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VETO # 405 CHAPTER _____

LAWS OF 20 06

SENATE BILL 7757

ASSEMBLY BILL _____

STATE OF NEW YORK

7757

IN SENATE

April 25, 2006

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to providing for binding arbitration in negotiations for certain members of the security services collective bargaining unit

A10884 - DESTITO

DATE RECEIVED BY GOVERNOR:

SEP 01 2006

ACTION MUST BE TAKEN BY:

SEP 13 2006

DATE GOVERNOR'S ACTION TAKEN:

2006

SENATE VOTE ___ Y ___ N

HOME RULE MESSAGE ___ Y ___ N

DATE _____

ASSEMBLY VOTE ___ Y ___ N

DATE _____

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STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

V E T O # 405

TO THE SENATE:

I am returning herewith, without my approval, the following bill: JUL 18 2006

Senate Bill Number 7757, entitled:

"AN ACT to amend the civil service law, in relation to providing for binding arbitration in negotiations for certain members of the security services collective bargaining unit"

N O T A P P R O V E D

This bill would amend the Civil Service Law to grant binding arbitration for the resolution of collective bargaining disputes to members of the Security Services Unit who are security hospital treatment assistants employed by the Office of Mental Health ("OMH"). The bill would take effect immediately.

In 2001, I approved legislation to provide binding arbitration for resolution of collective bargaining disputes of members in the collective negotiating units designated as "Security Services" and "Security Supervisors." See Chapter 586 of the Laws of 2001. As a condition of my approval of Chapter 586, the State Legislature passed a chapter amendment to limit the application of Chapter 586 to State correction officers and police officers within such units. See Chapter 220 of the Laws of 2002. Accordingly, security hospital treatment assistants employed by OMH were specifically excluded from binding arbitration. In the absence of compelling new facts or circumstances, I am constrained to disapprove this bill on the ground that it is inconsistent with the 2001 agreement to approve Chapter 586.

The bill is disapproved.

000003

THE SENATE
STATE OF NEW YORK

CHAIRMAN
COMMITTEE ON LOCAL
GOVERNMENT

903 LEGISLATIVE OFFICE BUILDING
ALBANY, NEW YORK 12247
(518) 455-2811
FAX (518) 426-6873

E-MAIL
LITTLE@SENATE.STATE.NY.US



District Office:
21 Bay Street
Glens Falls, NY 12801
(518) 743-0968

Elizabeth O'C. Little
SENATOR, 45TH DISTRICT

September 7, 2006

Governor George E. Pataki
Executive Chamber
State Capitol
Albany, New York 12224

Dear Governor Pataki:

I am writing in support of Senate bill 7757 which is presently awaiting your consideration.

Senate bill 7757 provides binding arbitration to security hospital treatment assistant ("SHTA") members of the Security Services collective bargaining unit. Binding arbitration legislation with respect to compensatory issues for all members of the Security Services collective bargaining unit passed the Legislature and became law during the 2001 Legislative Session. During the subsequent Legislative Session, however, through the enactment of Chapter 220 of the Laws of 2002, binding arbitration was limited to members of the bargaining unit who were correctional officers. SHTAs perform work similar in nature and scope to that of New York's correctional officers. These dedicated public servants perform their services within the State's forensic psychiatric facilities, providing care and custody to some of the most dangerous individuals in the State -those deemed criminally insane by a court of law. In fact, SHTAs and correctional officers employed by the State are part of the same service-based retirement plan, permitting SHTAs and correctional officers to transfer between titles without loss or diminution of retirement benefits, providing further evidence of the similarity between the two titles. Considering that an SHTA's job duties so closely parallel the duties of a correctional officer, it is only logical that they should be afforded the benefits of binding arbitration during the process of collective negotiations. This bill seeks to achieve this laudable goal.

Your approval of this legislation is appreciated.

Sincerely,

Elizabeth O'C. Little
Senator

000004



RoAnn M. Destito
Member of Assembly
116TH District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Committee on Governmental Operations

COMMITTEES

Aging
Agriculture
Economic Development, Job Creation,
Commerce & Industry
Ways & Means
Majority Steering Committee

September 5, 2006

Hon. Richard Platkin
Counsel to the Governor
State Capitol, Room 225
Albany, New York 12224

Dear Mr. Platkin:

I am writing to respectfully request that the Governor sign Assembly Bill 10884/Senate Bill 7757 which I am sponsoring along with Senator Elizabeth Little into law as soon as possible.

As you may know, A.10884/S.7757 would provide for binding arbitration for members of the security services collective bargaining unit who are security hospital treatment assistants (SHTAs). It is my hope that the Governor will sign my legislation into office in recognition of the very difficult jobs which SHTAs do each and every day especially now given the recent changes at the Central New York Psychiatric Center that will now receive more violent sexual predators.

In addition, I am also urging the Governor to sign Assembly Bill 10842/Senate Bill 7750 by Assemblywoman Donna Lupardo and myself which is also sponsored by Senator Elizabeth Little into law as soon as possible. This important measure would likewise provide for binding arbitration in negotiations for certain members of the security services collective bargaining unit. Once again, these very dedicated law enforcement personnel deserve to have the same benefits as other law enforcement professionals such as police officers, corrections officers and fire fighters who currently have binding arbitration.

You may recall that, in the past, I have sponsored legislation (Chapter 586 of the Laws of 2001) that provided binding arbitration to all members of the security services collective bargaining unit. Although a chapter amendment agreement limited this employment option only to corrections officers, I still believe we need to extend this benefit to their fellow law enforcement personnel such as the SHTAs and the safety and security officers who are currently without binding arbitration which is making it very tense and difficult for all of the members of this bargaining unit given the obvious lack of employment parity.

As always, thank you very much for allowing me to share my support for Assembly Bills 10884 and 10842 with your office. It is my hope that these two measures will be shortly signed into law this year. In the meantime, please do not hesitate to contact me at (315) 732-1055 should you or the Governor wish to discuss this matter in further detail as the legislative process continues.

Sincerely,

ROANN M. DESTITO
Member of Assembly

RMD/sl

ALBANY OFFICE: Room 621, Legislative Office Building, Albany, New York 12248, (518) 455-5454, FAX (518) 455-5928
DISTRICT OFFICES: Room 401, State Office Building, 207 Genesee Street, Utica, New York 13501 (315) 732-1055, FAX (315) 732-1413
101 West Liberty Street, Rome, New York 13440, (315) 338-5779 — BY APPOINTMENT ONLY
E-mail: destitr@assembly.state.ny.us

Printed on recycled paper.

000005

**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S7757

SPONSOR: LITTLE

TITLE OF BILL:

An act to amend the civil service law, in relation to providing for binding arbitration in negotiations for certain members of the security services collective bargaining unit

PURPOSE:

To provide binding arbitration to security hospital treatment assistant ("SHTA") members of the Security Services collective bargaining unit.

SUMMARY OF PROVISIONS:

Section 1 of the bill amends § 209(2) of the Civil Service Law to include within its provisions SHTA members of the Security Services collective bargaining unit.

Section 2 of the bill amends the opening paragraph of § 209(4) of the Civil Service Law in the same manner.

Section 3 of the bill amends § 209(4)(f) of the Civil Service Law to limit application of binding arbitration to compensatory issues.

Section 4 of the bill provides the effective date of the legislation.

EXISTING LAW:

Currently, binding arbitration in collective negotiations is available only to correctional officer members of the Security Services collective bargaining unit.

JUSTIFICATION:

Binding arbitration legislation with respect to compensatory issues for all members of the Security Services collective bargaining unit passed the Legislature and became law during the 2001 Legislative Session.

(SEE Chapter 586 of the Laws of 2001.) During the subsequent Legislative Session, however, through the enactment of Chapter 220 of the Laws of 2002, binding arbitration was limited to members of the bargaining unit who were correctional officers.

SHTAs perform work similar in nature and scope to that of New York's correctional officers. These dedicated public servants perform their services within the State's forensic psychiatric facilities, providing care and custody to some of the most dangerous individuals in the State--those deemed criminally insane by a court of law. In fact, SHTAs and correctional officers employed by the State are part of the same service-based retirement plan, permitting SHTAs and correctional officers to transfer between titles without loss or diminution of retirement benefits, providing further evidence of the similarity between the two Titles. Considering that an SHTA's job duties so closely parallel the duties of a correctional officer, it is only logical that they should be

afforded the benefits of binding arbitration during the process of collective negotiations. This bill seeks to achieve this laudable goal.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ELIOT SPITZER
Attorney General

Legislative Bureau

TO: COUNSEL TO THE GOVERNOR

Re: SENATE 7757

ASSEMBLY

Inasmuch as this bill does not appear to relate to the functions of the Department of Law, I am not commenting thereon. However, if there is a particular aspect of the bill upon which you wish comment, please advise me.

ELIOT SPITZER
ATTORNEY GENERAL

Date : June 16, 2006

000008

SENATE:
No. 7757

Introduced by:
Senator Little

ASSEMBLY:
No.

Law: Civil Service

Sections: 209

Division of the Budget recommendation on the above bill:

Approve: _____ Veto: X No Objection: _____ No Recommendation: _____

1&2. Subject, Purpose and Summary of Provisions:

Effective immediately, this bill would amend subdivisions 2 and 4 of section 209 of the Civil Service Law to add security hospital treatment assistants employed by the Office of Mental Health (in the security services unit) to the list of employees eligible to utilize binding arbitration to settle contract disputes relating to compensation issues.

3. Legislative History:

This is a new bill. A similar bill in this legislative session (S.7750) seeks to expand the provision of compulsory binding arbitration to safety and security officers within the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, and the Department of Health.

4. Arguments in Support:

Proponents of this bill argue that security hospital treatment assistants should be treated like correctional officers, who are eligible for binding arbitration in the event of impasse. Specifically, proponents argue that since security hospital treatment assistants perform work similar in nature and scope to correctional officers, binding arbitration should also be available to them. Proponents further argue that binding arbitration is needed for this group of employees to ensure labor harmony in the event of a breakdown in collective bargaining.

5. Arguments in Opposition:

- Correctional officers were afforded binding arbitration for compensation matters in 2002 to reflect their status as "peace officers." Security hospital treatment assistants have the peace office status only to a very limited degree, i.e., when transporting persons convicted of a crime. Importantly, their job primarily entails providing care to patients in addition to providing for their security and safety, whereas correction officers are responsible for the daily oversight of individuals convicted of serious crimes. The security hospital treatment assistants' job duties reflect an emphasis on therapeutic and clinical activities in contrast to correctional officers, whose primary responsibility is the oversight of convicted criminals to ensure the order and safety of correctional facilities.

- Currently, Section 209 of the Civil Service Law prescribes four factors which binding arbitration panels must consider when developing arbitration award decisions: 1) comparable wages and compensation paid to similar employees in other jurisdictions; 2) the financial ability of the public employer to pay; 3) comparable peculiarities such as job hazards and physical qualifications; and 4) past terms of collective bargaining agreements negotiated between the public employer and the applicable union.

Past experience demonstrates that the binding arbitration process results in more generous compensation awards in comparison to the normal collective negotiation process. Historical experience suggests that binding arbitration panels have given inadequate consideration to governmental fiscal concerns and instead have interpreted the existing ability to pay factor in the most extreme terms. Case law has rendered the “financial ability of the public employer to pay” provisions meaningless through the following rationale: since employers can raise unlimited funds through their ability to tax, a public employer’s ability to pay is unlimited. This “unlimited capacity” theory has led to awards that have the potential to be very disruptive to the employer’s finances and operations. As a result, the expanded authorization of binding arbitration should be restrained.

- The Governor has consistently proposed major reform to the binding arbitration provisions in Section 209 to accord first priority to the financial ability of a governmental employer to pay an arbitration award. For example, most recently in 2006, the Governor advanced legislation that would require arbitrators to consider, above all other factors, the public employer’s financial ability to pay without the need for new or increased taxes. Regrettably, these reforms have not been enacted. Absent such enactment, it is ill-advised to expand binding arbitration.
- Other arguments against the extension of compulsory binding arbitration include:
 - It is inappropriate to permit a third party arbitrator, who may be unfamiliar with the day-to-day operations of the public employer, to make determinations about work rules, wages and benefits.
 - Binding arbitration encourages parties to rigidly hold to their original positions (which are often unreasonable) throughout the bargaining process, the result being that arbitrators are given an unrealistic set of parameters within which to determine a settlement. As such, it could be argued that the availability of arbitration deters good faith collective bargaining by the parties and has resulted in settlements that are both inequitable and exorbitant.
- Finally, this bill is objectionable because it would perpetuate a significant technical flaw in Section 209, subdivision 2 of the Civil Service Law, which was created by the passage of Chapter 696 of the Laws of 2003 (i.e., the initial Sheriffs’ Binding Arbitration Bill). Through the passage of Chapter 696, a second competing subdivision 2 was established in the Civil Service Law (i.e., there are two subdivision 2’s in the law). This second subdivision, which should be eliminated, identifies a partial list of the covered employees eligible for binding arbitration and excludes local police and fire personnel in New York City. The first subdivision, which should remain in the law, identifies all the covered employee groups eligible for binding arbitration, including local police and fire personnel in New York City. The legislative intent since 1998 has been to provide New York City local police and fire personnel with binding

arbitration. Therefore, the second subdivision has convoluted the intent of the law and should be eliminated.

6. Other State Agencies Interested:

OMH is interested in this bill. GOER is opposed to this bill.

7. Other Interested Groups:

NYS COPBA would be interested in this bill.

8. Budget Implications:

Currently, there are approximately 524 security hospital treatment assistants employed by OMH with an annual payroll of \$32 million (including overtime). Therefore, if this bill were approved, the cost for each one percent general salary increase beyond settlements reached without binding arbitration would be an additional \$320,000 in annual costs to the State.

9. Recommendation:

This bill would add security hospital treatment assistants, who are represented by the security services unit, to the list of employees eligible for binding arbitration. Importantly, there is no compelling justification to extend binding arbitration to this group of employees. Security hospital treatment assistants are different from correctional officers both in their therapeutic job duties and their minimal involvement in criminal justice matters.

Moreover, the availability of binding arbitration for resolution of unsuccessful collective bargaining efforts has often had the adverse impact of leading the parties to develop and maintain extreme positions in the collective bargaining process. This has resulted in arbitration awards which are much more costly than those which might otherwise have been agreed to in collective bargaining. As a result, the expanded authorization of binding arbitration should be restrained. It is reasonable to assume that if this bill is approved other civilian titles will seek similar benefits, which could lead to increased costs for the State.

For these reasons, the Division of the Budget recommends that this bill be vetoed.



OFFICE OF MENTAL HEALTH
COUNSEL

Sharon E. Carpinello, RN, Ph.D.
Commissioner

44 HOLLAND AVENUE
ALBANY, NEW YORK 12229
(518) 474-1331 • FAX (518) 473-7863 • TDD (518) 473-2714

JOHN V. TAURIELLO
Deputy Commissioner and Counsel

June 23, 2006

Honorable Richard Platkin
Counsel to the Governor
Executive Chamber
State Capitol Building
Albany, NY 12224

RE: S.7757

Dear Mr. Platkin:

The Office of Mental Health (OMH) opposes the above referenced bill, which is before the Governor for Executive action. This legislation would amend Section 209 of the Civil Service Law to include within its provisions requiring binding arbitration, those members of the Security Services collective bargaining unit who are in a Security Hospital Treatment Assistant (SHTA) title.

OMH opposes extension of binding arbitration because, by involving time limits and independent arbitrators, it limits the State's options in negotiation. Additionally, the justification for this legislation, in the memorandum in support, is that SHTAs perform work similar in nature and scope to that of correctional officers, and as their job duties so closely parallel the duties of a correctional officer, it is logical they should be afforded the same benefits of binding arbitration. OMH notes that the role of the SHTA in a State hospital is primarily therapeutic in nature and is not similar to that of a correctional officer in a prison. A justification that equates these positions raises concerns, as this blurs the distinction between a therapeutic hospital and a correctional setting.

Thank you for the opportunity to comment on this proposal.

Sincerely,

A handwritten signature in cursive script that reads "John V. Tauriello".

John V. Tauriello
Deputy Commissioner and Counsel

000012



CSEA has no position on S7757

**SAMPLE OF
CORRESPONDENCE
ONLY**

Honorable Governor George Pataki
The Executive Chamber
Albany, New York 12224

Dear Governor Pataki,

I am writing to urge you to sign into law Binding Arbitration for **Security Hospital Treatment Assistants** represented by NYSCOPBA. (Senate bill # S7757 /Assembly bill # A.10884).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As Security Hospital Treatment Assistants we perform many of the same law enforcement functions and deserve binding arbitration.

This legislation will:

- Allow a neutral third party to determine compensation in a fair and equitable manner;
- Assist in the recruitment and retention of Security Hospital Treatment Assistants;
- Provide compensation parity between Security Hospital Treatment Assistants and other law enforcement officers in New York State.

Thank you in Advance,

Name *James Spindler*
 Address *143-01 Glenside Ave
 Queens, New York 11435*

Honorable Governor George Pataki
The Executive Chamber
Albany, New York 12224

Dear Governor Pataki,

I am writing to urge you to sign into law Binding Arbitration for **Security Hospital Treatment Assistants** represented by NYSCOPBA. (Senate bill # S7757 /Assembly bill # A.10884).

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- Assist in the recruitment and retention of Security Hospital Treatment Assistants:
- Provide compensation parity between Security Hospital Treatment Assistants and other law enforcement officers in New York State.

Thank you in Advance,

Name Constance N. Taylor
Address 261 Lenox Rd. #2F
Brooklyn NY 11226-2175

000016

Dear Governor Pataki,

I am writing to urge you to sign into law Binding Arbitration for **Safety and Security Officers (Peace Officers)** represented by NYSCOPBA. (Senate bill # S.7750/Assembly bill # A.10842).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As **Safety and Security Officers (Peace Officers)** we perform many of the same law enforcement functions and deserve binding arbitration.

This legislation will:

- Allow a neutral third party to determine compensation in a fair and equitable manner;
- Assist in the recruitment and retention of **Safety and Security Officers (Peace Officers)**;
- Provide compensation parity between **Safety and Security Officers (Peace Officers)** and other law enforcement officers.

Thank you in Advance,



Dear Governor Pataki,

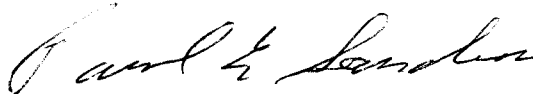
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- Provide compensation parity between **Safety and Security Officers (Peace Officers)** and other law enforcement officers.

Thank you in Advance,



August 5, 2006

Honorable George E. Pataki
State Capitol
Albany, NY 12224

Dear Governor Pataki,

I am writing you today, to ask you to please sign bill S.7750 / A.10842 when it is delivered to your desk. This bill, if you decide to make it into law, will provide NYS Safety & Security Officers with the benefit of binding interest arbitration. There are approximately 700 Safety Officers in New York State employed by the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, and the Department of Health. Several years ago, you signed similar legislation for NYS Correctional Officers because you recognized the dangerous nature of their job as Peace Officers. We too are Peace Officers and hope that you will recognize the difficult and dangerous nature of our job as well.

Safety & Security Officers:

- Are designated as Special Police and patrol some of the most dangerous areas of our cities - without the protection of a firearm or bullet resistant vest.
- Work with a dangerous and unpredictable group of clients and are constantly at risk of assault.
- Provide protection for mentally ill clients, their visitors and NY State employees 24/7/365 at great risk to our own safety.
- Respond to all emergencies (fire, medical, criminal situations, etc.) as first responders without hesitation.
- Perform many of the same tasks as - Correctional Officers, Police, Code Enforcement Officials, EMTs, and many other titles.
- Are the first impression that the public gets when dealing with OMH, OMRDD, or DOH.
- Serve with pride, integrity, and professionalism at all times.

I urge you to please sign this bill. It is time to recognize this small but proud group for the tireless work that they perform for New York State. Our families and our future depend on you.

Thank you for your time.

Sincerely,

Conglus R. Johnson
2985 WATERMAN RD
CAMDEN NY
13316

000019

August 5, 2006

Honorable George E. Pataki
State Capitol
Albany, NY 12224

Dear Governor Pataki,

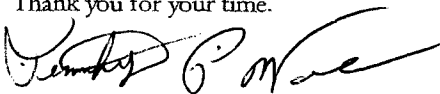
I am writing you today, to ask you to please sign bill S.7750 / A.10842 when it is delivered to your desk. This bill, if you decide to make it into law, will provide NYS Safety & Security Officers with the benefit of binding interest arbitration. There are approximately 700 Safety Officers in New York State employed by the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, and the Department of Health. Several years ago, you signed similar legislation for NYS Correctional Officers because you recognized the dangerous nature of their job as Peace Officers. We too are Peace Officers and hope that you will recognize the difficult and dangerous nature of our job as well.

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- Are the first impression that the public gets when dealing with OMH, OMRDD, or DOH.
- Serve with pride, integrity, and professionalism at all times.

I urge you to please sign this bill. It is time to recognize this small but proud group for the tireless work that they perform for New York State. Our families and our future depend on you.

Thank you for your time.



Sincerely,

Dear Governor Pataki,

I am writing to urge you to sign into law Binding Arbitration for **Safety and Security Officers (Peace Officers)** represented by NYSCOPBA. (Senate bill # S.7750/Assembly bill # A.10842).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As **Safety and Security Officers (Peace Officers)** we perform many of the same law enforcement functions and deserve binding arbitration.

This legislation will:

- Allow a neutral third party to determine compensation in a fair and equitable manner;
- Assist in the recruitment and retention of **Safety and Security Officers (Peace Officers)**;
- Provide compensation parity between **Safety and Security Officers (Peace Officers)** and other law enforcement officers.

Thank you in Advance,

Jean Sanders

000021

V4056

Honorable Governor George Pataki
The Executive Chamber
Albany, New York 12224

Dear Governor Pataki,

I am writing to urge you to sign into law Binding Arbitration for **Security Hospital Treatment Assistants** represented by NYSCOPBA. (Senate bill # S7757 /Assembly bill # A.10884).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As Security Hospital Treatment Assistants we perform many of the same law enforcement functions and deserve binding arbitration.

This legislation will:

- Allow a neutral third party to determine compensation in a fair and equitable manner;
- Assist in the recruitment and retention of Security Hospital Treatment Assistants;
- Provide compensation parity between Security Hospital Treatment Assistants and other law enforcement officers in New York State.

Thank you in Advance,

Name Carolyn L. Wallace
 Address Mid-Hudson Forensic Psychiatric Center
New Hampton N.Y. 10958

57757

July 31, 2006

Governor George E. Pataki
State Capitol
Albany, NY 12224

Dear Governor Pataki:

I am writing to ask you to sign **Bill S07757** into law. This will provide the Security Hospital Treatment Assistant with Binding Arbitration.


I urge you to support this bill for the following reasons:

- SHTAs work in Maximum Secure Facilities at four sites in New York State providing 'around the clock security'
- SHTAs work with convicted inmates with psychological and mental conditions
- SHTAs work with the same individuals as Correctional Officers
- SHTAs also work with pre-convicted individuals who have committed heinous crimes
- SHTAs are locked in their facilities frequently for up to 16 hours at a time
- SHTAs perform a stressful, dangerous and demanding job
- SHTAs suffer injuries at an alarming rate and for years Civil Service has considered their job the 'most dangerous in New York State'
- SHTAs are assaulted frequently and many end up on Disability Retirement

Governor, I ask you to do what is right and sign this bill into law. The SHTAs deserve Binding Arbitration! Do it for them. Do it for their families!

*Governor -
This is your chance
to make things right. SHTA
staff do work with the most
difficult patients in NYS!*

Sincerely,



Roger W. Helmer
111804 Fairchild Road
Remsen NY 13438

000023

Dear Governor Pataki,

I am writing to urge you to sign into law Binding Arbitration for Security Hospital Treatment Assistants represented by NYSCOPBA. (Senate bill # S7757 /Assembly bill # A.10884).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As Security Hospital Treatment Assistants we perform many of the same law enforcement functions and deserve binding arbitration.

This legislation will:

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Thank you in Advance,

A handwritten signature in cursive script, reading "Leiba Schluter". The signature is written in black ink and is positioned below the typed text "Thank you in Advance,".

54457

④

Dear Governor Pataki,

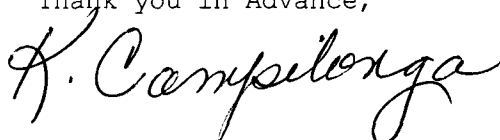
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- Provide compensation parity between Security Hospital Treatment Assistants and other law enforcement officers in New York State.

Thank you in Advance,

A handwritten signature in black ink, appearing to read "L. Jones". The signature is written in a cursive, flowing style.

S 7757

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Thank you in Advance,

A handwritten signature in black ink that reads "Pete Cedeno". The signature is written in a cursive style with a large initial "P" and "C".

000027

S 4457

7

Honorable Governor George Pataki
The Executive Chamber
Albany, New York 12224

Dear Governor Pataki,

I am writing to urge you to sign into law Binding Arbitration for **Security Hospital Treatment Assistants** represented by NYSCOPBA. (Senate bill # S7757 /Assembly bill # A.10884).

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- Allow a neutral third party to determine compensation in a fair and equitable manner;
- Assist in the recruitment and retention of Security Hospital Treatment Assistants;
- Provide compensation parity between Security Hospital Treatment Assistants and other law enforcement officers in New York State.

Thank you in Advance,

Name Evelyn Garcia
Address 312 E. 206th St
Bronx, NY 10467

000028

Honorable Governor George Pataki
The Executive Chamber
Albany, New York 12224

Dear Governor Pataki,

I am writing to urge you to sign into law **Binding Arbitration for Security Hospital Treatment Assistants** represented by NYSCOPBA. (Senate bill # S7757 /Assembly bill # A.10884).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As Security Hospital Treatment Assistants we perform many of the same law enforcement functions and deserve binding arbitration.

This legislation will:

- Allow a neutral third party to determine compensation in a fair and equitable manner;
- Assist in the recruitment and retention of Security Hospital Treatment Assistants;
- Provide compensation parity between Security Hospital Treatment Assistants and other law enforcement officers in New York State.

Thank you in Advance,

Name

Mary Baldwin

Address

New Rocher NY 10958

000029

Honorable Governor George Pataki
The Executive Chamber
Albany, New York 12224

Dear Governor Pataki,

I am writing to urge you to sign into law **Binding Arbitration for Security Hospital Treatment Assistants** represented by NYSCOPBA. (Senate bill # S7757 /Assembly bill # A.10884).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As Security Hospital Treatment Assistants we perform many of the same law enforcement functions and deserve binding arbitration.

This legislation will:

- Allow a neutral third party to determine compensation in a fair and equitable manner;
- Assist in the recruitment and retention of Security Hospital Treatment Assistants;
- Provide compensation parity between Security Hospital Treatment Assistants and other law enforcement officers in New York State.

Thank you in Advance,

Name Susan Kelly
Address New Hampton NY 10958

000030

July 28, 2006

Governor George E. Pataki
State Capitol
Albany, NY 12224

Dear Governor Pataki:

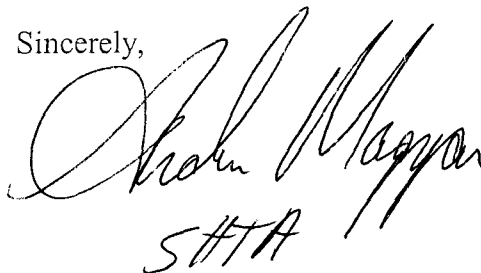
I am writing to ask you to sign **Bill S07757** into law. This will provide the Security Hospital Treatment Assistant with Binding Arbitration.

I urge you to support this bill for the following reasons:

- SHTAs work in Maximum Secure Facilities at four sites in New York State providing 'around the clock security'
- SHTAs work with convicted inmates with psychological and mental conditions
- SHTAs work with the same individuals as Correctional Officers
- SHTAs work with pre-convicted individuals who have committed heinous crimes
- SHTAs are locked in their facilities frequently for up to 16 hours
- SHTAs perform a stressful, dangerous and demanding job
- SHTAs suffer injuries at an alarming rate and for years Civil Service has considered their job the 'most dangerous in New York State'
- SHTAs are assaulted frequently and many end up on Disability Retirement

Governor, I ask you to do what is right and sign this bill into law. The SHTAs deserve Binding Arbitration! Do it for them. Do it for their families!

Sincerely,



SHTA

000031

July 21, 2006

Governor George E. Pataki
State Capitol
Albany, NY 12224

Dear Governor Pataki:

I urge you to sign Bill Number S07757 into law. This will provide Security Hospital Treatment Assistants with Binding Arbitration.

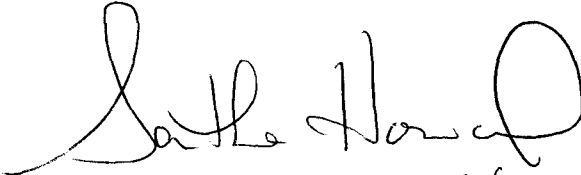
Security Hospital Treatment Assistants (SHTA) do the **same job as Correctional Officers.**

SHTAs work in a **stressful environment** and are **frequently assaulted.**

SHTAs work with both, **pre-convicted and convicted individuals, just like Correctional Officers.**

Governor, the SHTAs need equality, Sign **Bill S07757 into law! Do it for them and for their families!**

Sincerely,


Sarah Howard
Rome NY

13440

000032

July 28, 2006

Governor George E. Pataki
State Capitol
Albany, NY 12224

Dear Governor Pataki:

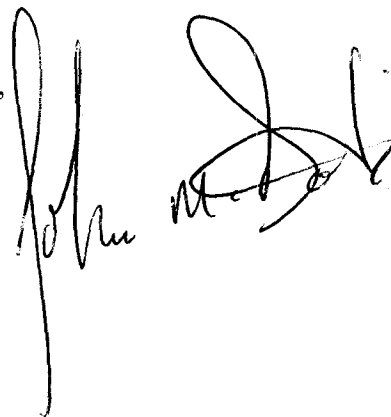
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I urge you to support this bill for the following reasons:

- **SHTAs work in Maximum Secure Facilities at four sites in New York State providing 'around the clock security'**
- **SHTAs work with convicted inmates with psychological and mental conditions**
- **SHTAs work with the same individuals as Correctional Officers**
- **SHTAs work with pre-convicted individuals who have committed heinous crimes**
- **SHTAs are locked in their facilities frequently for up to 16 hours**
- **SHTAs perform a stressful, dangerous and demanding job**
- **SHTAs suffer injuries at an alarming rate and for years Civil Service has considered their job the 'most dangerous in New York State'**
- **SHTAs are assaulted frequently and many end up on Disability Retirement**

Governor, I ask you to do what is right and sign this bill into law. The SHTAs deserve Binding Arbitration! Do it for them. Do it for their families!

Sincerely,

A handwritten signature in black ink, appearing to read "John Pataki". The signature is written in a cursive, somewhat stylized font. The first name "John" is written vertically, and the last name "Pataki" is written horizontally to its right.

000033

STATE OF NEW YORK

7757

IN SENATE

April 25, 2006

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the civil service law, in relation to providing for binding arbitration in negotiations for certain members of the security services collective bargaining unit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 2 of section 209 of the civil service law, as
2 amended by section 1 of chapter 737 of the laws of 2005, is amended to
3 read as follows:
4 2. Public employers are hereby empowered to enter into written agree-
5 ments with recognized or certified employee organizations setting forth
6 procedures to be invoked in the event of disputes which reach an impasse
7 in the course of collective negotiations. Such agreements may include
8 the undertaking by each party to submit unresolved issues to impartial
9 arbitration. In the absence or upon the failure of such procedures,
10 public employers and employee organizations may request the board to
11 render assistance as provided in this section, or the board may render
12 such assistance on its own motion, as provided in subdivision three of
13 this section, or, in regard to officers or members of any organized fire
14 department, or any unit of the public employer which previously was a
15 part of an organized fire department whose primary mission includes the
16 prevention and control of aircraft fires, police force or police depart-
17 ment of any county, city, town, village or fire or police district, or
18 detective-investigators employed in the office of a district attorney of
19 a county not contained within a city with a population of one million or
20 more, or in regard to any organized unit of troopers, commissioned or
21 noncommissioned officers of the division of state police, or in regard
22 to investigators, senior investigators and investigator specialists of
23 the division of state police, or in regard to members of collective
24 negotiating units designated as security services and security supervi-
25 sors who are police officers or who are employed by the state department
26 of correctional services and are designated as peace officers pursuant
27 to subdivision twenty-five of section 2.10 of the criminal procedure law

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16298-01-6

S. 7757

2

1 or who are security hospital treatment assistants in the office of
2 mental health, or in regard to members of the collective negotiating
3 unit designated as the agency law enforcement services unit who are
4 police officers pursuant to subdivision thirty-four of section 1.20 of
5 the criminal procedure law, or in regard to organized units of deputy
6 sheriffs who are engaged directly in criminal law enforcement activities
7 that aggregate more than fifty per centum of their service as certified
8 by the county sheriff and are police officers pursuant to subdivision
9 thirty-four of section 1.20 of the criminal procedure law as certified
10 by the municipal police training council or Suffolk county correction
11 officers, as provided in subdivision four of this section.

12 § 2. The opening paragraph of subdivision 4 of section 209 of the
13 civil service law, as amended by section 3 of chapter 737 of the laws of
14 2005, is amended to read as follows:

15 On request of either party or upon its own motion, as provided in
16 subdivision two of this section, and in the event the board determines
17 that an impasse exists in collective negotiations between such employee
18 organization and a public employer as to the conditions of employment of
19 officers or members of any organized fire department, or any other unit
20 of the public employer which previously was a part of an organized fire
21 department whose primary mission includes the prevention and control of
22 aircraft fires, police force or police department of any county, city,
23 town, village or fire or police district, and detective-investigators or
24 criminal investigators employed in the office of a district attorney of
25 a county not contained within a city with a population of one million or
26 more, or as to the conditions of employment of members of any organized
27 unit of troopers, commissioned or noncommissioned officers of the divi-
28 sion of state police or as to the conditions of employment of members of
29 any organized unit of investigators, senior investigators and investi-
30 gator specialists of the division of state police, or as to the terms
31 and conditions of employment of members of collective negotiating units
32 designated as security services and security supervisors, who are police
33 officers or who are employed by the state department of correctional
34 services and are designated as peace officers pursuant to subdivision
35 twenty-five of section 2.10 of the criminal procedure law or who are
36 security hospital treatment assistants in the office of mental health,
37 or in regard to members of the collective negotiating unit designated as
38 the agency law enforcement services unit who are police officers pursu-
39 ant to subdivision thirty-four of section 1.20 of the criminal procedure
40 law, or as to the conditions of employment of any organized unit of
41 deputy sheriffs who are engaged directly in criminal law enforcement
42 activities that aggregate more than fifty per centum of their service as
43 certified by the county sheriff and are police officers pursuant to
44 subdivision thirty-four of section 1.20 of the criminal procedure law as
45 certified by the municipal police training council or Suffolk county
46 correction officers, the board shall render assistance as follows:

47 § 3. Paragraph (f) of subdivision 4 of section 209 of the civil
48 service law, as amended by chapter 641 of the laws of 2003, is amended
49 to read as follows:

50 (f) With regard to any members of collective negotiating units desig-
51 nated as security services or security supervisors, who are police offi-
52 cers or who are employed by the state department of correctional
53 services and are designated as peace officers pursuant to subdivision
54 twenty-five of section 2.10 of the criminal procedure law or who are
55 security hospital treatment assistants in the office of mental health,
56 or in regard to members of the collective negotiating unit designated as

S. 7757

3

1 the agency law enforcement services unit who are police officers pursu-
2 ant to subdivision thirty-four of section 1.20 of the criminal procedure
3 law, the provisions of this section shall only apply to the terms of
4 collective bargaining agreements directly relating to compensation,
5 including, but not limited to, salary, stipends, location pay, insur-
6 ance, medical and hospitalization benefits; and shall not apply to non-
7 compensatory issues including, but not limited to, job security, disci-
8 plinary procedures and actions, deployment or scheduling, or issues
9 relating to eligibility for overtime compensation which shall be
10 governed by other provisions proscribed by law.

11 § 4. This act shall take effect immediately; provided that the amend-
12 ments to subdivisions 2 and 4 of section 209 of the civil service law
13 made by sections one, two and three, respectively, of this act shall not
14 affect the expiration of such subdivisions and shall be deemed to expire
15 therewith.
