



STATE OF NEW YORK
 EXECUTIVE CHAMBER
 ALBANY 12224

*Binding Arbitration
 Law Enforcement*

VETO # 7
 TO THE SENATE:

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

MAR 30 2010

Senate Bill Number 3284, 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 arbitration to resolve impasses during collective negotiation of compensation-related matters, to all members of the security services and security supervisors collective negotiating units ("security negotiating units"). Under current law, only a limited group of members of these units may submit disputes to binding arbitration, such as police officers and peace officers employed by the Department of Correctional Services. This bill would represent a significant departure from the heretofore narrowly defined role for binding arbitration in collective bargaining involving law enforcement employees. Because I believe that the expansion of binding arbitration should be carefully circumscribed, I am constrained to veto this bill.

Binding arbitration is not appropriate for all members of the security negotiating units. First, many titles in these units are not peace officers, much less police officers, and so fall far outside the categories that have been granted access to binding arbitration since the process was introduced in 1974. Second, these units represent a broad range of titles that have varying and often attenuated relationships to law enforcement. Adding them would represent a wholesale extension of the binding arbitration procedure, notwithstanding whether it is appropriate for each particular title. This bill would open the door to numerous other demands for application of the same process to other titles, with no obvious stopping point.

Supporters of this bill contend that particular groups within this unit fall within the traditional categories for binding arbitration. I will consider any such arguments as to particular members of this unit, should the supporters wish to make them in the future. But the bill before me does not present this issue.

During the current fiscal crisis, it is important that the State be able to constrain expenditures, including those relative to its workforce. This bill, however, would limit the Executive's control over the collective bargaining process with respect to a substantially expanded class of employees. Binding arbitration, which allows for the imposition of financial terms of employment at the discretion of an unelected third-party, has an established and legitimate role to play for certain public employees in titles traditionally viewed as essential to public safety. But this bill would deprive the Executive of the ability to place limitations on spending when a third-party arbitrator orders otherwise with respect to titles wholly distinct in kind. Notwithstanding my great respect and gratitude for the important work performed by all the employees in the security negotiating units, the extension of binding arbitration to all of them is not justified and would not be in the best interest of the State.

The bill is disapproved.

**NYS COPBA LEGISLATIVE
 DEPARTMENT** *(initials)*

B. Jim Ars

BILL NUMBER: S3284

SPONSOR: ADAMS

TITLE OF BILL:

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

PURPOSE OR GENERAL IDEA OF BILL:

To provide binding arbitration to all members of the Security Services or Security Supervisors collective bargaining units.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 of the bill amends §209(2) of the Civil Service Law to include within its provisions all titles within the Security Services bargaining unit or the Security Supervisors bargaining unit. Section 2 of the bill amends the opening paragraph of §209(4) of the Civil Service Law in the same manner. Section 3 of the bill amends §209(4) (f) of the Civil Service Law to limit application of binding arbitration with respect to compensatory issues.

EXISTING LAW:

Currently, binding arbitration in collective negotiations is available only to correctional officer members of these bargaining units.

JUSTIFICATION:

Binding arbitration legislation with respect to compensatory issues for members of the Security Services and Security Supervisors units passed the Legislature and became law during the 2001 Legislative Session. (See Chapter 586 of the Laws of 2001). During the 2002 Legislative Session, however, through the enactment of Chapter 220 of the Laws of 2002, binding arbitration was limited to members of the Security Services and Security Supervisors units who are state correctional officers.

When Chapter 586 of the Laws of 2001 Passed the Legislature, it was the clear intent of the legislative members from both Houses to provide binding arbitration to all titles within the Security Services and Security Supervisors collective bargaining units. Enactment of this bill into law will ensure that the original legislative intent with respect to Chapter 586 of the Laws of 2001 is carried out.

PRIOR LEGISLATIVE HISTORY:

2007: A.930 - Passed Both Houses; Veto Memo 70
2005-2006: A.746 Referred to Assembly Governmental Employees Committee.
2003-2004: A.5654 Referred to Assembly Governmental Employees Committee.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

Immediately.

STATE OF NEW YORK

3284

2009-2010 Regular Sessions

NYS COPIES LEGISLATIVE DEPARTMENT *C. Leo*

IN SENATE

March 13, 2009

Introduced by Sen. ADAMS -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivision 2 of section 209 of the civil service law, as
- 2 amended by section 1 of chapter 234 of the laws of 2008, is amended to
- 3 read as follows:
- 4 2. Public employers are hereby empowered to enter into written agree-
- 5 ments with recognized or certified employee organizations setting forth
- 6 procedures to be invoked in the event of disputes which reach an impasse
- 7 in the course of collective negotiations. Such agreements may include
- 8 the undertaking by each party to submit unresolved issues to impartial
- 9 arbitration. In the absence or upon the failure of such procedures,
- 10 public employers and employee organizations may request the board to
- 11 render assistance as provided in this section, or the board may render
- 12 such assistance on its own motion, as provided in subdivision three of
- 13 this section, or, in regard to officers or members of any organized fire
- 14 department, or any unit of the public employer which previously was a
- 15 part of an organized fire department whose primary mission includes the
- 16 prevention and control of aircraft fires, police force or police depart-
- 17 ment of any county, city, town, village or fire or police district, or
- 18 detective-investigators, or rackets investigators employed in the office
- 19 of a district attorney of a county, or in regard to any organized unit
- 20 of troopers, commissioned or noncommissioned officers of the division of
- 21 state police, or in regard to investigators, senior investigators and
- 22 investigator specialists of the division of state police, or in regard
- 23 to members of collective negotiating units designated as security

EXPLANATION--Matter in italics (underscored) is new; matter in brackets

1 services and security supervisors [~~who are police officers, who are~~
2 ~~forest ranger captains or who are employed by the state department of~~
3 ~~correctional services and are designated as peace officers pursuant to~~
4 ~~subdivision twenty five of section 2.10 of the criminal procedure law],~~
5 or in regard to members of the collective negotiating unit designated as
6 the agency law enforcement services unit who are police officers pursu-
7 ant to subdivision thirty-four of section 1.20 of the criminal procedure
8 law or who are forest rangers, or in regard to organized units of deputy
9 sheriffs who are engaged directly in criminal law enforcement activities
10 that aggregate more than fifty per centum of their service as certified
11 by the county sheriff and are police officers pursuant to subdivision
12 thirty-four of section 1.20 of the criminal procedure law as certified
13 by the municipal police training council or Suffolk county correction
14 officers or Suffolk county park police, as provided in subdivision four
15 of this section.

16 § 2. The opening paragraph of subdivision 4 of section 209 of the
17 civil service law, as amended by chapter 234 of the laws of 2008, is
18 amended to read as follows:

19 On request of either party or upon its own motion, as provided in
20 subdivision two of this section, and in the event the board determines
21 that an impasse exists in collective negotiations between such employee
22 organization and a public employer as to the conditions of employment of
23 officers or members of any organized fire department, or any other unit
24 of the public employer which previously was a part of an organized fire
25 department whose primary mission includes the prevention and control of
26 aircraft fires, police force or police department of any county, city,
27 town, village or fire or police district, and detective-investigators,
28 criminal investigators or rackets investigators employed in the office
29 of a district attorney, or as to the conditions of employment of members
30 of any organized unit of troopers, commissioned or noncommissioned offi-
31 cers of the division of state police or as to the conditions of employ-
32 ment of members of any organized unit of investigators, senior investi-
33 gators and investigator specialists of the division of state police, or
34 as to the terms and conditions of employment of members of collective
35 negotiating units designated as security services and security supervi-
36 sors, [~~who are police officers, who are forest ranger captains or who~~
37 ~~are employed by the state department of correctional services and are~~
38 ~~designated as peace officers pursuant to subdivision twenty five of~~
39 ~~section 2.10 of the criminal procedure law,]~~ or in regard to members of
40 the collective negotiating unit designated as the agency law enforcement
41 services unit who are police officers pursuant to subdivision thirty-
42 four of section 1.20 of the criminal procedure law or who are forest
43 rangers, or as to the conditions of employment of any organized unit of
44 deputy sheriffs who are engaged directly in criminal law enforcement
45 activities that aggregate more than fifty per centum of their service as
46 certified by the county sheriff and are police officers pursuant to
47 subdivision thirty-four of section 1.20 of the criminal procedure law as
48 certified by the municipal police training council or Suffolk county
49 correction officers or Suffolk county park police, the board shall
50 render assistance as follows:

51 § 3. Paragraph (f) of subdivision 4 of section 209 of the civil
52 service law, as amended by chapter 179 of the laws of 2008, is amended
53 to read as follows:

54 (f) With regard to any members of collective negotiating units desig-

S. 3284

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1 ~~[state department of correctional services and are designated as peace~~
2 ~~officers pursuant to subdivision twenty five of section 2.10 of the~~
3 ~~criminal procedure law,]~~ or in regard to members of the collective nego-
4 tiating unit designated as the agency law enforcement services unit who
5 are police officers pursuant to subdivision thirty-four of section 1.20
6 of the criminal procedure law or who are forest rangers, or in regard to
7 detective-investigators, criminal investigators or rackets investigators
8 employed in the office of a district attorney of a county contained
9 within a city with a population of one million or more, the provisions
10 of this section shall only apply to the terms of collective bargaining
11 agreements directly relating to compensation, including, but not limited
12 to, salary, stipends, location pay, insurance, medical and hospitaliza-
13 tion benefits; and shall not apply to non-compensatory issues including,
14 but not limited to, job security, disciplinary procedures and actions,
15 deployment or scheduling, or issues relating to eligibility for overtime
16 compensation which shall be governed by other provisions proscribed by
17 law.

18 § 4. This act shall take effect immediately; provided that the amend-
19 ments to subdivisions 2 and 4 of section 209 of the civil service law
20 made by this act shall not affect the expiration of such subdivisions
21 and shall be deemed to expire therewith.