Resolution #25

Protect High-Needs, Low-Wealth Districts from Disparities Caused by the Uneven Impact of State Authorized Payments in Lieu of Taxes (PILOTs)

Rome Teachers’ Association

Whereas, it is the purpose of NYSUT to promote the best interests of schools, higher education, and health care institutions of the state and to expand and improve these facilities of the state; to secure the conditions necessary to the greatest efficiency of our members and the institutions where they work and to promote the economic, personal and occupational well-being and the welfare of our members; and

Whereas, New York State general municipal law article 18-A (industrial development — title 1, section 858.15) does permit Industrial Development Agencies “To enter into agreements requiring payments in lieu of taxes” (PILOT); and

Whereas, such PILOT agreements authorize Industrial Development Agencies to reduce property tax revenue ordinarily due to counties, cities, towns and school districts arbitrarily without regard to the needs of the school districts and their students; and

Whereas, Governor Cuomo did sponsor and the New York State Senate and Assembly did enact a property tax cap which limits a local government's overall growth in the property tax levy to 2% or the rate of inflation, whichever is less, without regard to the loss of revenues to PILOT agreements; and

Whereas, the loss of revenue has a disastrous effect on high-need, low-wealth school districts across the state, which are already suffering under vast economic disparity in education spending, leading the governor to remark, “There are two education systems in this state. Not public-private. One for the rich and one for the poor and they are both public systems.” Andrew Cuomo (October 18, 2010); therefore be it

RESOLVED, that NYSUT oppose the reduction in revenue to high-need, low-wealth districts through the working of Industrial Development Agencies; and be it further

RESOLVED, that NYSUT calls upon the governor, the state Assembly and the state Senate to enact legislation to restore the full revenue of any PILOT agreements currently in effect or any to be enacted in the future to those school districts designated as high-need, low-wealth from state funds; and be it further

RESOLVED, that NYSUT will lobby elected officials in the State of New York to support this legislation and consider including the position of each candidate for office regarding this legislation in the endorsement conference materials; and be it further

RESOLVED, that NYSUT will begin a campaign of public education to make New York State teachers and taxpayers aware of the hidden costs of PILOT agreements on school finances.

Resolution #26

Repeal the No–Strike Provision of the Taylor Law

Professional Staff Congress

Whereas, the right to withhold labor is a fundamental human right. It is recognized as a human right by the United Nations Commission on Human Rights and by the UN International Labour Organization. A UN report describes the right to strike as fundamental “to creating democratic and equitable societies.” The right to strike is also enshrined in the constitutions of more than

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90 countries. Many legal scholars argue that freedom of labor, including the
right to withhold labor, is protected by the Thirteenth Amendment of the U.S.
Constitution; and

Whereas, strikes and other workplace actions have been decisive in gaining
recognition of rights that are now widely considered essential — not just for
the workers involved, but for all: the end of child labor, the eight-hour day, the
right to collective bargaining, the existence of regulations protecting workers
against dangerous conditions on the job, the establishment of social security and
unemployment, and more; and

Whereas, New York State has outlawed the use of the valuable tool of
withholding labor by public employees. The 1967 Public Employees’ Fair
Employment Act, known as the “Taylor Law,” establishes the right of public
employees to unionize, but makes strikes by public employees illegal. The courts
have defined “strike” broadly to include any collective withholding of labor. The
Taylor Law also requires employers to impose severe penalties on strikers and
their union. It shifts the balance of power against public-employee unions and
robs them of lawful use of labor’s essential tool for winning economic justice. The
imbalance of power for public-sector labor unions in New York was intensified in
June 2018 when the Supreme Court decided in Janus v. AFSCME that while public-
sector unions must continue to represent all employees in their bargaining unit,
they are no longer permitted to collect a fair share fee for the cost of representing
them. The imbalance must be rectified; and

Whereas, historically, and as recently as last year and this January, strikes by
teachers and other academic workers have proven to be an essential tool in
struggles to improve the quality of education, abolish discrimination in education
and expand access to high-quality public schools and universities. Some have
succeeded in winning more public funding for public education, especially for
students from communities of color and low-income communities; and

Whereas, the 675,000 members of NYSUT are committed to securing
economic justice for themselves, their families and all working people; to
ensuring that all New Yorkers, regardless of income, have access to the best
possible education; and to achieving social justice through the trade union
movement; and

Whereas, many other states in the U.S. recognize the right of all workers,
including most public-sector workers, to strike. New York State has among the
highest density of unionized workers in the nation and prides itself on being a
progressive state. Yet New York continues to deny millions of workers access to
a fundamental human right and an essential tool for advocating for the needs of
the public and combating inequality; therefore be it

RESOLVED, that NYSUT will work with legislators and other public-
sector unions to draft legislation that, without diminishing any of organized
labor’s existing legal protections, including the Triborough Amendment, will
grant public-sector employees the right to strike; and be it further

RESOLVED, that NYSUT will fight for public-sector workers in New York
State to gain the legal right to strike by making the repeal of Section 210
of the Taylor Law a legislative priority and working with other unions and
organizations to this end; and be it further

RESOLVED, that NYSUT will include in its publications and membership
meetings opportunities for education on the right to strike in the United
States, including how the right was won, its history as a fundamental
democratic right, the role it has played in building the labor movement, and
the history of the Taylor Law in New York State.