

# Say ~~NO~~ to HJRCA 49!

On the November Ballot, Illinois voters will be asked if they believe the Illinois constitution should be amended to require a three-fifths majority vote in order to increase a benefit under any public pension or retirement system. The current Illinois constitution requires a simple majority and holds every legislator accountable for the votes they take. The idea of amending the constitution will not only have lasting effects at the state level, but it will also create an unnecessary burden on local entities, such as school boards. The IEA is urging members to **Say ~~NO~~ to HJRCA 49**. Here's why:

## ■ Decreased Bargaining Power

Many government employees are represented by labor unions that bargain on their behalf for particular benefits. This constitutional amendment may make it more difficult for unions to bargain for certain increased benefits for the employees they represent. In addition, many government employers may prefer to bargain over these benefits to give incentives to employees to do their jobs well. This constitutional amendment could remove bargaining power from both the government employer and government employee. For example, the resolution of a pension issue at the school board level, for a 7 member board, would require 5 votes. The change would be undemocratic. A minority of 3 board members could veto the will of the majority.

## ■ Possibility of Disagreement on Terms

The proposed amendment creates new definitions for the terms "benefit increase," "emolument increase," and "beneficial determination," which are not defined in other statutes or in existing case law. These definitions could generate litigation, resulting in additional costs. The governing body itself may disagree on whether a bill, resolution, or other action constitutes a "benefit increase," "emolument increase," or "beneficial determination."

## ■ Recruiting Employees for Public Service

Like any employer, units of government wish to attract good employees. This constitutional amendment will make it more difficult for employers to increase benefits to employees and, therefore, make it harder to attract the best people to public service.

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**Now is NOT the time** to amend the 1970 Illinois constitution. The 1970 Constitutional Convention, which established the current constitution, began with a commission to study the issue and public hearings. The question that will be before the general public this November has had little or no public discussion, and no academic papers have been written to prepare for the November referendum. A constitutional amendment is serious business and Illinois is clearly not prepared to make such a drastic change.