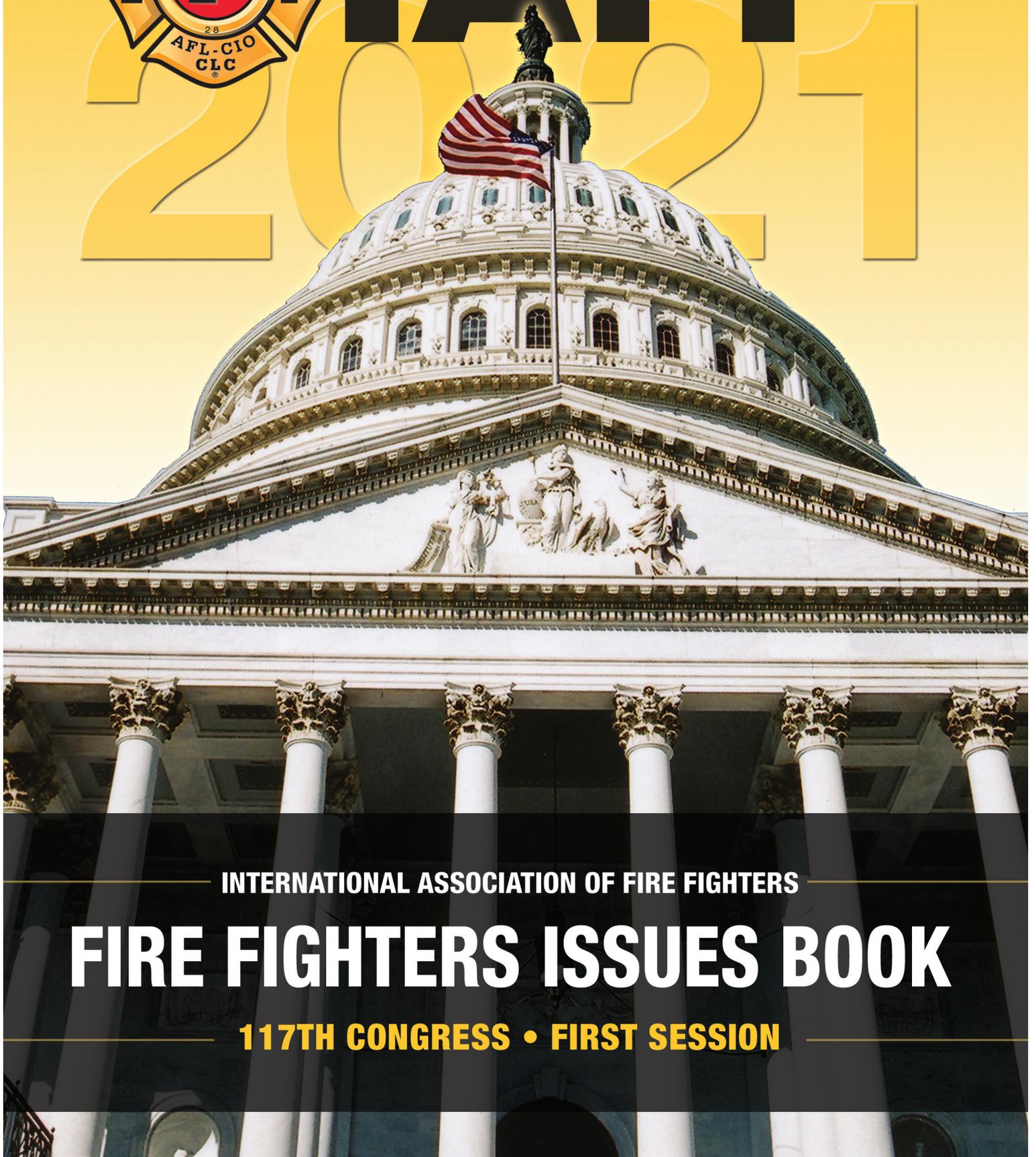




# IAFF

# 2021



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

# FIRE FIGHTERS ISSUES BOOK

117TH CONGRESS • FIRST SESSION



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

EDWARD A. KELLY  
General President

FRANK V. LÍMA  
General Secretary-Treasurer

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Dear Member of Congress:

On behalf of the more than 324,000 men and women of the International Association of Fire Fighters (IAFF), I am pleased to provide you with a digital copy of our 2021 Legislative Issues Book. Our nation's fire fighters and emergency medical personnel face significant challenges at the federal, state, and local level, and are directly affected by decisions made in Washington, DC. This briefing book is intended to provide you with a better understanding of policy issues in Congress impacting professional fire fighters and emergency medical personnel.

This year, we are presenting our Issues Book in a digital format to accommodate our virtual Legislative Conference. Hundreds of IAFF leaders and members from across the country will meet with their elected representatives virtually or in their local districts. I hope you will take this opportunity to meet with your fire fighter constituents to discuss the issues outlined on these pages, as well as the challenges they are confronting at the state and local level.

Thank you for your consideration of our views. 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 year.

Sincerely,

Edward A. Kelly  
General President

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# IAFF Legislative Issues Book 117th Congress — First Session

## **Fire Fighter and EMS Collective Bargaining Rights**

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# Fire Fighter and EMS Collective Bargaining Rights

The IAFF strongly supports the Fire Fighters and EMS Employer-Employee Cooperation Act and encourages members of Congress to cosponsor the bill.

## BACKGROUND

Fire and EMS departments benefit from productive partnerships between employers and employees. Studies have shown that communities promoting such cooperation enjoy more effective and efficient delivery of emergency services. Cooperation enables employers and workers to come together to confront difficult budgetary constraints, which proved invaluable as the country recovered from the last economic crisis. The best way to ensure such cooperation is through an established collective bargaining framework. While many fire fighters and EMS personnel already benefit from local collective bargaining laws, there are still many workers that have zero rights or whose laws do not provide adequate protection.

Over the years, Congress has expanded the scope of collective bargaining laws to protect private sector employees, transportation workers, federal government employees and congressional employees. One of the few groups of workers not covered by federal law are state and local government employees, including fire fighters and EMS personnel. While Congress has historically given states and localities wide latitude in managing their own employees, ensuring such personnel have basic collective

bargaining rights is consistent with the increasing role of fire fighters and EMS personnel in protecting our nation's homeland security.

The Fire Fighters and EMS Employer-Employee Cooperation Act would give fire fighters and EMS personnel basic collective bargaining rights in states that currently do not provide them. The legislation gives states wide flexibility to write and administer their own laws, consistent with the following minimum standards:

- The right to form and join a labor organization and to have that organization be recognized through the formation and agreement of a contract.
- The right to bargain over working conditions, hours and wages.
- The ability to resolve disputes through an impasse resolution mechanism, and if an agreement is reached, the right to enforce it in court or through an administrative agency.

The legislation does not allow strikes or lockouts, does not infringe on right-to-work laws and does not interfere with existing state laws and collective bargaining agreements.

## LEGISLATION

**House:** H.R. 2586, the Fire Fighters and EMS Employer-Employee Cooperation Act of 2021  
Sponsors: Representative Dan Kildee (D-MI); Representative Brian Fitzpatrick (R-PA)

**Senate:** S. 2178, the Fire Fighters and EMS Employer-Employee Cooperation Act of 2021  
Sponsor: Senator John Hickenlooper (D-CO)

**Summary:** The Cooperation Act would guarantee fire fighters and emergency medical services personnel basic collective bargaining rights in states that do not currently provide them.

## KEY POINTS

### The Cooperation Act enjoys broad bipartisan support while protecting states' rights

- Legislation providing fire fighters and emergency medical responders collective bargaining rights has historically enjoyed broad and bipartisan support in Congress. When last considered by the U.S. House of Representatives in the 110th Congress, such legislation passed 314 to 97, with a majority of each party in favor.
- The bill gives maximum flexibility and ample time for states to craft their own laws, giving fire fighters and EMS personnel the ability to sit down and talk with their employers. The Cooperation Act respects the uniqueness of each state's employment needs and does not allow fire fighters or EMS personnel the right to strike, does not cancel right-to-work laws and does not take away the authority of local jurisdictions to have the final say over public safety decisions.

### Collective bargaining helps protect public safety

- The federal government has a vested interest in improving local emergency response operations through adequate staffing, training and equipment to better protect the security of the homeland. Robust and effective homeland security relies in large part on effective local fire and EMS agencies. It is to the benefit and within the ability of the government to ensure such responders can discuss with their employer how to best provide emergency services.
- The ability of fire fighters to talk about their job with employers protects public safety. Collective bargaining has produced measurable staffing, training, equipment and health and safety improvements throughout the nation's fire departments – resulting in safer fire fighters and

improved local emergency response capabilities. Civilian fatality rates for states that do not provide basic collective bargaining rights are, on average, higher than in states that do.

### The Cooperation Act is a matter of fairness for public safety

- Fire fighters and emergency medical personnel risk their lives every day to protect the public. They deserve the same rights to discuss workplace issues with their employer that the federal government grants most other workers.
- There is a long history of providing collective bargaining rights to workers. The freedom to assemble is in the first Amendment of the Constitution and part of our Democratic tradition. These rights were further codified over 80 years ago for private sector workers through passage of the National Labor Relations Act; it is only right that those working on the frontlines be treated the same.

### The Cooperation Act strengthens public safety retirement and wages

- Due to the dangerous nature of the profession, fire fighters are forced to retire early, putting an emphasis on smart retirement planning. Studies show that employers and employees who engage in collective bargaining result in fair pension contributions producing a more reliable retirement security.
- Collective bargaining can also strengthen earnings while still on the job. Eight of the top 10 states, in terms of disposable income, recognize the right to bargain for public employees. Nine of the bottom 10 states in per capita income do not allow collective bargaining for all public sector workers.

# Early Medicare Buy-In for Public Safety Workers

The IAFF supports the Expanding Health Care Options for Early Retirees Act and encourages members of Congress to cosponsor the bill.

## BACKGROUND

Fire fighters and emergency medical services (EMS) personnel work in dangerous and demanding conditions day in and day out, taking a serious toll on their physical and mental health. Due to the unique aspects of the profession, public safety officers often retire well before age 65, when they become eligible for Medicare. As a result, such workers must obtain affordable and comprehensive health coverage during these gap years. As costs steadily increase, the search for comprehensive coverage is quickly becoming a real challenge.

When fire fighters retire early in the United States, they are given essentially three options for post-retirement healthcare. The first, and least realistic option, is for a fire fighter to have insurance paid in full by their former employer until age 65. As health costs continue to rise, we will likely see this already-rare benefit disappear.

Once this happens, workers will be left with the remaining two options. One option allows workers to buy back into their old health plan at a substantially higher rate, which may or may not include a small stipend to help supplement the

increased cost. The third option, which is quickly becoming the norm, is purchasing healthcare on a state or federal exchange, or out on the open market at a much higher rate and without any subsidy assistance from the employer.

Workers' healthcare challenges can be made worse by their limited retirement earnings. Roughly 75 percent of fire fighters around the country will not receive Social Security and, depending on a fire fighter's work history, his or her pension benefit can be as low as \$30,000 per year. When a fire fighter's employer decides to forego a post-retirement health benefit, the cost of obtaining quality healthcare skyrockets and the value of his or her retirement plan craters.

Medicare buy-in at 50 could help ease the transition from work to retirement for public safety workers. Early Medicare buy-in would provide an additional option for accessing health insurance at an affordable rate. These savings produce an added benefit whereby public safety workers get to keep more of their hard-earned savings to use for other essential needs after they leave work.

## LEGISLATION

**House:** [H.R. 4148, the Expanding Health Care Options for Early Retirees Act](#)  
Sponsor: Representative Tom Malinowski (D-NJ)

**Senate:** [S. 2236, the Expanding Health Care Options for Early Retirees Act](#)  
Sponsor: Senator Sherrod Brown (D-OH)

**Summary:** The bill would allow fire fighters, emergency medical personnel and police officers who are separated from service due to retirement or disability the option to buy into Medicare starting at age 50.

## KEY POINTS

### Fire fighters generally retire earlier than other workers, leaving many with gaps in access to quality health insurance

- The fire service requires a high level of physical and mental exertion and takes a serious toll on workers' health. As a result, many employers require fire fighters to retire well before 65, leaving workers burdened with securing expensive health insurance. Many fire fighters find themselves in this limbo for over a decade until they reach the age of Medicare eligibility.
- Early retirement is linked to the physically demanding aspects of the profession. When compared to fellow fire fighters, studies find that general markers for fitness decline as they age, including overall physical fitness, body weight, blood pressure, aerobic capacity and likelihood of musculoskeletal injuries. When compared to private sector workers, fire fighters are more likely to suffer a workplace injury, as well as take longer to return from said injury.
- In addition to the physical demands of the occupation, studies show that fire fighters are significantly more at risk for contracting various types of cancers. Fire fighters respond to and work in extremely dangerous environments, exposing them to toxins, chemicals and carcinogens. If a retired fire fighter gets sick because of service to his or her community, he or she should not have to worry about finding quality healthcare. Medicare at age 50 would provide an additional option to a retiree to ensure the best possible care.

### Finding quality health insurance on the open market can be difficult and expensive

- Fire fighters have few options to gain access to quality health insurance once they retire. Costs associated with state and federal exchanges are unpredictable year-to-year and vary depending on where one lives. Painful uncertainty results when state exchanges' premium costs fluctuate wildly and insurance providers move in and out of communities on a year-to-year basis. Early Medicare buy-in could provide more certainty for a high-need group like public safety workers.
- Buying insurance on the open market as an alternative comes with its own set of obstacles. Without an employer plan and larger participant pool, rejection for coverage can occur. Studies show that individuals ages 55-64 represent the group most frequently rejected from buying coverage on the open market. Early Medicare buy-in would provide the necessary certainty and peace of mind for getting coverage after retirement.

### Providing the option for early Medicare buy-in will not increase costs

- This legislation specifically states that, if enacted, it will have no negative impact on the Medicare Trust Fund. In fact, costs overall may decrease due to the addition of younger participants into the Medicare pool.
- An estimated 7,000 fire fighters retire each year, including those who will continue to receive health insurance through their employer. Nearly two million individuals are added to the Medicare rolls each year. Adding eligible public safety retirees to this figure will have a negligible impact on the system and its 44 million enrollees.

# Federal Fire Fighter Presumptive Disability

The IAFF supports the Federal Firefighters Fairness Act and encourages members of Congress to cosponsor H.R. 2499 and S. 1116.

## BACKGROUND

Fire fighters are routinely exposed to high stress, smoke, heat and various toxic substances. As a result, fire fighters are far more likely to contract a cardiovascular disease, lung disease and cancer than other workers. Additionally, as the nation's leading providers of emergency medical services, fire fighters are also exposed to infectious diseases. Cancer, heart disease, lung disease and infectious disease are among the leading causes of death and disability for fire fighters, and numerous studies have found that these illnesses are occupational hazards of the job.

In recognition of this link, 48 states have enacted presumptive disability laws, which presume that certain diseases contracted by fire fighters are job-related for purposes of workers' compensation and disability retirement, unless proven otherwise. Beyond a limited Covid-19 disease presumption granted all public-facing federal employees

earlier this year, no such law covers federal fire fighters, routinely tasked with combatting fires and mitigating hazardous materials incidents side by side with fire fighters from municipal and state fire departments covered by these presumptive disability laws.

Under the Federal Employee Compensation Act (FECA), federal fire fighters must be able to pinpoint the precise incident or exposure, including naming the specific toxic substances fire fighters encountered, causing the diagnosed disease 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, working in different environments and conditions. As a result, very few cases of occupational disease contracted by federal fire fighters are deemed service-connected and awarded a favorable determination under FECA.

## LEGISLATION

**House:** [H.R. 2499, the Federal Firefighters Fairness Act](#)  
Sponsors: Representative Salud Carbajal (D-CA); Representative Don Bacon (R-NE)

**Senate:** [S. 1116, the Federal Firefighters Fairness Act](#)  
Sponsors: Senator Thomas Carper (D-DE); Senator Susan Collins (R-ME)

**Summary:** The *Federal Firefighters Fairness Act* 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.

## KEY POINTS

### Federal fire fighters provide essential services across the nation

- Federal fire fighters have some of the most hazardous and sensitive jobs in the country. While protecting our national interests on military installations, federal research laboratories, homeland security facilities and veterans' hospitals, federal fire fighters are exposed to carcinogenic smoke, toxic substances, high heat and stress, putting them at an increased risk to develop occupational diseases.
- Federal fire fighters often serve alongside state and local fire fighters who have presumptive coverage and are exposed to the same hazardous conditions, such as responding to the recent California wildfires. It is fundamentally unfair that federal fire fighters are not eligible for presumptive health or disability retirement coverage for the same occupational diseases as their state and municipal counterparts.

### Fire fighters are at significant risk for occupational diseases

- Studies demonstrate that numerous cancers occur at higher rates in fire fighters than in the general population. Moreover, fire fighters experience a statistically significant increased risk of dying from cancer.
- Fire fighters have an increased risk of sudden cardiac events after participating in fire suppression activities. One-fifth of fire fighters engaging in live-fire suppression activities experience cardiac arrhythmias, an irregular series of heartbeats. Electrocardiograms obtained up to 12 hours following active firefighting show ventricular arrhythmias and changes indicative of inadequate blood supply to the heart. Fire fighters' risk of death from a heart attack is up to 100 times greater than those performing non-emergency work.
- Fire fighters and emergency medical personnel are regularly exposed to blood and bodily fluids in the course of duty, putting them at risk for infectious disease. Exposure to infectious bloodborne diseases occurs to four out of five fire fighters, according to a study conducted by OSHA.

### The existing claims process is lengthy and cumbersome

- The Office of Workers Compensation Programs (OWCP) annually receive more than 100,000 new cases. There are lengthy review and approval processes leading to delays in employee compensation and payment of medical bills. The Division of Federal Employees' Compensation indicates cases requiring evidentiary development take nearly six months to deliver a decision to claimants. However, complex cases, such as cancers, heart and lung illnesses and infectious diseases in fire fighters often take 10 months or longer.
- To be eligible for OWCP's disability coverage, a federal fire fighter must specify the precise exposure, including naming the carcinogen, causing his or her illness. This burden of proof is extraordinarily difficult to meet because fire fighters respond to numerous calls in diverse environments under different conditions. The level of specificity required by OWCP is impossible to achieve.

### Rebuttable presumptive disability benefits are reasonable

- Because the presumption is rebuttable, illnesses would not be considered job-related if the employing agency can demonstrate the disease or illness was likely the result of another cause, such as smoking. However, the burden of proof rests with the employer, rather than the ill employee.
- Presumptive disability benefits are not a new concept. In March of 2021 Congress granted presumptive disability benefits to public-facing federal employees infected by Covid-19, demonstrating FECA presumptions are in the public interest. Congress has granted presumptive benefits to other groups of individuals, such as 9/11 World Trade Center responders and victims and Vietnam veterans exposed to herbicides. Additionally, 48 states have enacted presumptive disability laws for state and municipal fire fighters.



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, AFL-CIO, CLC

1750 New York Avenue, N.W. Washington D.C. 20006  
Phone 202-737-8484 Fax 202-783-4570

[www.iaff.org](http://www.iaff.org)

**Edward A. Kelly**  
General President

**Frank V. Lima**  
General Secretary-Treasurer

**Matt Vinci**  
Chief of Staff

**Wayne Murphy**  
Chief Administrative Officer

**Dave Lang**  
Assistant to the General President

---

**Shannon A. Meissner**  
Governmental Affairs Director

**Greg Russell**  
Governmental Affairs Representative

**Samantha Gaines**  
Staff Assistant

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