

SPOTLIGHT on RC 45

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NYSUT Retiree Council 45 Newsletter

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NYSUT Retiree Council 45

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FACTS ABOUT THE 2017 VOTE FOR A CONSTITUTIONAL CONVENTION:

Under the New York State Constitution (Article 19, §2), every 20 years the people of the Empire State are asked a seemingly simple ballot question; "Shall there be a convention to revise the constitution and amend same?" **These twelve simple words will appear on the top of the ballot on November 7, 2017. This could have a huge impact on not just NYSUT members, but also on every citizen of the state.** We all have a stake in the outcome of this important vote, from retirees, teachers and school staff, and to the children who will be entering pre-K the very next year. As New York state voters we need to understand the convention and amendment process. We need to consider why the convention or amendment process is important to us as retired educational employees and NYSUT members. We need to be ready to take whatever steps are necessary to protect our rights under the constitution.

Constitutional Convention vs. Constitutional Amendments; what's the difference? The state constitution can be amended in two ways. The first way to enact changes to the constitution is through the passage of individual bills by two separately elected state Legislatures (Article 19, §1). This bill, the proposed specific amendment question, would then appear on the November ballot. Most recently this process was undertaken in 2013, when several constitutional amendments ranging from the expansion of casino gaming in New York State to the sale of specific tracks of land within the constitutionally protected Adirondack Park were voted on by the people. All but one amendment passed and became part of the state constitution. Increasing the mandatory retirement age for state judges failed to receive the needed votes and did not become part of the constitution. The process of amending the constitution has been used 200 times since the last major constitutional revision in 1894. The second process for amending the New York State Constitution involves holding a constitutional convention (Article 19, §2). The question of whether to undertake this endeavor must go before the voters every 20 years and allows for much wider modifications of the constitution than the single amendment process; including a complete rewrite of the document. If the voters approve holding the convention, three delegates per State Senate District and fifteen at large delegates would be elected at the next scheduled general election. In any given Senatorial district those most likely to be elected will be the sitting political office holders because of their visibility and name recognition. The convention would meet in Albany the following April for an unspecified duration, deliberate and then publish their suggested revisions. The proposed changes then would be submitted to the voters, either individually or as a group.

Why is this important to retired NYSUT member? What's at stake? First, the constitution establishes a basic organizational structure for state government. If changes are made that give too much power to one branch, for example the executive branch, then our system of self-governance will be upended. Second, the constitution establishes the fundamental rights we enjoy as a citizen of New York State and as a public employee. Some of these include **guaranteeing the right to a free public education** (Article 11, §1);

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prohibiting reductions in public pension benefits (Article 5, §7); **the right to workers compensation** (Article 1, §18); **requiring that the state provide for social welfare needs** (Article 27, §1). Third, the constitution sets the most important policy goals for the people of New York State, and thus, has an impact on every other law currently in place and on future statutes yet to come. For example, the 1967 convention was specially convened by an act of the Legislature a decade after the 20 year scheduled referendum was voted down in 1957. Following the 1967 convention, voters rejected the proposed changes which included repeal to the “Blaine Amendment” which prohibits the use of state monies to be used to assist religious schools. Had this repeal not been rejected by the voters, public education would look very different in New York today.

Source: Pandora's Box: Peter Savage, NYSUT legislative department

NYSUT'S SUIT TO DEFEND COLLECTIVE BARGAINING: NYSUT has filed a lawsuit stating 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 (TIP), which had previously been bargained, into the realm of management prerogative. In addition, the NYSUT suit alleges that, by empowering the State Education Department (SED) 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 union — 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.”

Source: Stroll: NYSUT Vestal Regional Office

JOIN RC 45 MEMBERS AND FRIENDS, ATTEND THE APRIL 12th PERFORMANCE OF THE MOSCOW BALLET COMPANY'S PERFORMANCE OF "CINDERELLA" AT SUNY BINGHAMTON:

On Tues., **April 12th, at 7:30 pm**, the Moscow Festival Ballet Company will be performing "Cinderella" at the Anderson Center in the Osterhout Theater on the SUNY Binghamton Campus. The Anderson Center is located at 4400 Vestal Parkway. East, Binghamton. Parking is available in the Campus Parking Garage and Lots E & F. Handicap parking is available in Lots C & D.

As the story begins....once upon a time there was a girl named Cinderella, a wicked stepmother, two evil stepsisters, a fairy godmother and a handsome prince.

Cinderella is timeless story that has been told in books, movies and on stage in countless variations. The rags to riches theme in Cinderella can be found dating back to ancient China, but the version written by Charles Perrault is the most familiar one and serves as the basis of this well-loved, timeless classic. Lavish sets, gorgeous costumes and delightful music composed by Sergei Prokofiev will help tell this fairy tale of everlasting love.

RC 45 has reserved a block of tickets at the **discounted price of \$35 apiece**. If you would like to reserve your tickets, please fill out the tear-off below and send it to Maxine Cleveland, 5 Brentwood Drive., Homer, NY 13077 along with your check (no cash, please). To insure you receive your tickets in a timely manner your check must be received **no later than FRIDAY, MARCH 25th**. (*clip and send the registration form on page 3*)...



Moscow Ballet - Apr. 12, 7:30pm, Anderson Center, Binghamton

Name _____

Address _____

Email _____
(email address will not be used for any purpose except communication from the RC)

Local from Which Retired: _____

No. of Tickets: _____ *
Amount enclosed (checks only, please) _____

**Send to: Maxine Cleveland
5 Brentwood Drive.
Homer, NY 13077**

***Maxine will hand out tickets in the lobby on the evening of the performance (4/12) or mail them to you if time allows.**

Please consider becoming a contributor to RC 45 so we can continue our effort to represent you and your concerns. **A \$10.00 (or more) voluntary contribution** to NYSUT Retiree Council 45 will help us with these endeavors. The officers of RC 45 appreciate your support. Yours in Unity,
Bill Ninness, Retiree Council 45 President.

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Please complete the form below and send your voluntary contribution for 2012 to: Maxine Cleveland, RC 45 Treasurer, 5 Brentwood Drive, Homer NY 13077 OR hand this form to Maxine when you attend the Moscow Ballet performance.  
Please make checks payable to: **NYSUT Retiree Council 45**

Name \_\_\_\_\_

Address: \_\_\_\_\_

District From Which You Retired: \_\_\_\_\_

E-Mail: \_\_\_\_\_  
(Your e-mail address will only be used to communicate information from RC 45)



