

*Patrolmen's
Benevolent
Association*

Of The City Of New York, Incorporated



OFFICE OF THE PRESIDENT

June 6, 2014

VIA E-mail and US Mail

Melissa Mark-Viverito
New York City Council Speaker
250 Broadway, Suite 1856
New York, NY 10007

Dear Madame Speaker,

I write to strongly urge you to bring a vote to the floor on the State Legislature's request for a home rule message on bill number A.9594/S.7326, which will restore a certain disability retirement benefit for New York City police officers hired under pension Tier 3. The provision of an adequate disability benefit for all who risk their lives and health in service to this City is a moral obligation and a matter of basic fairness, and we believe there is ample support within the Council to correct this injustice.

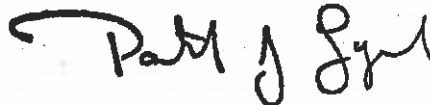
As you know, this bill will equalize disability benefits for police officers hired after July 2009 under pension Tier 3 with the level of benefits provided to those hired before that date under Tier 2. The present inequitable situation came about when then-Governor Paterson vetoed a routine extension of Tier 2 benefits for New York City police officers. As Governor Paterson himself has recently acknowledged, his decision to veto the extension did not account for the eventual impact on police officers injured in service to the City. He now supports changes such as those in this bill, which would provide the newest members of the NYPD with the same disability benefit provided to police officers in the rest of the state, as well as all New York City Emergency Medical Service employees, regardless of when they were hired.

The glaring inequity facing newly-hired police officers was recently highlighted by the case of P.O. Rosa Rodriguez. As you know P.O. Rodriguez was gravely injured while responding to an arson fire that also killed her partner, P.O. Dennis Guerra. If P.O. Rodriguez's injuries prevent her from returning to work, her disability benefit as a Tier 3 member would be approximately \$24,000 a year. This benefit would be below the minimum wage for a full time job, if the New York City minimum wage were set at \$13 as some Council members have proposed. This bill would raise that disability benefit to approximately \$39,000 a year. Based on our understanding of the views of your colleagues in the Council, the home rule resolution has significant support and would comfortably pass if a vote is allowed to occur.

We understand there may be some concern regarding the cost of this legislation. We believe the cost does not rise to a meaningful level in the scheme of the City budget, and that the fiscal note accompanying the bill is not reflective of the real cost. The real cost of this bill will be determined by the number of Tier 3 members who are approved for disability retirement by the Police Pension Board. In the five years that newly-hired police officers have been placed in Tier 3, there has not been one Tier 3 disability case approved at the Police Pension Board. The real first year cost will almost certainly be closer to zero than the indefensible number estimated in the fiscal note. Moreover, there is emerging evidence that the City's fiscal outlook is stronger than projected in the current 4-year financial plan, including the more than \$6 billion in additional revenue estimated by the Comptroller and Independent Budget Office.

P.O. Rodriguez's heroic actions and her resulting injuries are only one example of the daily risks that are borne equally by all New York City police officers, regardless of how long they have served. A system of benefits that recognizes these unique risks in some cases but not in others is simply unconscionable. We respectfully request you allow this home rule message to go to a vote immediately so the State Legislature can do their part in providing New York City Police officers the protection they have earned and deserve.

Fraternally,

A handwritten signature in black ink that reads "Patrick J. Lynch". The signature is written in a cursive style with a large, sweeping initial "P".

Patrick J. Lynch