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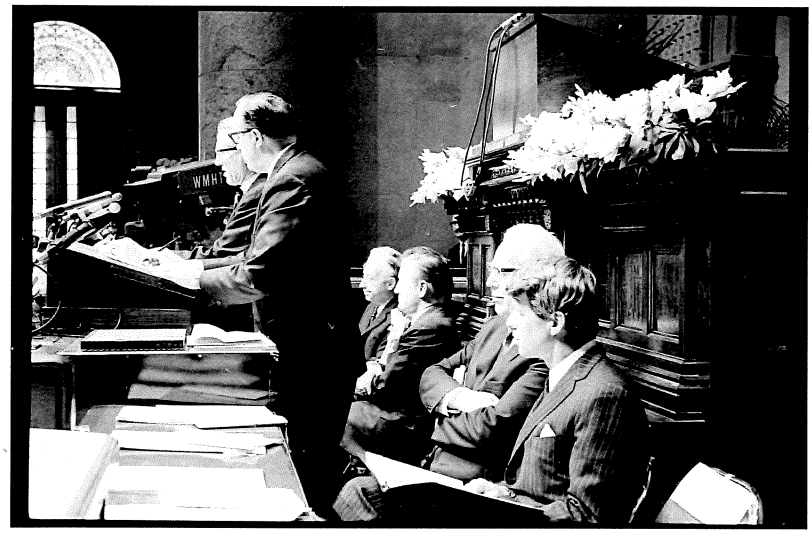
POLITICS

New York Constitutional Convention Vote Raises Concern Over Pensions

Labor unions fear that vote could roll back worker rights; convention supporters say unions are misleading their members



The opening session of the New York State Constitutional Convention in 1967. PHOTO: BETTMANN ARCHIVE

By Mike Vilensky

Oct. 8, 2017 10:00 a.m. ET

With roughly five weeks until New Yorkers vote on whether to hold a constitutional convention, concerns about public pensions are driving the opposition.

Convention supporters say the event wouldn't make changes to pension benefits for state retirees, which are guaranteed in the state constitution. But labor unions opposed to the convention have raised worries about the possibility.

"If you want retirees to phone bank, put up signs, place bumper stickers on their cars, you need a compelling issue to motivate them," said J.H. Snider, an expert on state

constitutional conventions who is running the New York State Constitutional Convention Clearinghouse. "If I were protecting a lifelong pension worth a million dollars or more, I'd react the same way."

On November ballots, New Yorkers can vote for or against the convention, where specially elected delegates from the state's legislative districts can propose amendments to the state constitution. To become law, those amendments must be ratified at a voter referendum.

Much of the campaigning against a convention has come from the state's labor unions who say the event could roll back worker rights. Collectively these unions, including New York State United Teachers and AFL-CIO, have donated more than half a million dollars to New Yorkers Against Corruption, a group pushing New Yorkers to vote no, state records show.

In literature to their 20,000 members, the Retired Public Employees Association, a group advocating for New York retirees, wrote that a convention poses a threat to "the integrity of public pensions." Earlier this year, the teachers union used similar language, writing to members that the convention could bring a day when New York "is relieved of its pension obligations to retirees."

"We don't know who the delegates would be at this point," said Ed Farrell, director of the Retired Public Employees Association and an opponent of a convention. "But we do know there are groups that exist who describe themselves as fiscally conservative or anti-government and believe the idea of a pension should not exist at all."

Convention supporters say unions are misleading their members.

Evan Davis, a New York City lawyer and convention supporter, has issued his own memo arguing that the state's pension payouts to its existing employees and retirees are federally protected and couldn't be touched by a state convention even if delegates tried to.

"It's a scare tactic being used by the unions," said John Bergener Jr. , a retiree who is running a pro-convention group.

Mr. Bergener and other convention backers say unions oppose a convention because it presents a bypass to the traditional legislative system and their influence over state legislators.

There is interest among some fiscal conservatives in pushing pension reform at a convention but they stressed that their proposals would only impact future state hires.

As with other issues that could arise at a convention, it would be possible to change pension laws through the legislative process, but the issue is sensitive partly because lawmakers themselves are beneficiaries of the pension system. Advocates for pension reform say the convention offers a rare way around lawmakers.

Assemblyman Michael Fitzpatrick, a Long Island Republican who has raised concerns about municipal pension obligations, said the convention marks an opportunity to transition future public pensions to a system more like a 401k, where an employer invests retirement money instead of promising a fixed sum. "The system needs to be adjusted to meet a modern fiscal reality," Mr. Fitzpatrick said.

Despite assurances that proposals would only impact future hires, some current and former public employees said they are opposing a convention to protect their pensions.

Crystal Richberg, a New York state public school teacher voting no, said her pension is her "main concern...because it hits home for me personally."

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