

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

Senate Bill Number 4117-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to retirement for members who are security hospital treatment assistants"

NOT APPROVED

This bill would amend the Retirement and Social Security Law to provide that Security Hospital Treatment Assistants (SHTAs) employed by the Office of Mental Health (OMH) who are enrolled in a special 25-year plan would be allowed to utilize any other past service credit earned in any other title at OMH, capped at 10 years of additional service credit. It is estimated that the bill could result in an average cost of \$22,000 for each employee that claims this prior service credit. Such costs would be borne by the State as a one-time payment. The bill would take effect immediately.

In recognition of the important and dangerous jobs that SHTAs perform, current law entitles SHTAs to be members of a 25-year retirement plan, a preferred special plan that permits retirement after 25 years of service without regard to age. This bill, however, would permit SHTAs to use credit from time spent in any OMH title toward obtaining 25 years of service, including credit earned in titles that restrict retirement based upon age. Accordingly, this bill would permit SHTAs to utilize service credit earned in a non-preferred retirement plan for purposes of accruing enough credit to retire after 25 years.

Members of other special preferred plans that permit retirement without regard to age in NYSLERS are not accorded this benefit, and approval of this legislation would undoubtedly lead to similar bills that would allow members of 25-year plans in NYSLERS and other systems to utilize prior service credit earned in non-preferred plans in order to achieve enough credit to retire. Indeed, I disapproved four bills last year that would have granted a similar benefit. See Veto No. 23 of 2001 (Rockland

County DA investigators), Veto No. 30 of 2001 (New York City Correction Officers), Veto No. 37 of 2001 (New York City DA investigators) and Veto No. 45 of 2001 (Westchester DA investigators). Thus, while I appreciate the challenging and difficult jobs that SHTAs perform, I am constrained to disapprove this bill based upon this fundamental concern.

The bill is disapproved.

(signed) GEORGE E. PATAKI