

# Illinois attorney general files request to halt state workers' pay

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Last Thursday, Illinois Attorney General, Democrat Lisa Madigan, filed a request in a southern Illinois court to stop payment to over 110,000 state workers. Madigan is seeking to force the Illinois legislature and Republican Governor Bruce Rauner to adopt a new austerity budget by threatening a de facto government shutdown.

Since July 2015, Illinois has operated without a complete budget, relying on a patchwork of court orders and stop-gap budgets instead. This has led to the gutting of higher education and social services in the state.

Madigan is attempting to nullify a July 2015 ruling from St. Clair County Circuit Court Judge, Robert LeChien, that declared state workers must be paid their full salaries despite a budget impasse. Arguing against the ruling, Madigan stated it “has allowed the legislative and executive branches to fail to fulfill their constitutional duties without facing the real threat of a government shutdown...With no possibility of a government shutdown to force action by the legislative and executive branches, the state has continued to operate without a budget to fund many services provided by vendors and grantees.”

Madigan requested that the court enforce a deadline for Rauner and the state legislature to reach an agreement by February 28. If an agreement is not reached, Illinois state workers will stop receiving payments, forcing a statewide government shutdown.

The request by Madigan came the same day the Illinois senate postponed a vote on a new 13-bill budget proposal, SB 11. Had the Senate voted in its favor, it would have required approval by the state House of Representatives and the governor. Rauner favors the new budget proposal, backed by both Republicans and Democrats, declaring during his state of the state

address, “It’s heartening to see the Senate coming together on a bipartisan basis to acknowledge these changes are needed.”

The proposed budget deal reopens the attack on state worker pensions following the 2015 Illinois Supreme Court ruling that struck down legislation that reduced so-called cost-of-living adjustments and raised the retirement age for workers with Tier 1 pensions. Because the court found that the Illinois constitution’s pension protection clause, that pensions “shall not be diminished or impaired” was violated, Democratic lawmakers have been casting about for a legal theory that would allow them to make a run around the constitution and the court’s ruling.

Senate President John Cullerton has favored a theory known as “consideration,” under which workers would be given the supposed option to “trade” the way they want their pension benefits. Under the current proposal these workers would be given the following options: 1) Future pay raises will not count in calculating the initial pension amount upon retirement. Instead, they will receive a current 3 percent yearly annuity adjustment, compounded or 2) Future pay raises will count in calculating the worker’s initial allocated pension amount upon retirement. In exchange, the worker would receive a yearly annuity adjustment that is less than the current compounded adjustment.

In both cases, workers are being forced to accept sharp reductions in their pension payouts. Rather than having their pensions calculated based on future pay rates *and* earning 3 percent cost of living increases, they must accept one or the other, a clear violation of the intent of the pension protection clause.

Madigan’s request is a direct affront to state workers. Workers are at risk of going days without pay—sending thousands into extreme debt or worse—if a budget is not

agreed upon before the deadline. Over her career, the daughter of the long-time leader of the state Democratic Party machine has led the assault on Illinois pensions, seeking to attack the livelihoods of hundreds of thousands of workers who, having spent their entire lives working, wish to retire with comfort.

If a budget is reached before the deadline, it will contain a multitude of attacks on workers' salaries, pensions and a dismantling of public and social programs and public education. Since the budget impasse began, higher education across the state has been slashed by budget cuts, with Chicago State University for a time teetering on closing. Social service spending, which includes mental health agencies, received only 65 percent of 2015's social services budget, intended to last 18 months, shuttering mental health agencies across the state and leaving thousands in desperation.

There is also no guarantee that a shutdown would force Rauner to negotiate. During his campaign for governor, Rauner told a meeting of the Tazewell County Republican Party, "I apologize but we may have to go through a little rough times and we have to do what Ronald Reagan did with the air traffic controllers" in a reference to Reagan's 1981 firing of the striking PATCO workers.

The budget standoff represents a deep rift in the ruling class on how best to impose its attacks on the working class. Sections of the Democrats, masquerading as opponents to Rauner, worry a budget that includes massive cuts to social services and public employees might provoke opposition that the unions could not control. Rauner, Madigan, & Co. have taken the measure of their so-called opposition—the unions, which have never called a strike and have collaborated in decades of concessions—and are pressing ahead with the dictates of the wealthy bondholders and financial institutions that hold the state's debts.

AFSCME Council 31, which covers 38,000 state workers, claimed to be caught unawares by Madigan's request. Roberta Lynch, the executive director for AFSCME 31, wrote, "Governor Rauner created this hostage situation by refusing to enact a fully funded budget unless his unrelated personal demands were enacted first. He should put aside those demands and do his job to work toward a budget without preconditions. Even so, we are shocked and extremely

disappointed that the Attorney General would take this action. It is fundamental that everyone who works must be paid on time and in full, but this filing throws that basic commitment into question for state employees."

The union worries if a budget is not reached in time and payment to state workers is stopped, it could provoke a social upheaval, leading to a confrontation like Wisconsin in 2011, when hundreds of thousands descended on the state capital of Madison to protest Governor Scott Walker's attack on state employees. That struggle was betrayed by the unions in alliance with the Democrats.

A strike authorization vote will begin today and end in mid-February. AFSCME has repeatedly made clear it is willing to make whatever necessary cuts Rauner wants, including wage freezes and increased health insurance costs, but the governor has repeatedly ignored AFSCME's request to negotiate a new contract. State employees have found themselves in a struggle against all the forces arrayed against them, from Rauner and the Democrats and Republicans to their servants in the union apparatus.



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