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MEMORANDUM IN OPPOSITION

A6722 MOA Buchwald / S4611 (Budget)

**An act to amend the New York State Constitution,
in relation to forfeiture of pensions of public officials.**

OPPOSE

The New York State Public Employee Conference, Inc. (NYSPEC) an organization of 75 member unions and associations comprised of hundreds of thousands of public employees, strongly opposes this legislation which would adversely change the rights of public officials to receive their pensions.

This legislation would amend the New York State Constitution to allow for the retroactive forfeiture of pensions of vested public employees who are convicted of a felony related to public office. While NYSPEC endorses the intent of the legislation to prevent or at least provide disincentive for public officials to commit criminal activity while in public office, the over broad language of the legislation fails to rectify the clearly identified harm of cronyism and malfeasance committed by public officials in their official capacity.

Constitutional protection of pensions has been one of this state's bedrock principles for 65 years. In fact, New York State citizens chose to afford constitutional protections of public pensions as an ultimate endorsement of our state's public policy to assure that an employee's pension, which has always been recognized as deferred compensation, is always paid to the recipient based on the long term body of work the employee provided to the citizens of New York. We believe the public policy has not changed.

Further, NYSPEC believes the inherent flaws in the language of the legislation acts as an Ex Post Facto law that would not pass federal constitutional muster. Simply put, the legislation is over broad in that it allows future attacks on public employees as a class of people whom this legislation is not intended to affect.

Therefore, NYSPEC strongly opposes the legislation.

Peter D. Meringolo
Chairman

Lou Matarazzo
Legislative Director



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