

VETO MESSAGE - No. 99

TO THE SENATE:

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

Senate Bill Number 3004, entitled:

"AN ACT to amend the civil service law, in relation to temporary appointments"

NOT APPROVED

This bill would amend the Civil Service Law to prohibit the temporary appointment of members of the Security Services collective bargaining unit (SSU). Members of the SSU include State correction officers, safety and security officers and seasonal lifeguards. This bill would take effect immediately.

Temporary appointments generally are used to fill critical vacancies while an applicant search is underway, or during emergency situations of short duration, or when no list candidates are interested in permanent appointment to a particular vacancy. For example, I am advised by the Department of Correctional Services (DOCS) that it uses temporary appointments when personnel are called to active military duty or on an extended sick leave. Thus, DOCS believes that this bill would hinder its ability to quickly and effectively respond to emergency staffing needs that arise and, therefore, recommends disapproval. A number of other State agencies, including the Office of Mental Health, Office of Mental Retardation and Developmental Disabilities, the State Education Department and the Office of Parks, Recreation and Historic Preservation, raise similar objections and also urge my disapproval of the bill. In addition, the Department of Civil Service recommends disapproval, contending that this legislation would have a significant, detrimental effect on the ability of the State to manage its programs and employees.

I also note that this bill is defective in that it fails to provide an exemption for departments and agencies that do not have an adequate eligible list of candidates interested in permanent appointment to competitive class positions. Therefore, under the bill, an agency that must fill a vacancy in a SSU-designated competitive class position, but has no list-eligible candidates willing to accept permanent appointment would have no alternative but to leave the job unfilled, which could jeopardize public safety. Based on these defects, I am constrained to disapprove the bill.

The bill is disapproved.

(signed) GEORGE E. PATAKI

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