

VETO MESSAGE - No. 36

TO THE SENATE:

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

Senate Bill Number 4785, 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"

NOT APPROVED

This bill would allow security hospital treatment assistants (SHTAs) in the Office of Mental Health to avail themselves of binding interest arbitration procedures to resolve impasses on compensation-related matters in collective bargaining, in accordance with Civil Service Law Section 209(4).

As I have noted in other veto messages issued today, 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. For several reasons, I believe that granting binding arbitration to SHTAs would extend binding arbitration into new areas, and would make it more difficult to set boundaries on the groups who participate in this procedure.

First, as Governor Pataki noted in his veto of identical legislation last year, the SHTAs were specifically excluded from arbitration by a 2002 chapter amendment, as part of the agreement that led to the inclusion of correctional officers. The arguments against including SHTAs that were made in 2002 apply with equal force today.

Second, while SHTAs are peace officers for some purposes, and serve an important law enforcement role in New York's psychiatric facilities, they also perform numerous therapeutic tasks. If arbitration were extended in this instance, it would invite yet more demands from individuals who deem their work to be comparable, including other peace officers and those who work in other capacities in the mental health field.

Proponents of this bill point to the extreme difficulty of the tasks SHTAs are asked to perform, a point which I cannot dispute. But binding

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arbitration was intended to ensure the continuity of a narrow set of public services. Because inclusion of SHTAs extends beyond any limits placed on this procedure until now, I cannot approve this legislation.

The bill is disapproved.

(signed) ELIOT SPITZER
