

## **Changes to the New York State Constitution Are in the Air**

RC39 President Pete Herron

On Sunday, January 24, 2016, *Newsday* had an editorial with the headline **Break the law, lose the pension. New York State should amend the constitution to deter officials from betraying the public trust.** There were pictures of six recently convicted public officials and their annual pensions. These pensions range from \$57,050 to \$175,295. Two were among the three most powerful people in the state, former Senate Majority Leader Dean Skelos and former Assembly Speaker Sheldon Silver. Included in this gallery was former State Comptroller Alan Hevesi, who as comptroller was responsible for state pensions. Isn't that scary? Two were public school officials, former Roslyn schools Superintendent Frank Tassone and former Roslyn schools business administrator Pamela Gluckin. The sixth highlighted was former State Senator Nicholas Spanao. *Newsday* invited its readers to go to its website to see these six and nine more convicted public officials and their pensions.

On Monday, January 25, 2016, *The New York Times* had a column, **Convicted, but Still with a Pension**, by Westchester County Democratic New York State Assemblyman David Buchwald. In the first paragraph Buchwald tells the reader that Skelos and Silver have exercised their legal right to apply for their pensions and this means they could easily get millions more of taxpayer money. I'm sure many other newspapers in New York State had similar articles or op-ed columns highlighting convicted former elected public officials and state employees collecting pensions, all strongly stating the need to strip pensions from those convicted of a felon while serving as a public official.

Governor Andrew Cuomo included pension stripping in his State of the State address. Assembly Speaker Carl E. Heastie and the Senate Majority Leader John Flanagan have shown their support for some form of pension stripping in their legislative session opening remarks. According to *Newsday* there have been dozens of bills designed to change the current constitutional pension protection. The latest of these is by Senator Tom Croci (R-Sayville) and is pending in the State Legislature. Last March a Quinnipiac University poll found that voters supported pension forfeiture by a margin of 76% to 18%.

Clearly momentum is building for a change in the way New York State pensions are to be protected. It appears that most attempts at changing the state's pension protection are aimed at those who are convicted of a felony while serving as a public official and still protect the pensions of the majority of the state employees who have served honorably. We must all be vigilant by looking closely at any proposed constitutional amendment that strips pensions from crooks does not also jeopardize the pensions of law-abiding state pensioners.

There are two ways to amend the New York State constitution. After a bill to amend the state constitution is passed by two successive Legislatures, it must then go before the public as a state referendum. If a bill to amend the constitution is passed this session and the next, a referendum could be presented in November, 2017. *Newsday* feels the passage, by this method, of a pension stripping amendment would be a "slam-dunk." This method of amending the state constitution does not jeopardize any other part of the state constitution.

The second way the state constitution can be amended is by a state constitutional convention. Every 20 years, as required by the state constitution, a referendum is placed on the ballot asking voters if they want a constitutional convention. This referendum will be on the ballot in 2017. There are polls indicating a vast majority of voters think having a constitutional convention is a good idea. Many think this because of how dysfunctional Albany is and a constitutional convention is the way to fix the state government. Nothing could be more wrong. If a constitutional convention is to convene, delegates need to be elected. The most politically powerful are the most likely to get nominated and elected. They already have the election process under their control. That is why they continually get reelected and Albany is in such bad shape. This would be nothing more than having the fox minding the hen house. This is bad enough, but a constitutional convention is much worse than this. Once a constitutional convention, is convened every bit of the constitution is open for change: how judges are appointed; Continued on page 3.



*"All along I thought our level of corruption fell well within community standards."*

## Retirement Challenges Unmet

By Sivia Kaye



By the time we need Clairol to cover our gray roots or require hearing aids to enhance our audible acuity, we have a fairly accurate assessment of our strengths and weaknesses. We've accepted our shortcomings and (hopefully) have relied on our strengths to bring us to where we find ourselves in comfortable retirements.

My personal shortcomings were made obvious to me at a very early age. In my Brooklyn elementary school, I was put in the Listener Group and instructed to sit in a segregated section of the auditorium during Friday's weekly assembly period. Those in the group were forbidden to sing aloud but were encouraged to "mouth" the words; no sound was permitted to come forth from the twenty or so student outcasts. From this experience, I quickly learned that I could not at all **carry a tune**.

Next, in summer camp, the counselor never chose me to be the team captain of any sport. And the chosen captain always called my name last to be on her softball lineup. I soon added **athletic ability** to my "no talent" list.

**Cooking** was a third area in which I was quick to learn that I was not headed for culinary fame. While mixing batter for a chocolate cake, I splattered the dark brown dough all over the starched white curtains hung in the 7<sup>th</sup> grade cooking class. How lucky I was that Miss Howell did not give me a failing grade (this was certainly to ensure that I wouldn't be in her class a second time around).

Things began to look up in junior high school when I was made editor of *The Wigwam*. Having a by-line—even at age 12—was a heady experience. Writing was my salvation from the psychic damage caused by my relegation to the Listener Group.

And so the years passed, and I wrote regularly for various publications. Eventually, my emotional wounds were buried, and I thrived in my academic profession.

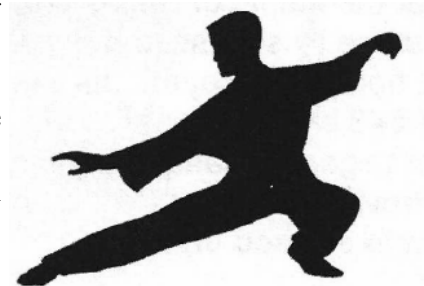
Then—most unexpectedly—in retirement I find that there are new challenges that I cannot meet. And again they have come in a one-two punch.

The first is **Tai Chi**. Having been told repeatedly that it is a wonderful regimen for improving balance, I signed on. The instructor is superb; the movements are incredibly difficult. "Parting The Horse's Mane" gives most students a directive as to how to move their torso, arms, legs, and fingers. Not me. I see no relation between the horse and my torso. Another command is "Waving Hands Like Clouds." Here, too, the student is to begin the movement from the cue the instructor gives. And here, too, I am lost. Step left: toe down first—or is it heel down first? Turn right: do arms follow to the right or do they go to the left? I'm lost. Totally lost. How pleased I am that there's no segregated section in the Tai Chi classroom that is analogous to the Listeners' Group of my elementary school days.

Still another addition to my "no talent" list is **Bridge**. This is a game for geniuses, I'm convinced. Not only must you master the play of the cards (for which you alone are responsible), but you must also interpret correctly the bids of your partner. After studying assiduously dozens of bids and their meaning, I'm confronted with a serious roadblock: the same utterance has a different meaning depending on **where** you are sitting at the table. In one seat, your "2 NoTrump" might mean you hold 20 points. In another position, the identical utterance might indicate a holding of 13 points. How in one lifetime can a person assimilate this? Apparently, there are many who do—and very successfully at that. Are their hippocampi larger than mine? Have they imprinted those rules at a younger age than I? Have they decided to closet themselves each day and just study the rules of the game? Do they ignore the incredible variety of magazines published today and read Bridge publications exclusively? Do they spend hours online with foreign Bridge players who speak no English but who understand the bidding rules of the game? No one knows how they've mastered their skill. When asked, they'll tell you they are still learning, that it's impossible to really know how to approach each dealt hand. Even more amazing is that their level of play is recorded in a national registry. Master points are earned when games are won; those are then posted on the web. Etiquette requires that the players do not gloat over their published status, nor out rightly refuse to partner with players who have lower ratings. Not out rightly, but the message is made clear in more subtle ways.

For myself, I'll content myself with my 401K monthly checks and ignore the two recently unearthed areas where I've fallen short of the norm. Frankly, I've no choice but to adapt this "live-and-let-live" approach. Let them bid their Slams; I'll just be glad I'm not assigned to a corner of the room.

Sivia



### RC39 Website

Check out RC39 website <http://rc39.ny.aft.org/> where you can read recent NYSUT RC39 newsletters, AFT and NYSUT news releases, and much more.

## NYSUT Sues to Defend Collective Bargaining Rights

A copy of the lawsuit is available at [www.nysut.org](http://www.nysut.org)

ALBANY, N.Y. Jan. 26, 2016 — New York State United Teachers today filed suit saying that the State Education Department's actions on Teacher Improvement Plans violate the state's Taylor Law and teachers' collective bargaining rights.

The suit filed in state Supreme Court in Albany on behalf of four teachers and six local teachers' unions charges that the State Education Department violated the Taylor Law, which governs public employee contracts and negotiations, by illegally taking Teacher Improvement Plans, which had previously been bargained, into the realm of management prerogative.

In addition, the NYSUT suit alleges that by empowering the State Education Department to make "corrective action" on previously approved teacher evaluation plans, the state is infringing on existing, binding legal contracts negotiated between local teachers unions and school districts.

SED's actions are "inconsistent with the Taylor Law, which establishes that all teacher evaluation and disciplinary procedures are mandatorily negotiable," the suit alleges.

NYSUT President Karen E. Magee said: "As this lawsuit clearly demonstrates, NYSUT will continue to fiercely defend the collective bargaining rights of each and every one of its members and local unions against any encroachment."

NYSUT Vice President Catalina Fortino added: "NYSUT is committed to an evaluation system that is fair and meaningful, and which helps our already excellent teaching force to grow even stronger. We will continue to fight against over-testing and to ensure that New York teachers — and their unions — are integral to any change through a robust collective bargaining process. Make no mistake, our advocacy on behalf of members will continue until the state's test-and-punish era is forever swept into the dustbin of history."

The NYSUT lawsuit is filed on behalf of the union and Magee; along with Schenectady Federation of Teachers by its President Juliet Benaquisto; Buffalo Teachers Federation by its President Phil Rumore; Troy Teachers Association by its President Seth Cohen; North Babylon Teachers' Organization by its President Selina Durio; Yonkers Federation of Teachers by its President Pat Puleo; and the Haverling Teachers Association by its President Matt Hill. Benaquisto, Cohen, Durio, and Hill are suing as individuals and as presidents of their local unions.

### Changes to the New York State Constitution

Continued from page 1.

how state parks are protected; public education; state colleges; labor protection; public transportation; mineral extraction; protection of the state waterways; and pensions. This could mean a free-for-all by the very people who have made Albany such a sewer of corruption.

At the convention there is no limit to what can be amended. The final product of the convention is presented to the voters as take all or leave all. There will be those who will say there are some bad changes but some I like, therefore I will take the bad with the good. How many voters who do not have and never will have a public pension say I will vote for the total package even though public employees will unfairly have their pensions eliminated or reduced?

What can you do about this threat to your pension? For starters you can talk to your friends and relatives about the dangers of having a constitutional convention. Not just about the threat to your pension but for all the other potential destruction of a constitutional convention to New York State and all its citizens. You can get involved in the fight. You can let your state senator and assembly person know where you stand. You can support NYSUT in its fight to protect its members by contributing to Vote Cope. You can get actively involved in NYSUT and in particular RC39. If you are not willing to protect the benefits you have earned, who do you think will do it for you?

### Retiree Council 39 Board of Directors

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Send your comments, suggestions, and inquiries to NYSUT RC39 Officers, 98 Rocky Point Landing Rd., Rocky Point, NY 11778 or [rc39pete@optonline.net](mailto:rc39pete@optonline.net).



**RC39 Newsletter is looking for comments, suggestions and articles from its members.**



Send your comments, suggestions, or article to Peter Herron at rc39pete@optonline.net or mail to 98 Rocky Point Landing Road, Rocky Point, NY 11778. Your article will be published when space is available. RC39, NYSUT, and AFT news will be given priority.



**Address Change**

Do not let a new address keep you from receiving NYSUT RC39 newsletters. There are three ways to update your address. Contact NYSUT Member Records at 1-800-342-9810 ext. 6224. Send written changes to: NYSUT Member Records, 800 Troy-Schenectady Road, Latham, NY 12110, or e-mail changes to [memberec@nysutmail.org](mailto:memberec@nysutmail.org). If you are a snowbird, give Member Records a few weeks notice to change its address records each way.

**Have you paid your voluntary RC39 contribution for 2016?**

If you have not sent in your voluntary NYSUT RC39 annual contribution, now is as good a time as ever. Just send your check along with the form below to the RC39 treasurer. It is your contributions that enable RC39 officers and delegates to represent you at NYSUT conferences and meetings.

**Retiree Council 39 Voluntary 2015-16 Participation Fee form**

Name \_\_\_\_\_ e-mail \_\_\_\_\_  
 Address \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip code \_\_\_\_\_  
 College retired from \_\_\_\_\_ Year of Retirement \_\_\_\_\_  
 Please check amount of your voluntary participation fee: \$25 \_\_\_\_\_ Other \$ \_\_\_\_\_  
 Send your check, made out to NYSUT RC39, along with this completed form to:  
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