VETO MESSAGE:

VETO MESSAGE - No. 148

TO THE SENATE:

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

Senate Bill Number 3927, entitled:

"AN ACT to amend the retirement and social security law, in relation to providing county correction officers with a special optional twenty year retirement plan"

NOT APPROVED

This bill - which is similar to bills vetoed by Governor Pataki in 2000 and 2002 - would create a new optional retirement plan for county corrections officers, in which counties could elect to participate. The plan would allow participants to retire at half salary after 20 years. thereafter, they would receive 1/60 of salary for each years of subsequent service, to a maximum annual benefit of 75% of salary. Most counties presently provide pension plans that allow their corrections officers to retire in 25 years at half pay.

As the bill's sponsors currently note, county corrections officers work under very stressful conditions and perform a very difficult job. However, that fact alone does not justify granting them much more lucrative pension benefits. Indeed, most county corrections officers have essentially the same plan as their most analogous counterparts - i.e., state corrections officers. Although it is true that other law enforcement officers receive higher pension benefits, that is a distinction that the State has made, based upon differences in factors such as job responsibilities, training or risk. If I were to sign this bill, I would create even more glaring disparities - between corrections officers in different counties, and between county corrections officers who had this benefit and corrections officers who work in State prisons. The inevitable result would be further efforts at "parity" through the costly extension of similar plans.

Finally, the fact that the new pension benefit would be optional does not salvage this legislation because counties undoubtedly will come under pressure to adopt this plan, and once one does, others may need to do so to compete for these valued employees. Further, in a 2005 decision, Public Employment Relations Board held that an employer's participation in an optional retirement plan is a mandatory subject for bargaining. At the very lease, these factors constrict any employer's decision ability to decline participation in the new pension plan.

Earlier this year, I vetoed a bill that would have created a more modest optional pension plan for county corrections officers and other county employees. (Veto No. 32). In my veto message, I expressed significant concern about "the balkanization of the pension system into a proliferation of employee-specific and 'optional' plans," and said that this process should not continue absent "unique circumstances." This bill, which would start a cascade of demands for other plans like it, does not present such circumstances.

The bill is disapproved. (signed) ELIOT SPITZER