

VETO MESSAGE - No. 19

TO THE ASSEMBLY:

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

Assembly Bill Number 1804-A, 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"

Assembly Bill Number 9719, 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

These bills would allow for binding arbitration of compensation disputes for certain members of the security services negotiating units. The first would grant security and safety officers at facilities of the Office of Mental Health (OMH), Office of Mental Retardation and Developmental Disabilities (OMRDD) and Department of Health (DOH) access to binding arbitration; the second would do the same for OMH security hospital treatment assistants (SHTAs). Both bills would represent a significant expansion of binding arbitration, and would impose a significant constraint on the Executive's control over the collective bargaining process. As a result, prior efforts to extend binding arbitration to these units have been vetoed. I am constrained to do likewise.

No one can dispute the important role that the members of the security services unit play in protecting the citizens of this State. Security and safety officers guard and inspect government facilities, while SHTAs play an important role both in providing treatment to and securing the dangerously mentally ill. However, binding arbitration - which allows for the imposition of financial terms of employment at the discretion of an unelected third party - has thus far been reserved for police officers, firefighters, and corrections officers (who are designated peace officers by State law). Security and safety officers, however, are neither police nor peace officers, and SHTAs are only peace officers for very limited purposes. Allowing binding arbitration for these groups would lead to numerous other demands for application of the same process to other titles, with no obvious boundary or stopping point.

In our present, difficult fiscal times, it is essential that the State have the power to impose constraints on expenditures when necessary. These bills, however, would move in the opposite direction, depriving the Executive of the ability to place limitations on spending when a third party arbitrator orders otherwise. Notwithstanding my great respect and gratitude for the important work performed by the public servants at issue, I cannot allow such a result.

The bills are disapproved.

(signed) DAVID A. PATERSON

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