Boston Globe* found that response time to emergencies in fire departments throughout the nation rose significantly over the past two decades due to lack of personnel.
- SAFER aids volunteer, as well as career, fire departments. 10% of the funding is dedicated for recruitment and retention of volunteer fire fighters and an additional 10% is earmarked for all volunteer or mostly volunteer departments that wish to hire full-time fire fighters.
- Many local governments are currently facing budget shortfalls, which preclude them from hiring needed additional fire fighters. SAFER allows the federal government to provide temporary help to such communities, while requiring them to match federal funds. The program is structured to require communities to make plans to permanently fund the position with local dollars.
- The role of the fire service has transformed from providing local response to an integrated national system that responds to a wide range of local emergencies and national disasters. When the country is under attack or when there is a natural disaster, local fire fighters respond. The federal government has a responsibility to help local fire departments protect public safety.
- The federal government currently provides funding to local communities to hire teachers and other local government workers. It should also assist in hiring desperately needed fire fighters.

IAFF LEGISLATIVE FACT SHEET

ALTERNATIVE MINIMUM TAX

The IAFF supports legislation to reform the Alternative Minimum Tax to prevent middle income taxpayers from paying more than their fair share of taxes.

BACKGROUND

Since its creation, tax breaks and other incentives have been added to the tax code to make it more equitable and to encourage economic activity that benefits society. As the number of incentives increased, Congress grew concerned that Americans, particularly wealthy Americans, could avoid paying taxes altogether. Therefore, in 1969, Congress created a minimum tax, now known as the Alternative Minimum Tax or AMT, a tax calculation outside the regular income tax to ensure that taxpayers pay a minimum amount in taxes.

Unlike the regular income tax, the AMT was not indexed for inflation. As incomes rise with inflation and, as in recent years, taxes are cut, more and more Americans are caught by the AMT, from 3.5 million in 2006 to an anticipated 23 million in 2007. Since 2001, Congress has passed temporary fixes each year to increase the AMT exemption to shield most Americans. Initially created to ensure a minimum amount in taxes was paid, many middle-class Americans are now forced to pay more than their fair share of taxes under the AMT.

Fire fighters in particular have the potential to be disproportionately affected by the AMT because it targets their demographic: married, middle-class taxpayers with children in high-tax states. Fire fighter salary ranges also make them increasingly likely to be affected by the AMT. With increasing health insurance expenses as a result of hazardous and strenuous work conditions and increasing homeland security demands placed on them, fire fighters don't have room in their monthly budgets for a tax increase.

CURRENT LEGISLATION

In recent years, various legislative proposals have been introduced to permanently repeal the AMT, temporarily fix the AMT on a yearly basis, and permanently reform the AMT.

CONGRESSIONAL ACTION

The House of Representatives and the Senate are expected to consider legislation to reform the AMT in the 110th Congress.

KEY POINTS

ALTERNATIVE MINIMUM TAX

- Congress created the AMT to prevent Americans from avoiding their tax liability, not to raise taxes on the middle class. If left unchanged, by 2010, two in three taxpayers with incomes between \$50,000 and \$500,000 will pay higher taxes as a result of the AMT, a contradiction of congressional intent.
- Fire fighters in particular have the potential to be disproportionately affected by the AMT because it targets their demographic: married, middle-class taxpayers with children in high-tax states.
- With increasing health insurance expenses as a result of hazardous and strenuous work conditions and increasing homeland security demands placed on them, fire fighters don't have room in their monthly budgets for a tax increase.
- According to National Taxpayer Advocate Nina Olson, head of the independent Taxpayer Advocate Service within the IRS which helps taxpayers comply with the federal tax code, the AMT is "the most serious problem facing taxpayers today."
- The AMT should not be the crutch of the federal budget. Although the cost of repealing the AMT is high (the fix for 2007 would cost \$48 billion), it pales in comparison to the \$300 billion a year in taxes the federal government fails to collect each year. Honest middle-class taxpayers who pay their fair share in taxes should not have to pay higher taxes under the AMT to compensate for those who commit tax evasion.
- The AMT harms the economy and the taxpayer. It increases taxes on the middle-class and increases compliance costs for taxpayers. Taxpayers with incomes between \$50,000 and \$75,000 already spend between \$780 and \$1,170 to comply with complex federal tax laws. The AMT is a double-edged sword: it increases already substantial compliance costs and simultaneously imposes higher taxes.
- Some taxpayers are subject to the AMT one year but not the following year. Therefore, some taxpayers are subject to ever-changing rules and rates, further increasing compliance costs and slowing economic growth.

IAFF LEGISLATIVE FACT SHEET

FEDERAL FIRE FIGHTER PRESUMPTIVE DISABILITY

The IAFF supports the Federal Firefighters Fairness Act and encourages members of Congress to cosponsor the legislation.

BACKGROUND

Fire fighters are exposed on a daily basis to stress, smoke, heat and various toxic substances. As a result, fire fighters are far more likely to contract heart disease, lung disease and cancer than other workers. And as fire fighters increasingly assume the role of the nation's leading providers of emergency medical services, they are also exposed to infectious diseases. Heart disease, lung disease, cancer and infectious disease are now among the leading causes of death and disability for fire fighters, and numerous studies have found that these illnesses are occupational hazards of fire fighting.

In recognition of this link, more than 40 states have enacted "presumptive disability" laws, which presume that cardiovascular diseases, certain cancers and certain infectious diseases contracted by fire fighters are job-related for purposes of worker's compensation and disability retirement unless proven otherwise. No such law covers fire fighters employed by the federal government.

Under the Federal Employee Compensation Act (FECA), federal fire fighters must be able to pinpoint the precise incident or exposure that caused a disease in order for it to be considered job-related. This burden of proof is extraordinarily difficult for fire fighters to meet because they respond to a wide variety of emergency calls, constantly working in different environments under different conditions. As a result, very few cases of occupational disease contracted by fire fighters have been deemed to be service-connected.

CURRENT LEGISLATION

U.S. House: H.R. 1142, the Federal Firefighters Fairness Act
Sponsors: Representative Lois Capps (D-CA)
Representative Jo Ann Davis (R-VA)

Summary: H.R. 1142 would create a rebuttable presumption that cardiovascular disease, certain cancers and certain infectious diseases contracted by federal fire fighters are job-related for purposes of workers' compensation and disability retirement.

CONGRESSIONAL ACTION

On February 16, 2007, H.R. 1142 was introduced in the U.S. House of Representatives and referred to the Committee on Education and Labor.

The Senate version of the legislation will be introduced in the near future.

KEY POINTS

FEDERAL FIRE FIGHTER PRESUMPTIVE DISABILITY

- Our nation's federal fire fighters have some of the most hazardous and sensitive jobs in the country. While protecting our national interests on military installations, nuclear facilities, VA hospitals and other federal facilities, they are routinely exposed to toxic substances, biohazards, temperature extremes and stress.
- Fire fighters who are forced to separate from service due to a disability sustained in the line of duty receive enhanced retirement benefits over those who are injured off the job.
- Occupational illnesses are supposed to be considered job-related disabilities, but unlike most states, the federal government does not presume that illnesses associated with firefighting are job-related.
- To qualify for disability retirement, a federal fire fighter who suffers from an occupational illness must specify the precise exposure that caused his or her illness - an almost insurmountable burden.
- The Federal Firefighters Fairness Act creates a rebuttable presumption that federal fire fighters who become disabled by heart and lung disease, certain cancers and certain infectious diseases contracted the illness on the job.
- Because the presumption is rebuttable, illnesses would not be considered job-related if the employing agency can demonstrate that the illness likely has another cause. For example, a fire fighter who smokes would not be able to receive line-of-duty disability for lung cancer. But the burden of proof would be on the employer, rather than the injured employee or his or her family.
- It is fundamentally unfair that fire fighters employed by the federal government are not eligible for disability retirement for the same occupational diseases as their municipal counterparts. This disparity is especially glaring in instances where federal fire fighters work alongside municipal fire fighters during mutual aid responses and are exposed to the same hazardous conditions, such as was the case in the response to Hurricane Katrina.
- If the federal government wants to recruit and retain qualified fire fighters, it must be able to offer a benefits package that is competitive with the municipal sector, including having occupational illness covered by workers' compensation.
- Congress has extended presumptive benefits to various groups of individuals, such as Peace Corps volunteers, military veterans and public safety officers who die in the line of duty.



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