



New York State Correctional Officers & Police Benevolent Association, Inc.

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To: NYSCOPBA Members.

From: Chris Leo, Legislative Director

RE: **A.3340 - Article 15 legislation**

Date: July 27, 2006

On July 26, 2006 Governor Pataki vetoed NYSCOPBA's number one priority, **Retirement Equity Legislation**. Realizing that this year we could possibly lose a thousand plus Officers due to the inadequate retirement plan we are currently under, NYSCOPBA undertook a massive campaign to correct that inequity and your Assemblypersons and Senators all voted in favor of helping us. As you are aware, the Tier III pension system that twenty-two thousand State Correction Officers and SHTA's are currently under is flawed by design. Correction Officers are not offered the same incentive to continue their career as all other New York State employee's are. This problem has existed for over thirty years and we began working on the problem since 1999.

The Assembly and Senate both listened to reason and understood that there were thousands of Correction Officers hired in the early 1980's who are now eligible to retire and without the ability to increase their pension amount after twenty-five years of service. The Department of Corrections is facing a massive exodus of Officers unlike it has ever dealt with before and NYSCOPBA led the way in making the legislature and Governor Pataki aware of this impending problem. Unfortunately, Governor Pataki questioned the validity of the fiscal note and used that as the sole reason to veto the bill.

NYSCOPBA submitted A.3340 (Destito), which, quite simply, would allow New York State Correction Officers and Security Hospital Treatment Assistants to opt into a thirty- year and age fifty-five retirement. Unlike all other retirement bills, which provide incentives to leave early, this would have allowed our members to stay and gain additional percentages on their retirement (like every other State employee), but more importantly allow the thousands of experienced Officers to stay on and help with the Departments' serious recruitment and retention problem. This was all explained in detail to Governor Pataki's staff on July 21, 2006, but reason did not prevail as evidenced in his attached veto message.

We offered Governor Pataki the opportunity to invest in New York's future and he chose to look at cost rather than the problem at hand. One incident, one uprising or one lawsuit which results from the inaction of the Governor could very easily cost New York much more than the seventy million dollars he and his staff are more concerned with. He and his staff have never worked in a prison and it shows. As you know, the most effective weapon we have in dealing with the hardened criminals we watch daily are our instincts and experience. Experience stops trouble in the facilities before it happens, recognizing potential problems cannot be taught; it is learned, and it's much too dangerous to learn by trial and error.

Governor Pataki states in his veto message that, “In view of the bill’s substantial fiscal impact and the concern that the true cost of the bill may be higher, I am constrained to disapprove the bill.” Prior to A.3340 being vetoed we illustrated to the Governor’s office that the reason that the fiscal decreased from \$200 million to \$70 million had to do with the data the State Comptroller was using to calculate the fiscal note in 2003. The Comptroller was using data based on retirement trends of Tier I’s and II’s rather than Tier III’s. When the Comptroller’s office used data related to only the Tier III’s ; the fiscal note decreased and will continue to decrease, not increase. We believe that the Governor’s reason for vetoing the bill was nothing less than a political cop-out. Rather than make a tough decision, which could have created media attention, he chose to avoid making a decision by vetoing the bill.

Tier equity will continue to be our number one priority and NYSCOPBA will have this bill reintroduced in January 2007. We would like to thank the thousands of members that called, wrote and e-mailed the Governor on this legislation. We will continue to fight for retirement equity for our members and we will not stop until this is accomplished. We hope that all who helped will be ready to help again in January 2007. We had also hoped the Governor would look at this logically and make the right decision for all New Yorker’s. We anxiously look forward to working with the new Governor on this very serious problem and anticipate more positive results.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

V E T O # 249

JUL 26 2006

TO THE ASSEMBLY:

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

Assembly Bill Number 3340-A, entitled:

"AN ACT to amend the retirement and social security law, in relation to retirement and benefits for certain employees"

NOT APPROVED

This bill would amend the Retirement and Social Security Law to allow Tier III correction officers and Tier III security hospital treatment assistants ("SHTAs") the option to elect, when the benefit would be greater, to retire under the provisions of Tier IV. Currently, these employees are enrolled in the 25-year retirement plan that does not credit prior non-security service for a public employer. In order to retire, these employees must either: (1) work 25 years in an appropriate security title; or (2) return to a non-security job and re-enter the Tier IV retirement plan to gain the benefit of their non-security service. Under this bill, a correction officer or SHTA could elect Tier IV membership and retire at age 55 by satisfying the 30-year service requirement using both security and non-security service. The bill would take effect immediately.

While the sponsors raise a legitimate equity concern, the fiscal note attached to the bill indicates that the State would be required to make a one-time payment of \$70 million to the retirement system to account for prior service costs. The actual costs of the bill could be even larger. An identical bill introduced in 2003 (Assembly Bill No. 1054-A) included a fiscal note indicating a \$200 million one-time charge to the State of New York, together with an additional cost of \$9.9 million.

In view of the bill's substantial fiscal impact and the concern that the true cost of bill may be even higher, I am constrained to disapprove the bill.

The bill is disapproved.

M. E. Patrici