



New York State Law Enforcement Officers Union, Council 82

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO

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MEMORANDUM

TO: All Active and Retired Members of Council 82

FROM: Ronald Walsh, Council 82 President

DATE: September 15, 2017

RE: VOTE NO ON A CONSTITUTIONAL CONVENTION

On Election Day (November 7, 2017), New York voters will be asked if the State of New York should hold a Convention to re-write our State Constitution. In that regard, the following question will appear on the ballot: "Shall there be a convention to revise the Constitution and amend the same?" This question appears every 20 years pursuant to Article 19 Section 2 of the New York State Constitution. We at Council 82 believe that a Constitutional Convention is a bad idea for public employees and retired public employees, and here's why:

The New York State Constitutional Convention is a meeting of three delegates from each of the sixty-three State Senate districts, plus fifteen at-large delegates. They convene in Albany and can amend any part of the State's Constitution. Any proposed changes agreed to by a majority of the delegates then goes to the voters for approval.

Four separate areas of the State's Constitution directly affect public employees and retired public employees:

Article 5, Section 7 concerns the prohibition of reductions in public pension benefits ("Membership in any [public] pension or retirement system... shall be a contractual relationship, the benefits of which shall not be diminished or impaired").

Article 1, Section 18 concerns rights to workers' compensation ("Nothing contained in the constitution shall be construed to limit the power of the legislature to enact laws for the lives, health, or safety of employees; or for the payment of...compensation for injuries to employees or for death of employees resulting from injuries... or to provide the right of such compensation").

Article 1, Section 17 concerns rights to union membership and collective bargaining (“Employees shall have the right to organize and to bargain collectively through representation of their choosing”).

Article 16, Section 5 concerns the non-taxation of public employee pensions (“All salaries, wage, and other compensation, except pensions, paid to officers and employees of the state and its subdivisions and agencies shall be subject to taxation.”).

We’ve all seen the public opinion polls which have shown that a majority of Americans believe that public employees should be shifted from guaranteed pensions to 401(k)-style accounts, that public employees should contribute more toward their own pensions and benefits, that there should be a cap on the dollar amount of annual pension payments retired public employees can receive, that taxpayers should get to vote on pension increases for public employees, etc. We’ve all heard and felt the resentment that many have for public employees and their unions because of the perceived secure jobs, good salaries, and good benefits, especially when unemployment spikes, private sector jobs disappear, and the economy or the stock market falters.

A Constitutional Convention could very easily eliminate collective bargaining rights, reduce injured employee rights, impose state and local taxes on your pensions, and radically change public employee retirement systems by changing employer contributions, employee contributions, and pension benefit levels. The blueprint is there for the anti-union and anti-public employee special interests groups, who don’t need to look any farther than the “right to work” laws in many states across the country. For example, in 2011, the State of Wisconsin passed legislation which resulted in raised employee health care and pension costs and prohibited public employee unions from bargaining over anything other than wage increases based on inflation. And don’t count on any of these anti-union and anti-public employee special interest groups to look out for you or ensure that you will be “grandfathered in” just because you are in law enforcement or corrections. Further, a Constitutional Convention could very easily pave the way for “pension raids” – where the Governor and the Legislature can use the pension fund as a resource for State and Local spending initiatives that are “deemed” by them to be more important than you and your pension checks.

Don’t be fooled, and don’t listen to phony arguments from organizations with big-time money and big-time lobbyists that are saying one thing but are really just coming after you and what you’ve earned. All of this talk about “ethics reform”, “let’s take back our government”, or “a better New York” is just a way for them to open the door to take what is yours away from you. Vote “**NO**” on a Constitutional Convention to protect your hard-earned rights and your hard-earned pensions.