

Winter 2021

Ventura County Community College District Retirees' Association

The Monitor

FIRST ZOOM VCCCDRA ANNUAL GENERAL MEETING

by Rene G. Rodriguez, VCCCDRA President

Get set for the first **Zoom Annual General Meeting** of the Ventura County Community College District Retirees' Association (VCCCDRA) to be held on **Wednesday, March 17, at 1:00 pm Pacific Standard Time**. See the end of this article for the link and phone numbers to join the Zoom meeting.

The meeting will feature keynote speaker **attorney Erica Deutsch**, who is representing the VCCCDRA in its lawsuit against the District.

To help prepare retirees for this meeting, in this issue of The Monitor you will find an illuminating article, the "Status of the VCCCDRA Lawsuit Against the VCCCD", written by Lyn MacConnaire, Chair of the Ad Hoc Legal Committee, which is also Co-Chaired by Patricia Parham, both of whom serve as liaisons to attorney Erica Deutsch for the VCCCDRA Exec Board.

Elections will also take place for President and Vice-President of the VCCCDRA for two-year terms beginning on July 1, 2021. Larry Manson, Nominations Committee Chair will conduct the elections and take nominations from the floor for each position.

At the last Annual General Meeting held on March 11, 2020, Carolyn Dorrance proposed adding At-Large Representatives to the Exec Board, and I invited her to submit an amendment to the bylaws for its consideration and she did. The Exec Board thought it was such a great idea that I decided to implement the idea right away by appointing three At-Large Representatives because of the immediate need for them, Gary Johnson, Marta Freixas, and Carolyn Dorrance, whose terms to coincide with the term of the president, which expires on June 30, 2021. Consequently, the following

amendments to the bylaws are submitted for your consideration and approval to establish three At-Large Representatives to be added as members of the Exec Board. The Exec Board recommends that you

Amend **ARTICLE IV – OFFICERS, Section 4.c.** by adding text in bold: "To appoint, subject to approval of the Executive Board, the newsletter editor, **the At-Large Representatives** and the chairs of all committees except the Nominating Committee."

Amend **ARTICLE IV – OFFICERS, Section 8. At-Large Representatives, Three (3) members of the association shall be appointed by the President as At-Large Representatives to serve on the Executive Board with a general portfolio for a two year term to run concurrently with the two year term of the President.**

Amend **ARTICLE VI – THE EXECUTIVE BOARD, Section 1.** by adding text in bold: "The Executive Board (hereinafter referred to as "The Board") shall consist of all elected officers, standing committee chairpersons, the immediate past President, **the At-Large Representatives**, and the Newsletter editor."

Join Zoom Annual General Meeting

This information will be sent by email

Use this link

<https://us02web.zoom.us/j/6892839231?pwd=Z3ZvK01WWVVSc3VNVVVJMzZuYUxqdz09>

Meeting ID: 689 283 9231

Passcode: 5xNTby

Dial by your location

+1 669 900 6833 US (San Jose)
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 689 283 9231

Passcode: 746330

NOTICE REGARDING DISTRICT PAID MEDICAL BENEFITS FOR SPOUSES OF DECEASED RETIREES

CalPERS requires the District to provide CalPERS medical benefits to the spouses of deceased District retirees who were eligible for district paid retirement medical benefits IF the spouses receive continuing PERS or STRS pension benefits earned by their deceased spouse.

This is a CalPERS requirement that takes precedence over the fact that the District is not otherwise required to provide benefits to spouses of deceased retirees.

We do not know if the District has made a concerted effort to notify potentially eligible spouses of this benefit requirement. This valuable benefit exists as long as the District contracts with CalPERS.

If you are such a spouse, immediately contact Katy Lyon at 805-652-5535, and email her at klyon@vcccd.edu, AND contact Rene Rodriguez, Retirees' Association President at 805-499-6162 and email him at vcccdra@gmail.com about enrollment in a CalPERS health plan.

VERY IMPORTANT: Most such spouses do not continue to maintain contact with the District nor the Retirees' Association. So word of mouth is essential! If you know such a spouse, contact them and encourage them to contact Rene and Katy.

STATUS OF THE VCCCDRA LAWSUIT AGAINST THE VCCCD

by Lyn MacConnaire, Chair of the VCCCDRA Ad Hoc Legal Committee

In Summer 2019 members of the Ventura County Community College District Retirees Association (VCCCDRA) met informally with representatives of the District including Chancellor Gillespie and Burnham Benefits. A year later in Summer 2020 VCCCDRA attorney Erica Deutsch made her first contact with the District's attorney, Joshua Morrison, to discuss the issues related to the District's interest in changing retiree lifetime benefits from an established medical benefits PPO plan with Anthem/Blue Cross to CalPERS in an effort to save what the District estimated to be \$12 million per year.

It became immediately clear that the change would result in a less favorable health benefits plan and would force many retirees to sign up for Medicare. Until this point it has clearly been the understanding of retirees that the level of lifetime benefits would be Anthem/Blue Cross PPO or an equivalent. Many retirees eligible for Medicare never signed up for Medicare because of this belief and are now facing lifetime penalties. Other retirees are not eligible for Medicare and if interested, will have to pay for Part A themselves.

Members from VCCCDRA addressed the VCCCD at open Board meetings beginning in September 2019 throughout the early part of 2020 to identify issues, protest the lack of timely receipt of requested information, to protest the change to CalPERS, and to ask for more time to discuss perceived problems.

The Board was not receptive and approved the change on May 12, 2020 as part of the new agreements with SEIU and AFT. The VCCCDRA felt it had no choice but to pursue legal action and hired attorney Erica Deutsch from Bush Gottlieb of Glendale California to represent the retirees.

A Legal Breach of Contract is Clear

In deciding to offer medical benefits through CalPERS, the District has breached the contract with retirees who had been promised lifetime benefits equivalent to active employees.

The District's position is that they are providing everyone with the same coverage because everyone is in CalPERS.

But retirees who have been promised lifetime benefits at the same level as active employees, are not being provided the level of medical benefits being offered to active employees -which is already a reduced level of benefits than the Anthem/Blue Cross PPO plans previously provided by the District. CalPERS policy does not provide the CalPERS Choice Basic (Anthem/Blue Cross PPO) plan given to active employees to any retiree over the age of 65. Instead of the CalPERS Choice Basic (Anthem/Blue Cross PPO) Plan, CalPERS policy requires that retirees over 65 must be enrolled in Medicare as their primary plan. Retirees over 65 and on Medicare must enroll in the District supported CalPERS Choice Medicare Supplement Plan.

Following a thorough analysis made by members of the VCCCDRA, the CalPERS Choice Medicare Supplement Plan supported by the District for Medicare beneficiaries is not equivalent to the CalPERS Choice Basic plan offered to active employees. One major difference is that Medicare does not pay for any out-of-network costs.

Another consequence of moving to the CalPERS medical health system that concerns VCCCDRA is that retirees who are over 65 and ineligible for Medicare and the CalPERS Medicare Supplement plan have been put into the CalPERS Choice Basic Plan. Because of this policy the retirees have been split into two groups that have different benefits and are thereby treated differently and will have different issues.

Why Has the District Taken This Action?

The District claims it took this action to save \$12 million dollars a year.

These savings are off the backs of retirees and none of the savings are going back to the retirees or the community.

There is no fiscal emergency necessitating this move. The District is not close to facing bankruptcy, in fact, the District approved raises for employees at the same time it forced retirees into CalPERS.

Legal Action Initiated by VCCCDRA

After hiring Erica Deutsch from Bush Gottlieb (Glendale, CA), the VCCCDRA attempted to resolve the issues related to the change of benefits informally through discussions between our attorney and the District's attorney. After several seemingly productive discussions and some agreement on a few issues the retirees summarized the issues in writing and requested a written response from the District. The District did not provide a written proposal, but verbally communicated its proposed resolution through counsel. The District's proposal did not bridge the gap to provide retirees the same level of benefits as active employees.

Subsequently, in August 2020, the VCCCDRA began legal proceedings. As a first step, VCCCDRA filed a Motion for a TRO (Temporary Restraining Order) seeking an immediate injunction to stop the District from proceeding with the conversion to CalPERS. There is a high standard for a court to grant a TRO, including proof of irreparable harm, and it is difficult to meet this standard. We were not surprised that the court did not agree to the injunction. After the change to CalPERS occurred, VCCCDRA then filed for a preliminary injunction, as a second attempt to stop the mandatory enrollment into Medicare that would fol-

low the change to CalPERS. Unsurprisingly we met with a similar response from the Court. VCCCDRA is now taking steps to proceed with the formal case.

VCCCDRA Has a Strong Case

The facts of the case are not in dispute. By contract language retirees were promised lifetime benefits equal to active employees. By choosing CalPERS which requires all eligible retirees to be in Medicare, it is not possible to offer those retirees the same plan as active employees. This is a breach of contract. (As noted above, retirees have been broken into two different plans related to their eligibility for Medicare)

The VCCCDRA has informed the District we will be proceeding with the case. VCCCDRA asked the District to participate in a standard practice of agreeing to the facts of the case which saves both parties time and costs. Receiving no response from a request to expedite the case by agreeing to facts, VCCCDRA is preparing for discovery.

Possible Outcomes

The position of VCCCDRA is to require the District to seek a medical benefits company that does not require retirees over 65 to sign up and use Medicare. Now that the new medical benefits program has been implemented we cannot know if a judge would require the district to rescind the move to CalPERS and seek a company that would provide one plan to both employees and retirees. Another possible outcome could require the District to work out a compromise that would satisfy the needs and address the issues of the retirees. The VCCCDRA retirees remain willing to discuss options and remedies to find a compromise. Unfortunately the District has not expressed further interest in negotiating a resolution. They appear uninterested in pursuing any informal avenues of resolution.

What Are the Primary Issues?

A major issue is that the District has now committed to reimburse costs for the lifetime of retirees for such things as premium payments to Medicare Part B, including associated penalties, but it has not done so in writing.

One major issue that VCCCDRA has tried to solve has been to get all retirees the same level of Medical coverage. For example put all retirees on a Care level plan.

A third issue is to get the District to commit to provide lifetime benefits to retirees on a Medicare Supplemental Plan to receive the Care level rather than the Choice Level Plan.

Another issue is for the District to commit to monetary assistance for retirees on the CalPERS Choice Basic Plan to purchase a Basic Care level plan.

A strong case can be made that the CalPERS Care Medicare Supplement Plan is not equivalent to the CalPERS Choice Basic Plan offered to active employees. A case has been made that the PERSCare Medicare Supplement Plan comes closer to the CalPERS Choice Basic Plan being offered to active employees and some retirees.

At this time the District has made no long term commitment to providing funding for the Care level Supplement Plan. It appears that it was coincidental that the funds offered to retirees on Medicare this year happened to cover the Care level funding. However there has been a past pattern with CalPERS to increase plan costs after the initial year.

Other Issues

The following issues may not be legal issues but certainly demonstrate the District's lack of preparedness for the transition as well as negative consequences suffered by retirees.

A major problem had been the confusion in signing up for CalPERS. Some retirees reported that they initially received rejection notices from CalPERS. Others re-

ported that there was confusion as to which Plans they should even consider. Some reported that they thought they were following directions from the District and signed up for CalPERS plans that were not approved by the District. There was also confusion as to what level of plans would be paid for by the District. At a District webinar I attended there was major confusion on the part of a significant number of retirees that they were even facing a change and thought they were signing up to extend their Anthem Blue Cross PPO plan.

Retirees reported that they did sign up for the wrong plans. Some reported that they signed up for managed care plans/HMO's and thus lost the ability to use physicians they had used for years. Some reported that they were told they would not be able to correct the problem until the fall enrollment process.

Unfortunately, In a letter sent to retirees explaining the deadline for the Fall enrollment period a list of 55 CalPERS plans was attached without the District supported plans identified. This confusion was magnified by the following week webinar hosted by District HR. During the webinar attendees reported that the CalPERS representative stated that retirees could indeed sign up for any plan. The District employees moderating the webinar said nothing to disabuse retirees of that notion.

At the initial time of implementation threatening letters were erroneously sent out to most, if not all, retirees saying that they owed money prior to receiving the start date of services.

In the initial enrollment period for CalPERS the Executive Board members of VCCCDRA were sufficiently concerned that some members did not understand the changes or had not been contacted by District that they volunteered to contact as many retirees for which they had contact information. During this time the VCCCDRA Executive Board discovered many of the problems and confusion encountered by retirees. Concerned that they had no idea how many retirees had

been contacted the VCCCDRA President, René Rodriquez, contacted District HR to inquire how many had been contacted and how many were outstanding. He was informed that since there was legal action pending HR could not answer any questions.

There has also been confusion as to how the reimbursement system will be handled and as to which expenses will be reimbursed.

Now in the new year retirees are facing new issues meeting the deadline for signing up for Medicare by the March 31 deadline. Instructions have gone out along with an application and a letter assuring by that District personnel would ensure the timely application process for Medicare. Again unfortunately it was not made clear that those retirees that have never signed for Medicare must themselves contact Social Security, obtain an appointment time at the local Social Security Office and proceed from there. There have been reports of hours long waits on the phone to Social Security just to get an appointment time with the local Social Security Office.

Retirees who did submit the forms to the District report that they have not heard anything back from the District in spite of attempts to reach them regarding the status of their applications for enrollment in Medicare Part B. These retirees also contacted Medicare and they found no record of their status.

Assuming these problems eventually are resolved retirees are facing lower coverage, higher medical costs, lifetime penalties and no guarantee that they will receive equivalent coverage as active employees in the future.

VCCCDRA remains committed to pursuing these issues in any way possible. At this time we have not been assigned a calendared court date. COVID 19 has definitely affected court dates but we will certainly keep

you apprised of any new developments.

REQUEST FOR CONTRIBUTIONS TO THE VCCCDRA LEGAL FUND

When we sent out a first request for contributions to the Retirees' Association Legal Fund back in June 25, 2020, we figured we would be sending these requests out about every 3 months. As it turned out, retirees responded so well to the initial request for contributions, that it has not been necessary to send out a second request for contributions until now, over 7 months later.

When you read Lyn MacConnaire's article on the "Status of the VCCCDRA Lawsuit Against the VCCCD" in this issue of The Monitor, you will see what attorney Erica Deutsch has been working on since she made first contact with the District's attorney Josh Morrison in Summer 2020. Through January 26, 2021, we have received \$69,075 in contributions from retirees to the legal fund, and through January 6, 2021, we have had \$61,814.57 in legal expenses. As you can see, it is time to ask you for another infusion into the legal fund.

As in our initial request, we are asking for a contribution of \$250, or as close to that amount as you can contribute, from all VCCCDRA members.

From the Retirees' Association's first experience in filing a lawsuit against the District in 2007, we learned that the District would never take retirees seriously unless we filed a lawsuit against them. This, unfortunately, is turning out to be the case once again. Many issues are at stake, some of which Lyn MacConnaire points out in her article in this issue of The Monitor, and retirees will get a chance to hear directly from our attorney Erica Deutsch on March 17 at our upcoming Zoom Annual General Meeting, when she will be featured as our keynote speaker.

ANGELA DURAN AWARDED THE FIRST VCCCDRA SPONSORED DON B. MEDLEY SCHOLARSHIP

We hope to have the first recipient of the VCCCDRA Sponsored Don B. Medley Scholarship, Angela Duran, make an appearance at our upcoming Zoom VCCCDRA Annual General Meeting.

To give you an idea of who this outstanding awardee Angela Duran is, [an excerpt from the essay she submitted](#) as part of her application for the scholarship [is printed below](#).

1. Please explain your interest, experience, and goals in computer studies.

Growing up, I never knew what I wanted to be. The day I started to consider computer science as my field of study was when I attended my first introductory programming class in my sophomore year of high school. Since then, I was determined to learn all I could, spending much of my free time during high school on websites like Codecademy and CodeHS. Unfortunately, I never had a computer of my own to continue practicing at home. To remedy this, I spent numerous hours at my school's library until I decided that enough was enough and began doing yard and caretaking jobs around the neighborhood to save up for a cheap laptop. My hard-earned laptop served me well, but sadly its CPU burned out from my extensive use over two years. Along the way, however, I was able to participate in programs such as Girls Inc Eureka!, which provided me with a stipend that contributed to me accumulating enough funds for an even greater laptop, which I am still using today. Throughout my high school experience, two clubs significantly impacted my interest in studying programming. MESA was the first foot through the door for my programming passion. Every year UCSB would host MESA day which had various competitions for groups of students to sign up and participate in. In particular, my favorite was the sumo robots event. In this event we needed to program and build a robot with Lego Mindstorms that would push the opposing robot outside a ring. It was mind-blowing to see our robot come to life and do what we told it to do for the very first time. The second club that sparked my interest was my high school's robotics club. Our club was part of the First Robotics Competition (or FRC for short), in which the organization hosts competitions across the world for teams to compete against each other...

REQUEST FOR CONTRIBUTIONS TO THE VCCCDRA LEGAL FUND

PLEASE FILL OUT THE FORM BELOW AND MAIL WITH YOUR CONTRIBUTION

NAME: _____

HOME ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

TELEPHONE NUMBER: _____

EMAIL ADDRESS: _____

WRITE CHECK PAYABLE TO VCCCDRA.

AMOUNT: _____

PLEASE SEND YOUR CONTRIBUTION ADDRESSED TO

VCCCD Retirees' Association
P.O. Box 6216
Ventura, CA 93006-6216

DO NOT FORGET to include the form above and your check! THANK YOU!

Membership Report
BY JOY KOBAYASHI

Please join me in welcoming our valued colleagues to the VCCCD Retirees Association and in wishing them a long and satisfying retirement.

Robert Balderama – VC
Paul Kores – MC
Vance Manakas – MC
Laurie Moore – VC
Donna Scott – MC

Katheryn Gilligan – VC
Frances Lewis – OC
Judy McArthur – OC
Denise Pope – VC
David Weinstein – MC

Karen Harrison – VC
Sharon Manakas – MC
Rita McKinney – DO
Hilario Raguini – OC

Dear VCCCD Retirees,
The Executive Board of the VCCCD Retirees Association consists exclusively of volunteers who donate their time and energy to keep you informed on matters affecting your retirement. Printing and mailing these newsletters is our biggest expense -- over \$2,000 in the last year. Your Association depends on your membership dues to cover these and other necessary expenses. PLEASE consider joining as a Lifetime Member for \$200 or at the yearly rate of \$20. Send your check to:

VCCCD Retirees Association
P.O. Box 6216
Ventura, CA 93006-6216

I am still trying to collect email addresses for all members of the Association. If you know of any member not receiving our emails, please have them send their address to me at: tandemstoker@roadrunner.com.

Thank you.

Note from the Editor: Please note that this email edition of The Monitor includes some updates that came too late to include in the printed version of the newsletter.

VCCCD Retirees' Association
P.O. Box 6216
Ventura, CA 93006-6216

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ADDRESS CORRECTION REQUESTED

The Monitor

Winter 2021

In Memoriam

We honor the memory of our departed colleagues and extend our sincerest condolences to their families, friends, and associates.

Larry Baratte	Stan Bowers	Robert Camarillo	Rita Carls
Jerry Dunlap	Jim Englund	William Fox	Yvonne Gallegos Mason
Tom Kimberling	Gerd Koch	William Lawson	Carlos Ramirez

2020-2021 Executive Board

René G. Rodriguez, President	<u>vccdra@gmail.com</u>
Harry R. Culotta, Past President	<u>hculotta@fastmail.com</u>
Carmen Guerrero, Vice President	<u>cguerr49@gmail.com</u>
Marie Soo Hoo, Secretary	<u>masoohoo@twc.com</u>
Patricia Gage, Treasurer	<u>pgage5545@roadrunner.com</u>
Joy Kobayashi, Membership Committee Chair	<u>tandemstoker@roadrunner.com</u>
Larry Manson, Educational Issues Committee Chair	<u>lmanson@west.net</u>
Carolyn Dorrance, At-Large Representative	<u>vccdra@gmail.com</u>
Marta Freixas, At-Large Representative	<u>vccdra@gmail.com</u>
Gary Johnson, At-Large Representative	<u>freevcnet@aol.com</u>