

VETO MESSAGE:

VETO MESSAGE - No. 49

TO THE SENATE:

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

Senate Bill Number 177-A, entitled:

"AN ACT to amend the labor law, in relation to requiring representatives from veterans' organizations on the New York state workforce investment board"

and Senate Bill Number 948-C, entitled:

"AN ACT to amend the labor law, in relation to the membership of the New York state workforce investment board"

NOT APPROVED

Each of these bills pursues a worthy goal - to insure that the voices of certain important groups within the State are heard on the State Workforce Investment Board ("SWIB"), the entity that allocates federal job-training funds received by New York under the Workforce Investment Act of 1998 ("WIA"). Unfortunately, the bills conflict with each other, and with federal law.

SWIB was created pursuant to the federal WIA, which mandates that a majority of SWIB's members must be business representatives, chosen in accordance with certain very specific conditions set forth in the WIA. At present, New York meets those requirements, with business representatives comprising 21 of the 41 members of the board (51%).

The first bill (S.177-A) would increase the total number of SWIB members to 44, by adding two individuals recommended by the AFL-CIO with experience in "mature worker issues," and adding the Director of the Office for the Aging to the board. The second bill (S.984-C) would

increase the total number of SWIB members to 43, by adding two veterans nominated by the AFL-CIO.

Needless to say, it is not possible to sign both bills, because they are mutually contradictory, creating boards of different sizes with different compositions. Moreover, signing either bill would place New York out of compliance with federal law, because a minority of the SWIB members would be business representatives. New York receives a significant amount of federal aid under WIA, which could be put into jeopardy if these proposals were enacted. For that reason, the Department of Labor, the Division of the Budget and the Governor's Office of Employee Relations all oppose these bills.

I fully support increasing representation by the elderly and veterans on SWIB, provided this is done in a manner that complies with federal law. WIA currently is up for reauthorization in Congress, and my staff will monitor any changes in that law that might affect the composition of SWIB. In addition, my staff will work with the Legislature to find common ground on the appropriate composition of this important body. In the interim, however, because federal law does not allow for the changes these bills would effectuate, I cannot allow them to be enacted.

The bills are disapproved.

(signed) ELIOT SPITZER
