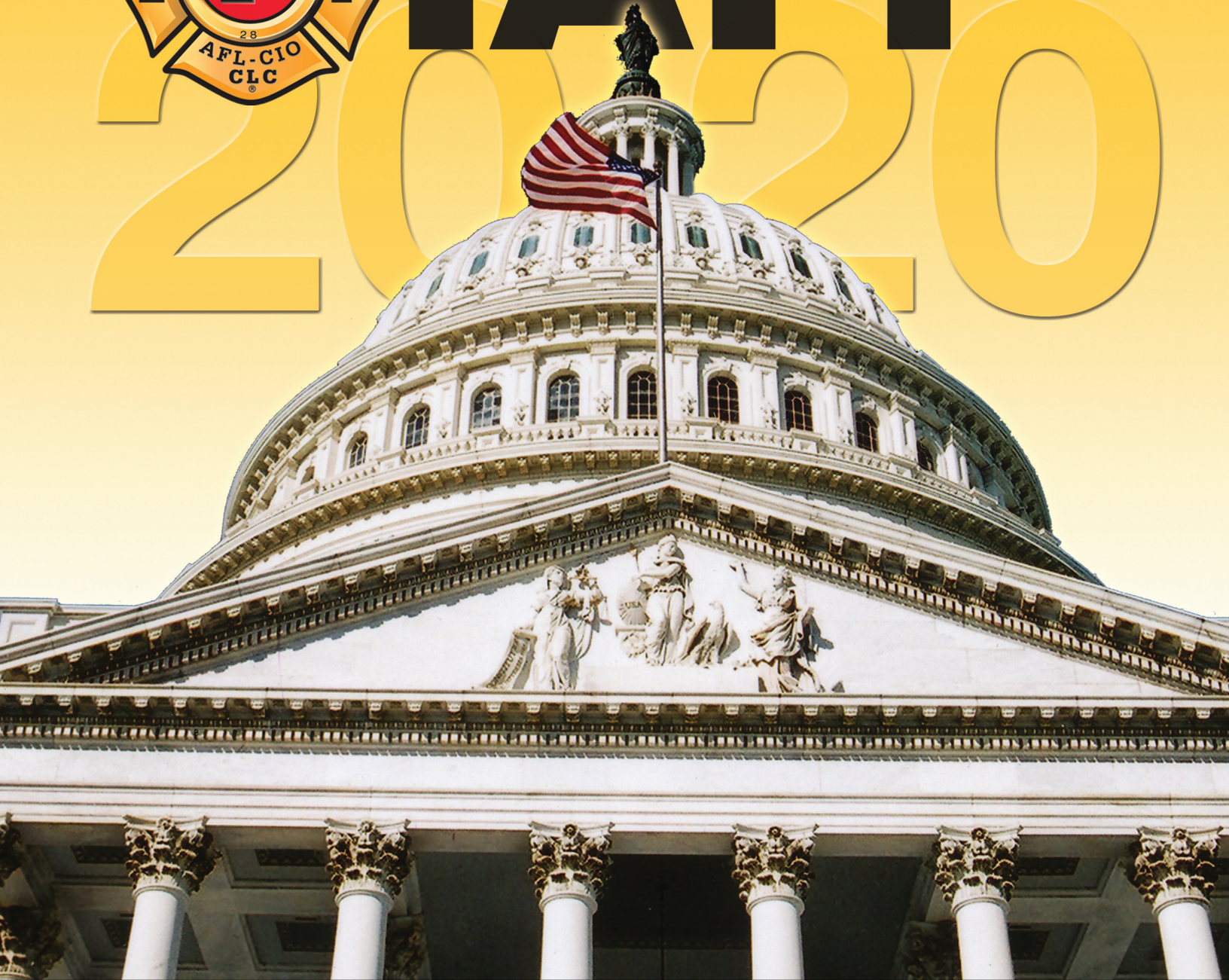




IAFF

2020



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

FIRE FIGHTERS ISSUES BOOK

116TH CONGRESS • SECOND SESSION



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

HAROLD A. SCHAITBERGER
General President

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Dear Member of Congress:

On behalf of the more than 320,000 men and women of the International Association of Fire Fighters (IAFF), I am pleased to provide you with a copy of our 2020 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 the decisions made in Washington. 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.

Hundreds of IAFF leaders and members from across the country will come to Washington, DC, March 8-11 to attend the IAFF's annual Legislative Conference and meet with their elected representatives. 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 facing at the state and local level.

Thank you for your consideration of our issues. The IAFF 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,

Harold A. Schaitberger
General President

IAFF Legislative Issues Book 116th Congress — Second Session

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Public Safety Collective Bargaining Rights

The IAFF strongly supports the Public Safety Employer-Employee Cooperation Act and encourages members of Congress to cosponsor H.R. 1154 and S. 1394.

BACKGROUND

Fire and police 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 public safety officers already benefit from local collective bargaining laws, there are still many workers who 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 public safety employees. While Congress has historically given states and localities wide latitude in managing their own employees, ensuring public safety officers have basic collective bargaining rights is consistent

with the large role the public safety community plays in protecting our nation's homeland security.

The Public Safety Employer-Employee Cooperation Act would give public safety officers 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 find resolution through arbitration and, if an agreement is reached, to have that agreement enforced in court or through an administrative agency.

The Cooperation Act 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. 1154, the Public Safety Employer-Employee Cooperation Act of 2019
Sponsors: Representative Dan Kildee (D-MI); Representative Brian Fitzpatrick (R-PA)

Senate: S. 1394, the Public Safety Employer-Employee Cooperation Act of 2019
Sponsor: Senator Tammy Baldwin (D-WI)

Summary: The Cooperation Act would guarantee public safety officers basic collective bargaining rights in states that do not currently provide them.

KEY POINTS

The Cooperation Act enjoys broad bipartisan support and protects states' rights

- The Public Safety Employer-Employee Cooperation Act has historically enjoyed broad and bipartisan support in Congress. When last considered by the U.S. House of Representatives in the 110th Congress, the bill 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 police officers 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 public safety officers the right to strike, does not impact right-to-work laws and allows 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. Effective homeland security relies in large part on effective local first response agencies. It is to the benefit and within the ability of the government to ensure frontline 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 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 collective bargaining results in a fairer pension contribution, producing a more reliable retirement security with less stress applied to local governments' ability to manage retirement systems.
- Collective bargaining and union representation can also strengthen earnings while still on the job. Eight of the top 10 states, in terms of per capita income, recognize the right to bargain for public employees. Seven of the bottom 10 states in per-capita income do not allow collective bargaining for all public sector workers.

Collective bargaining ensures communities receive the best possible protection

- The number-one priority for public safety workers is to provide the most effective and efficient service possible to the community. This in part requires aggressive recruiting, smart training and retaining high-quality workers. Having a voice in the workplace creates a needed space where management and labor can come together to achieve this priority and keep the community safe.

Supporting Fire Fighter Mental Health

The IAFF supports the Helping Emergency Responders Overcome Act and encourages members of Congress to cosponsor H.R. 1646 and S. 3244.

BACKGROUND

Fire fighters and emergency medical responders are routinely eyewitnesses to scenes of catastrophic incidents involving severe injuries, tragic loss of human life and property loss. The cumulative effects of these exposures on emergency personnel may result in psychological injuries and even suicides. Only in recent years has the fire service begun to recognize the link between these professional experiences and post-traumatic stress (PTS) and related behavioral health conditions. Many fire departments lack the resources – such as counseling, support services and coping tools – necessary to treat those suffering from PTS and co-occurring disorders. In the absence of specialized treatment, some fire fighters and emergency medical responders engage in increasingly harmful behaviors, including substance abuse, self-harm and suicide. For many, this suffering is a private affair often kept from co-workers, friends and family. Additionally, there is

currently not an existing means to accurately capture data regarding the incidences of fire fighter and emergency medical responder suicide.

The Helping Emergency Responders Overcome (HERO) Act would help address these insufficiencies by identifying best practices to prevent, detect and treat PTS among fire fighters and emergency medical responders. Specifically, the Act will: establish a grant program to provide peer-counseling programs for fire fighters and emergency medical personnel; require the Secretary of Health and Human Services to develop resources for mental health professionals to better understand the culture of the fire service and evidence-based therapies for mental health issues common to public safety officers; and direct the Centers for Disease Control to collect data on suicides among public safety officers.

LEGISLATION

House: H.R. 1646, the Helping Emergency Responders Overcome Act of 2019
Sponsor: Representative Ami Bera (D-CA)

Senate: S. 3244, the Helping Emergency Responders Overcome Act
Sponsors: Senator Jacky Rosen (D-NV); Senator Deb Fischer (R-NE)

Summary: The Helping Emergency Responders Overcome Act of 2019 provides resources to increase prevention, detection and treatment of PTS among emergency responders, provides grants to educate and develop peer counselors and collects data on suicides occurring among emergency responders.

KEY POINTS

Fire fighters are at significant risk for PTS

- Fire fighters and emergency medical responders routinely experience high stress at chaotic and uncontrolled settings for significant periods. While operating in stressful environments, fire fighters and emergency medical responders engage in critical rescue and life-saving activities, which are not always successful. Fire fighter and emergency medical providers experiencing multiple traumatic events have a higher risk of developing post-traumatic stress (PTS).
- Up to one-third of fire fighters and emergency medical responders will demonstrate some or all of the criteria used to diagnose PTS. The rates of diagnosed PTS among fire fighters and emergency medical responders vary due to inconsistencies in data collection methods and standards. However, reported rates are between 16 and 37 percent.
- Studies have demonstrated that rates of PTS in fire fighters are comparable to other similarly situated high-stress occupations, such as police officers and military combat veterans.

The HERO Act will help us better recognize, educate, prevent and treat PTS in fire fighters

- Behavioral health and wellness peer support programs within fire departments allow trained peer counselors to conduct outreach to fire fighters and their families to assist with issues associated with post-traumatic stress, substance abuse and co-related conditions in a personal and shared context.

- New guidance for fire departments and other emergency response departments will help educate on how to better identify and prevent PTS and co-occurring disorders in public safety officers. Meanwhile, new resources for mental health providers will provide a better understanding of the culture of fire departments and evidence-based therapies for mental health issues common in the profession.
- Establishing a specialized database capturing incidences of suicide among fire fighters and other public safety officers will provide scientists with detailed information regarding emergency responder suicides on a national scale, allowing researchers to more fully examine and understand PTS and broader mental health concerns among fire fighters and other public safety officers.

Peer support is effective

- Peer support programs have been demonstrated to be an effective method for providing mental health support to occupational groups, including fire fighters. The role of a peer support worker complements but does not duplicate or replace the roles of therapists, case managers or other members of a treatment team.
- Peer support programs train fire fighters to approach an individual of concern, establish trust and confidentiality, determine whether a crisis is developing, refer the person to available resources and educate others about behavioral health.
- Peer support offers a level of acceptance, understanding and validation not found in many other professional relationships. By sharing their own lived experience and practical guidance, peer support promotes connection and inspires hope, leading to better outcomes.

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 H.R. 4527 and S. 2552.

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 the age of 60. As a result, such workers must obtain affordable and comprehensive health coverage until they become eligible for Medicare at age 65. 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 a quality healthcare plan 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. 4527, the Expanding Health Care Options for Early Retirees Act of 2019](#)
Sponsors: Representative Tom Malinowski (D-NJ); Representative Harley Rouda (D-CA)

Senate: [S. 2552, the Expanding Health Care Options for Early Retirees Act of 2019](#)
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 as early as age 50, 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. 1174 and S. 1942.

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, 46 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. However, no such law covers federal fire fighters, often

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 that caused a 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. 1174, the Federal Firefighters Fairness Act](#)
Sponsors: Representative Salud Carbajal (D-CA); Representative Don Bacon (R-NE)

Senate: [S. 1942, 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

- In Fiscal Year 2019, the Office of Workers Compensation Programs (OWCP) received 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 as long as 10 months or longer.
- To be eligible for OWCP's disability coverage, a federal fire fighter must specify the precise exposure that caused 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 injured employee.
- Presumptive disability benefits are not a new concept. Congress has provided presumptive disability benefits to other groups of individuals, such as 9/11 World Trade Center responders and victims and Vietnam veterans exposed to herbicides. Additionally, 46 states have enacted similar laws for state and municipal fire fighters.



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