

CS

VETO # 403

CHAPTER \_\_\_\_\_

LAWS OF 20 06

SENATE BILL 7750

ASSEMBLY BILL \_\_\_\_\_

STATE OF NEW YORK

7750

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

A10842-LUPARDO

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 \_\_\_\_\_

000002



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

# V E T O # 403

TO THE SENATE:

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

SEP 13 2006

Senate Bill Number 7750, 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 safety and security officers employed by the Office of Mental Health ("OMH"), Office of Mental Retardation and Developmental Disabilities ("OMRDD") or Department of Health ("DOH"). The bill would take effect immediately.

In 2001, I approved legislation to provide binding arbitration for the 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 Legislature agreed to pass subsequent legislation 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, safety and security officers employed by OMH, OMRDD and DOH -- who are peace officers under the Criminal Procedure Law -- are specifically excluded from binding arbitration as a result of the 2001 agreement. In the absence of compelling new facts or circumstances, I am constrained to disapprove this bill.

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 7750 which is presently awaiting your consideration.

Senate bill 7750 amends the civil service law, in relation to providing for binding arbitration in negotiations for certain members of the security services collective bargaining unit. Binding arbitration legislation with respect to compensatory issues for members of the Security Services collective bargaining unit 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 are correctional officers. Like State correctional officers, SSOs employed within the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities and the Department of Health are statutorily recognized peace officers, performing a vital security and law enforcement function for the citizens of this State. These individuals patrol and inspect treatment facilities, handle all safety and security issues and prevent endangerment of patients, employees, visitors and property. Yet, unlike other law enforcement officers of this State - police officers and State correctional officers - these individuals are not afforded the benefits of binding arbitration during collective negotiations. This bill simply extends this well-deserved benefit to our State's SSO members.

Your approval of this legislation is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Betty Little".

Elizabeth O'C. Little  
Senator

000004



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

DAVID R. TOWNSEND, JR.  
Assemblyman 115<sup>th</sup> District  
Oneida and Oswego Counties

Chairman Task Force on  
Urban Crime

RANKING MINORITY MEMBER  
Codes Committee

COMMITTEES  
Labor  
Local Governments

VIA FACSIMILE

September 7, 2006

Honorable George E. Pataki  
Governor  
State of New York  
State Capitol Building  
Albany, NY 12224-0341

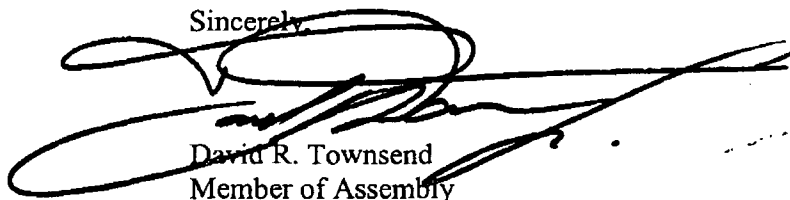
Dear Governor Pataki:

I write to you regarding A.10842/S.7750, which provides for binding arbitration in negotiations for certain members of the security services collective bargaining unit who are safety and security officers within the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities or the Department of Health. As I am sure you know, this legislation passed the Senate on May 23, 2006, passed the Assembly on June 13, 2006 and was delivered to you on September 1, 2006.

Safety and Security Officers employed within the Office of Mental Health, the Office of Mental Retardation and Developmental Disability and the Department of Health are statutorily recognized peace officers, performing a vital security and law enforcement function for the citizens of this State. These individuals patrol and inspect treatment facilities, handle all safety and security issues and prevent endangerment of patients, employees, visitors and property. Unlike other law enforcement officers in this State, these individuals are not afforded the benefits of binding arbitration during collective negotiations. This legislation will extend this well-deserved benefit to our State's Safety and Security Officers.

Therefore, I respectfully request that you sign this very important legislation.

Sincerely,



David R. Townsend  
Member of Assembly

DRT:fd

000005

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

BILL NUMBER: S7750

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 safety and security officer ("SSO") members of the Security Services collective bargaining unit.

SUMMARY OF SPECIFIC PROVISIONS: Section 1 of the bill amends § 209(2) of the Civil Service Law to include within its provisions members of the Security Services collective bargaining unit who hold the title of SSO.

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.

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 members of the Security Services collective bargaining unit passed the Legislature and became law during the 200 I 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 are correctional officers.

Like State correctional officers, SSOs employed within the Office of Mental Health, the Office of Mental Retardation and Developmental Disabilities and the Department of Health are statutorily recognized peace officers, performing a vital security and law enforcement function for the citizens of this State. These individuals patrol and inspect treatment facilities, handle all safety and security issues and prevent endangerment of patients, employees, visitors and property. Yet, unlike other law enforcement officers of this State - police officers and State correctional officers - these individuals are not afforded the benefits of binding arbitration during collective negotiations. This bill simply extends this well-deserved benefit to our State's SSO members.

PRIOR 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 7750

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

000007

**SENATE:**  
No. 7750

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, Summary of Provisions:

Effective immediately, this bill would amend subdivisions 2 and 4 of section 209 of the Civil Service Law to add safety and security officers in the security services unit of the New York State Correctional Officers and Police Benevolent Association to the list of employees eligible to utilize binding arbitration to settle contract disputes related to compensation.

3. Legislative History:

This is a new bill. A similar bill in this legislative session, S.7757, seeks to expand the provision of compulsory binding arbitration to security hospital treatment assistants in the Office of Mental Health.

4. Arguments in Support:

Proponents of this bill argue that safety and security officers should be treated like correctional officers, who are eligible for binding arbitration in the event of impasse. Specifically, proponents contend that since safety and security officers perform work comparable in nature and scope to correctional officers, they too should have compulsory arbitration 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. Unlike correctional officers, some of whom are armed while on duty, safety and security officers do not carry a firearm while on-duty and are not as directly involved in criminal justice matters. Rather, safety and security officers primarily focus on securing psychiatric and developmental center facilities and ensuring the safety of visitors and patients, whereas correction officers are responsible for the daily oversight of individuals convicted of serious crimes. In this regard, even though safety and security officers are classified as "peace officers," this title is one of many such "peace officer" titles that are more appropriately compared to civilians. If this bill is passed, it is reasonable to expect that other peace officers and civilian titles will seek similar benefits, which could lead to increased costs for the State.

- 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:

OMRDD and the Governor's Office of Employee Relations are opposed to this bill. DOH and OMH would be interested in this bill.

7. Other Interested Groups:

The New York State Correctional Officers and Police Benevolent Association would be interested in this bill.

8. Budget Implications:

Currently, there are 722 safety and security officers employed by OMH, OMRDD, and DOH with an annual payroll of \$37 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 \$370,000 in annual costs to the State.

9. Recommendation:

This bill would provide for compulsory binding arbitration when an impasse has been declared in collective negotiations between safety and security officers and the State. Most importantly, there is no compelling justification to extend binding arbitration to this group of employees. Unlike correctional officers, some of whom are armed while on duty, safety and security officers do not carry a firearm while on-duty and are not as directly involved in criminal justice matters. Rather, safety and security officers primarily focus on securing psychiatric and developmental center facilities and ensuring the safety of visitors and patients, whereas correction officers are responsible for the daily oversight of individuals convicted of serious crimes.

Moreover, the availability of binding arbitration for the 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. It is reasonable to assume that if this bill is approved, other peace officer and 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.7750

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 Safety and Security Officer (SSO) 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 SSOs 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. A justification based on equating SSOs and correction officers raises concerns, as it blurs the distinction between working in a therapeutic rather than 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

000011



STATE OF NEW YORK  
**OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES**

44 HOLLAND AVENUE  
ALBANY, NEW YORK 12229-0001  
(518) 473-1997 • TDD (518) 474-3694  
www.omr.state.ny.us

June 29, 2006

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

Re: S. 7750 – Provides for binding arbitration with respect to compensation issues for correction and safety and security services officers

Dear Mr. Platkin:

The Office of Mental Retardation and Developmental Disabilities (“OMRDD”) has reviewed the above-referenced bill awaiting executive action which was forwarded to our office for comment.

Please be advised that OMRDD respectfully states that it objects to this bill to authorize binding arbitration with respect to compensation issues for safety and security officers. Currently, compensation issues for OMRDD safety and security officers are negotiated via collective bargaining agreements that are ultimately ratified by the Legislature. This bill would replace public ratification of state employee compensation with ratification by a sole, non-elected official (i.e., the arbitrator) who is ultimately not accountable to the public. For these reasons, OMRDD requests disapproval of this bill.

Thank you for the opportunity to review and comment on this bill.

Sincerely,

/s/

Cynthia E. McDonough  
Associate Attorney

cc: Paul Kietzman

bcc: Thomas Maul  
Helene DeSanto  
Tracy Durfee  
James Moran  
Larry Smith  
Robert Foody  
Matthew Guinane



000012



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.7750

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 Safety and Security Officer (SSO) 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 SSOs 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. A justification based on equating SSOs and correction officers raises concerns, as it blurs the distinction between working in a therapeutic rather than 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

000013



CSEA has no position on S7750

000014

Roger W. Gillespie

P.O. Box 374 • Newport, NY 13416

SEP 5<sup>TH</sup>, 2006

HONORABLE GEORGE E PATAKI

STATE CAPITOL

ALBANY, NY 12224

DEAR GOVERNOR PATAKI,

IN THE PAST I HAVE GIVEN YOU MY  
SUPPORT AND TO DAY I AM ASKING FOR  
YOUR SUPPORT IN SIGNING BILL

S. 7750 / A. 10842 (SAFETY + SECURITY  
OFFICER ARBITRATION BILL),

I HAVE BEEN A SAFETY + SECURITY  
OFFICER FOR OVER 26 YEARS. DURING  
THAT TIME MYSELF AND OTHER OFFICERS  
HAVE BEEN DEDICATED PUBLIC SERVANTS  
ALL I'M ASKING IS FOR YOU TO  
RIGHT A WRONG CAUSED WHEN OUR  
UNION WAS NOT ABLE TO ORIGINALLY  
GET US BINDING ARBITRATION.

SO AGAIN, ON BEHALF OF ALL  
THOSE OFFICERS WHO HAVE BEEN  
WITHOUT A RAISE ON A CONTRACT  
FOR OVER THREE YEARS I ASK FOR  
YOUR SUPPORT. RESPECTFULLY

000015

Roger W Gillespie  
CNYAC

**SAMPLE OF  
CORRESPONDENCE  
ONLY**

000010

August 5, 2006

Honorable George E. Pataki  
State Capitol  
Albany, NY 12224

Dear Governor Pataki,

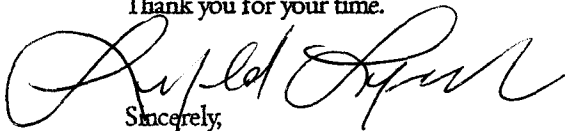
I am writing you today, to ask you to please sign bill S.7750 / A.10842 when it is delivered to your desk. This bill, if you decide to make it into law, will provide NYS Safety & Security Officers with the benefit of binding interest arbitration. There are approximately 700 Safety Officers in New York 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,

000017

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,

000018

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,

*John Sanders*

000019

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

Dear Governor Pataki,

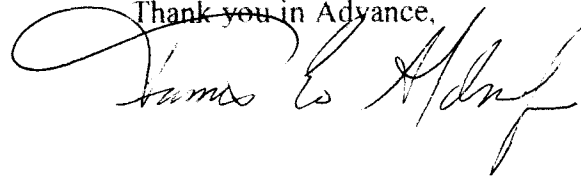
I am writing to urge you to sign into law Binding Arbitration for **Safety and Security Officers** represented by NYSCOPBA. (Senate bill # S.7750/Assembly bill # A.10842).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As Safety and Security Officers 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;
- Provide compensation parity between Safety and Security Officers and other law enforcement officers.

Thank you in Advance,



Name JAMES E. ARONOFF  
Address 519 MILLER AVE  
BROOKLYN NY 11207

000020

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

Dear Governor Pataki,

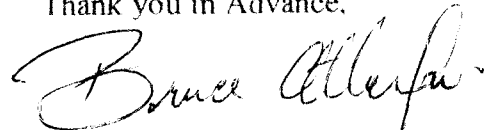
I am writing to urge you to sign into law Binding Arbitration for **Safety and Security Officers** represented by NYSCOPBA. (Senate bill # S.7750/Assembly bill # A.10842).

Binding arbitration is currently provided to all Police Officers in the State and to many other law enforcement officers. As Safety and Security Officers 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;
- Provide compensation parity between Safety and Security Officers and other law enforcement officers.

Thank you in Advance.



Name Bruce Alleyne

Address 1220's FLATLANDS AVE, #36  
BROOKLYN, NY 11207

000021  
~~00002~~

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 Gardner*

000022

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,



000023

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,



000024

Dear Governor Pataki,

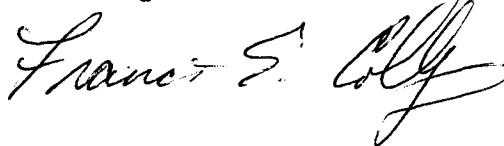
I am writing to urge you to sign into law Binding Arbitration for **Safety and Security Officers (Peace Officers)** represented by NYSCOPBA. (Senate bill # S.7750/Assembly bill # A.10842).

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,



ST A10842 (16)  
S7750

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,



000026

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,

A handwritten signature in black ink, appearing to be "R. Pataki", written over the text "Thank you in Advance,".

**000027**

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,

*Scott E. Niles SSO II*

*7/22/2006*

**000028**

**STATE OF NEW YORK**

7750

**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.

LBD16293-01-6

S. 7750

2

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

13 § 2. The opening paragraph of subdivision 4 of section 209 of the  
14 civil service law, as amended by section 3 of chapter 737 of the laws of  
15 2005, is amended to read as follows:

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

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

53 (f) With regard to any members of collective negotiating units desig-  
54 nated as security services or security supervisors, who are police offi-  
55 cers or who are employed by the state department of correctional  
56 services and are designated as peace officers pursuant to subdivision

S. 7750

3

1 twenty-five of section 2.10 of the criminal procedure law or who are  
2 safety and security officers within the office of mental health, the  
3 office of mental retardation and developmental disabilities, or the  
4 department of health, or in regard to members of the collective negoti-  
5 ating unit designated as the agency law enforcement services unit who  
6 are police officers pursuant to subdivision thirty-four of section 1.20  
7 of the criminal procedure law, the provisions of this section shall only  
8 apply to the terms of collective bargaining agreements directly relating  
9 to compensation, including, but not limited to, salary, stipends,  
10 location pay, insurance, medical and hospitalization benefits; and shall  
11 not apply to non-compensatory issues including, but not limited to, job  
12 security, disciplinary procedures and actions, deployment or scheduling,  
13 or issues relating to eligibility for overtime compensation which shall  
14 be governed by other provisions proscribed by law.

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

---