

VETO MESSAGE:

VETO MESSAGE - No. 29

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:
Assembly Bill Number 8232, entitled:

"AN ACT to amend the civil service law and the administrative code of the city of New York, in relation to the collective bargaining process for certain peace officers and special officers"

NOT APPROVED

The New York City Collective Bargaining Law creates two separate processes for labor negotiation. In one group are bargaining units that negotiate all terms and conditions of employment with the City separately. In the second group, certain terms are negotiated in a single unit. In recent years, a number of titles have been added by local law to the list of those that may negotiate separately, including certain units composed of peace officers. In an effort to create parity, and allow similarly situated employees represented by the same union to use the same negotiating process, this bill would amend the State law to require separate negotiation for certain peace officers who are employed by entities that are independent of New York City: the Department of Education (DOE), NYC Housing Authority (NYCHA), City University of New York (CUNY) and Health and Hospitals Corporation (HHC). The bill also amends the New York City Administrative Code to permit separate negotiations for blasters employed by the New York City Fire Department.

This legislation, however, is based on a flawed factual premise. Since

DOE and NYCHA have not opted into the Collective Bargaining Law, and CUNY is not covered by it, peace officers employed by these entities can already negotiate their labor agreements separately. While enacting this bill for these units might simply be redundant, it could also sow significant confusion. For example, the bill would appear to allow negotiation over pensions for these groups, although that is otherwise prohibited by the Taylor Law. Further, Education Law Section 6820 already provides the process for CUNY negotiations, and this proposal could be read to conflict with it. Because of the potential for such confusion, I think it unwise to add new terms to State Law unnecessarily.

Proponents of the bill are correct, however, that peace officers of HHC are presently covered by the Citywide bargaining provisions of the Collective Bargaining Law. They contend that these employees, at least, should be allowed to negotiate separately, and I wish to make clear that disapproval of this bill is not intended to signal opposition to this idea. Allowing this group to negotiate separately in the same manner as other peace officers, so that all of those who are similarly situated are treated via the same process, may well be a sensible approach. In the first instance, however, I believe efforts to address this issue are best considered in negotiations between New York City and the union representing these workers, or through such action as the participants in the local legislative process deem appropriate.

The bill is disapproved.
PATERSON

(signed) DAVID A.
