

VETO MESSAGE - No. 70

NYSCOPBA LEGISLATIVE
DEPARTMENT

TO THE SENATE:

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

Senate Bill Number 6100, entitled:

"AN ACT to amend the civil service law, in relation to providing for binding arbitration in negotiations involving all members of the collective negotiating units designated as security services or security supervisors"

NOT APPROVED

This bill would extend the use of binding interest arbitration procedures to resolve impasses on compensation-related matters in collective bargaining to all members of the security services and security supervisors negotiating units who cannot currently avail themselves of this procedure. At present, the only members of these units who may submit disputes to binding arbitration are those who are police officers, forest ranger captains and peace officers employed by the Department of Correctional Services.

As I have noted in several prior veto messages, I am concerned about the inexorable process by which binding arbitration, originally limited to ensuring service from certain specific groups in law enforcement and public transportation, has expanded. I have further indicated my view that additional expansion of the arbitration process should be greatly constrained, and subject to certain limiting principles. While I appreciate the important work done by the employees at issue, I do not believe that binding arbitration is warranted in these circumstances, for several reasons.

First, this bill would go outside the boundaries to which arbitration has thus far been confined. In particular, this bill covers individuals who are neither peace officers nor police officers. To expand access to arbitration in this matter would broaden its scope beyond anything granted thus far, and would invite yet more demands from individuals who deem their work to be comparable. There is no basis for a further expansion of binding arbitration rights into these new areas.

Second, the bill also covers secure hospital treatment assistants, who were covered by a separate bill passed earlier this session, and which I vetoed last month. See Veto Number 36.

Third, all members of the units at issue were extended binding arbitration in 2001 legislation signed by Governor Pataki. Governor Pataki's approval, however, was conditioned on a subsequent chapter amendment removing from the bill all those who were not peace officers as defined by the Criminal Procedure Law. In compliance with this condition, the Legislature enacted Chapter 220 of the Laws of 2002, which limited arbitration rights in the manner set forth in current law. The same reasons that warranted the exclusion of these individuals in 2002 still apply today.

In short, this bill would represent a significant extension of binding arbitration to a host of varied titles, many of which are not analogous

to those groups for whom this procedure was originally intended. Although the groups at issue in this legislation play an important role in the public safety of this State, binding arbitration was never intended to be granted to all employees who perform important work. It is a tool used to ensure labor peace in certain limited areas of law enforcement and public transportation. Many of the employees covered by this legislation are neither peace nor police officers, and extending arbitration to these groups would take the process far past the limits that have, to date, been imposed upon it.

The bill is disapproved.

(signed) ELIOT SPITZER
