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THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N. Y. 10007

EDDIE BAUTISTA  
DIRECTOR OF CITY LEGISLATIVE AFFAIRS

January 16, 2009

Honorable Michael McSweeney  
Acting City Clerk and Acting Clerk of the Council  
125 Worth Street  
New York, NY 10007

Dear Mr. McSweeney:

Transmitted herewith is the bill disapproved by the Mayor. The bill is as follows:

**Introductory Number 837**

A local law to amend the administrative code of the city New York, in relation to the residency requirements for city employees.

Sincerely,

A handwritten signature in cursive script that reads "Eddie Bautista".

Eddie Bautista

cc: Honorable Christine C. Quinn





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Honorable Michael McSweeney  
Acting City Clerk and Acting Clerk of the Council  
155 Worth Street  
New York, NY 10007

Dear Mr. McSweeney:

Pursuant to Section 37 of the New York City Charter, I hereby disapprove Introductory Number 837, which would amend the City residency requirements for employees represented by DC37 by allowing them to live in Nassau, Westchester, Suffolk, Orange, Rockland or Putnam County, but only after completing two years of City employment. While this legislation would benefit employees represented by DC37, it falls far short of providing a residency exemption to the numbers of employees that would have been provided an exemption under legislation the City committed to support in a good faith bargaining process that led to agreements with approximately 27 other unions representing numerous titles within the city.

Under current law, civilian employees are generally required to live within the City, with limited exceptions, including for titles for which the Commissioner of Citywide Administrative Services has certified that the restriction is not in the public interest due to difficulty in recruiting personnel. On September 29, 2006, the City entered into a collective bargaining agreement with District Council 37 in which the City agreed, among other things, to support legislation that would allow employees in the bargaining unit to be deemed to meet the City's residency requirement if they lived in any of the counties named in Intro. 837. Subsequent agreements reached with approximately 27 other unions have included an identical commitment. Nothing in these agreements required an employee to complete two years of employment with the City in order to live in those counties. Introductory Number 452, which was introduced at my request, was consistent with the agreements made with District Council 37 and the other unions, and would also have allowed the expanded residency provision to apply to employees in categories designated by the Mayor in the interest of the City who are not in titles certified to a collective bargaining representative.

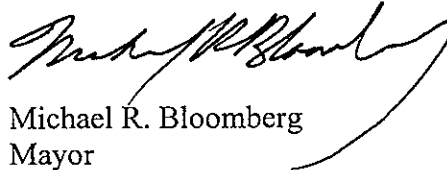
NYC COUNCIL  
2009 JAN 16 P 3:14  
SPEAKERS OFFICE

By contrast, Intro. 837 would apply to only those employees represented by DC37 or its affiliates, and would thereby leave out employees in the other unions that have settled on the same terms as those found in the DC37 Agreement, as well as unrepresented employees. Moreover, Intro. 837 would require employees to have two years of City service before they could satisfy the residency requirement by living within one of the enumerated counties, which was never even discussed in collective bargaining with DC37 or any of the other unions.

The Council's failure to enact the legislation that the City committed to support through the collective bargaining process, and its substitution of legislation containing terms that are not consistent with the City's commitment and are not in keeping with the expectations of employees in the bargaining units which reached agreements with the City, may very well detract from the City's ability to bargain effectively in the future. Moreover, the Council's decision to waive residency requirements for employees in only some of the bargaining units that have reached agreements with the City on this subject creates an impression of unfairness. It is not clear why other bargaining units that have reached identical agreements with the City have not obtained a waiver, or how or when they will obtain it. My signing legislation that strays so far from the terms agreed to in negotiations would compound the problem even further. I urge the Council to reconsider this issue and adopt the legislation that the City and the various constituent Unions committed to support in collective bargaining.

For the foregoing reasons, I hereby disapprove Introductory Number 837.

Sincerely,




Michael R. Bloomberg  
Mayor

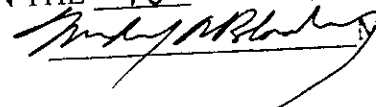
as such subdivision was in effect prior to the effective date of this local law, or to require the recertification of any positions so certified prior to such effective date.

§4. This local law shall take effect immediately.

I hereby certify that the above bill was passed by the Council of the City of New York on ~~December 18, 2008~~ receiving the following votes:

Affirmative.....50.....  
Negative.....1.....  
Not Voting.....0.....

  
Michael McSweeney, First Deputy City Clerk  
Acting City Clerk of the Council

**DISAPPROVED**  
ON THE 16 DAY OF January 2009  
 MAYOR