

VETO MESSAGE - No. 402

TO THE SENATE:

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

Senate Bill Number 7749, entitled:

"AN ACT to amend the retirement and social security law, in relation to disability benefits for safety and security officers"

NOT APPROVED

This bill would amend the Retirement and Social Security Law to establish the presumption that a safety and security officer ("SSO") of the Office of Mental Health ("OMH") who contracts HIV, tuberculosis or hepatitis did so in the performance of duty. Such a presumption, if not rebutted by competent evidence, would entitle an SSO to a disability retirement of 75% of final average salary. The fiscal note attached to the bill indicates a one-time cost to the State of \$601,000 and an annual cost of an additional \$145,000. The bill would take effect immediately.

The sponsors and supporters contend that this bill is necessary to provide equity with security hospital treatment assistants ("SHTAs") employed by OMH, who are entitled to the benefit of the presumptions proposed in this bill. However, I am advised that the duties of a SHTA require daily interaction with, and direct supervision of, OMH clients, whereas SSOs chiefly provide perimeter security services at OMH facilities. Thus, SSOs do not face the same degree of daily exposure to communicable diseases that was the basis for making the presumption available to SHTAs. While it is true that SSOs do work with SHTAs from time to time in restraining unruly clients, such episodes should be documented under the reporting procedures of the facility so as to provide a basis for establishing a claim of disability. Thus, while I respect and appreciate the important services provided by SSOs at security hospitals and psychiatric centers operated by OMH, I am constrained to disapprove the bill based on the foregoing.

The bill is disapproved.

(signed) GEORGE E. PATAKI