

Bond Case Briefs

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CBA - NEW YORK

Buffalo Niagara Airport Firefighters Ass'n v. DiNapoli

Supreme Court, Appellate Division, Third Department, New York - November 7, 2013 - N.Y.S.2d - 2013 N.Y. Slip Op. 07227

Firefighters union brought article 78 proceeding to review a State Comptroller's finding that newly hired firefighters were not eligible to participate in a noncontributing special retirement plan. The Supreme Court, Albany County, dismissed the proceeding, and union appealed.

The Supreme Court, Appellate Division, held that:

- Triborough Amendment to the tier 5 retirement legislation did not entitle newly hired firefighters to participate in noncontributory special retirement plan provided for in expired collective bargaining agreement (CBA), and
- Union and transportation authority were prohibited from agreeing to a noncontributory retirement plan, and could not bind third parties, such as State Comptroller, to such a plan.

CBA providing for a noncontributory plan, executed seven months after the effective date, could not be considered to be retroactively "in effect" on that date.