Ventura County Community College District Retirees Association

The Monitor

Retirees Association Sues College District

On the last day it could legally do so, the Ventura County Community College District Retirees Association filed suit against the Ventura County Community College District in Ventura County Superior Court. The suit was filed on Friday, Aug. 31, 2007, by Tom Sharpe of the law firm Bennett & Sharpe, Inc. of Fresno, Calif., on behalf of the VCCCDRA.

The class action lawsuit alleges impairment and breach of contract as a result of the District's unilateral reduction in health and welfare benefits that began on July 1, 2005. The suit declares these benefit reductions violate negotiated agreements that were approved by the Board of Trustees during the retirees' careers with the District. The suit seeks declarative and injunctive relief based on the increased out-of-pocket medical and prescription costs retirees have paid since July 1, 2005. The suit estimates those increased costs to be \$511,723 between July 1, 2005, and Aug. 31, 2006.

Costs have continued to mount beyond the level identified in the language of the lawsuit. According to Gary Johnson, Past President of VCCCDRA, "We estimate that retirees have paid \$840,000 more in medical expenses [including prescription drugs] than they had under plans we had been promised."

The lawsuit has been filed as a class action and will represent the interests of all retirees - classified, faculty, supervisors, and managers - who were hired before SEIU and AFT contract changes occurred beginning in 1990. Class action requires that a significant number of individuals share common circumstances and objectives. Only a very small number of District retirees eligible for insurance benefits are not represented by the lawsuit.

Prior to the lawsuit, there were considerable efforts by the Association to reach a settlement between the parties. VCCCDRA filed a formal claim against the District in June 2006. The District rejected the claim in mid-August 2006, but expressed a willingness to settle during the six-month window allowed by California law prior to filing litigation. During that period, through mid-February 2007 and through four mutually-agreed-upon extensions of time to April, June, July, and August 2007, respectively, the parties each exchanged three settlement pro-

posals, but ultimately could not reach accord. As the District was unable to consider a further extension, VCCCDRA had no choice but to file suit to preserve its rights under California law.

During the past two years, the VCCCDRA Benefits Committee, chaired by Gary Johnson, has met to take up this issue an average of two to three times a month, with members working extensively between meetings. Members have met on several occasions with Ventura County Community College District trustees and have been told consistently the District wishes to reach a settlement and avoid litigation. According to Johnson, "Paramount among our objectives has been our desire to stop the District from imposing increased medical and prescription costs on us in the future, as well as protecting the medical coverage we have been promised."

The last attempt to resolve the differences occurred at a meeting on Wednesday, Aug. 29, between VCCCDRA, represented by Gary Johnson, Bob Long, Bob Lopez, and Dave Thomas, and by District Chancellor Jim Meznek, Associate Vice Chancellor Patricia Parham, and Trustee Steve Blum. Since VCCCD trustees had not addressed the issue of retiree benefits at its Aug. 28 meeting, the District lacked the authority to do anything, according to Chancellor Meznek, and the meeting concluded with little further discussion.

Although the lawsuit has already been filed, "We expect to continue meeting with the District and hope we can reach an acceptable agreement short of eventually facing one another in court" according to Johnson. It is estimated the lawsuit could require up to three years to reach conclusion. Members of the VCCCD Benefits Committee who will continue representing the Association in these efforts include Stan and Orlene Bowers, Barbara Hoffman, Gary Johnson (chair), Vivian Lockard, Bob Lopez, Bob Long, Don Medley, Don Matthews, Gary Morgan, Gil Ramirez, Rene Rodriguez, Manny Turse, Dave Thomas, and John Woolley.

A complete copy of the lawsuit as developed by Bennett & Sharpe, Inc. and filed on Aug. 31 with the Ventura County Superior Court can be found at the VCCCD Retirees Association website. The website address is www.vcccdra.org.

The Lawsuit and Its Implications: A Message from Rene Rodriguez and Gary Johnson

It has been five months since we corresponded with our general membership, but that does not mean we have not been working in your behalf.

It has been more than two years since the District increased retiree costs for Blue Cross medical benefit coverage. In July, 2005, the district increased the medical deductible, imposed a new deductible on prescriptions, increased the co-pay for prescriptions, and increased the out-of-pocket maximum we pay for medical coverage. During these two-plus years, we estimate that retirees have paid \$840,000 more for medical coverage than they had paid previously.

Based on contract language, historical experience, and repeated assurances, we determined that the District could not legally or ethically make such changes. During 2005-06, the retirees made numerous unsuccessful appeals to the District, retained a law firm, and filed a "Claim" with the District as a precursor to filing a lawsuit. The District rejected this "Claim" but expressed interest in resolving the issue.

Our members need to know that it has been well represented by its Benefits Committee, its Executive Board, its negotiations team, and its attorneys. We have continued to meet individually with Trustees and have attended Board meetings to state our positions and make them clear. Board support has been mixed and confusing, based on what they have said to us individually, and the little their attorney has offered in response to our proposals.

During 2006-07, the Benefits Committee has met, on average, two or three times a month. Committee members have also worked extensively between meetings. Committee members have met with Trustees on numerous occasions and have heard the constant refrain that they (the Trustees) would prefer a settlement to a lawsuit. Consequently, the committee has developed and presented to the District several progressively reasonable proposals. We have also agreed to extend the filing deadline for a lawsuit four different times in continued hopes of reaching a mutually acceptable agreement. However, there has been very little movement by the District toward resolving our differences, despite our proposals.

The District's first counter-proposal merely offered help to our membership to better understand the new health plan. The second offered a dismally small amount of money per year to be distributed among our retirees any way we saw fit. The last counter-proposal finally offered to implement an important part of our third proposal, but only for one year. In fact, since the

District incorporated that part of our proposal into its negotiations with active employee bargaining units, retirees will automatically receive this benefit anyway, if the bargaining units accept it. If they do, the benefit would automatically apply to retirees as part of the new health plan. But the offer is for one year only.

One of our primary objectives has been to stop the District from imposing increased medical and prescription costs on retirees in the future. We have also sought to protect the medical coverage we were promised. At our meeting with the Chancellor on Aug. 29, 2007, the District said it was unprepared to commit to no future increases in deductibles, co-pays, or out-of-pocket costs to retirees.

As a result, on August 31, we filed a lawsuit against the District and the Board of Trustees. The suit's content will be posted on the Association web site (http://www.vcccdra.org) by the time you read this. Check there regularly, too, for the latest news. The lawsuit is filed as a class action and will represent the interests of all retirees — classified, faculty, and classified and academic managers — hired before SEIU and AFT contract changes occurred beginning in 1990.

It is unfortunate that the District and the Board have essentially refused to resolve this important retiree issue out of court. Ultimately, it will not only cost the District its own attorneys' fees, but also our costs to conduct this. This will be above and beyond what we can achieve in court. However, litigation will take time, perhaps as long as three years, and it will be costly to us in the interim.

Once our case goes to court, it will be up to a judge to determine if the case has merit and a jury to apply the law to the facts of the case and to determine who is in the right. No one can predict the outcome, but remember that if our attorneys were not confident they could win this case, they would not have taken it. If we do nothing, however, we will have already lost. The District will feel free to make changes to our health plans any time in the future as it sees fit, no matter the promises made in former contracts.

A lawsuit is expensive, but what we have to protect far, far exceeds the contributions we are asking of each retiree to protect against future medical cost increases that are sure to come if the District continues in its current position.

Our association has demonstrated that it can fight the District. It has demonstrated its will through the funds that individual members have contributed to our Legal Fund. Without these

Rene and Gary: Lawsuit Implications

(from pervious page)

funds, we would not have been able to make every effort to settle, to hire attorneys to advise us, to prepare a lawsuit, and to go to court. We have raised a significant amount of money, but we need to follow through with the additional fundraising to fully fund the lawsuit. Some members have yet to make a contribution to the Legal Fund. We know that some individuals are not able to contribute. But for those who can contribute but have not yet done so, the time is now. We need your support.

Retirees on Health Net and Kaiser plans have not felt it yet, but they face the same jeopardy as those on Blue Cross. Remember, Blue Cross is the contractual yardstick for determining what the District will fund in Health Net, Kaiser, or in any other plans the District contracts to provide.

We need to put a stop to any further increases by the District in deductibles and co-pays. It is clear that the District means for us to pay for our future health benefits by increasing deductibles and co-pays. Certainly there are other ways of containing costs for retirees, but the District is not interested in discussing any of these measures. By taking the District to court, we are demonstrating that we would rather trust a judge and jury to do the right thing, because the District is already demonstrating it is not interested in protecting the rights of retirees. Help us and help yourselves by making a relatively small contribution now, compared to what your costs will be as the District continues to change (and erode) our health benefits. Please use the enclosed form (see page 7) to make your contribution to the Legal Fund.

WHAT YOU CAN DO: CONTRIBUTE TO THE LEGAL FUND

While we have been gratified by the number of retirees who asked to be included in the original "claim" and who have given money thus far, about one third of our retirees have not contributed. We requested a contribution of \$200 initially, then requested an additional \$500 when a lawsuit became more likely. To take us the rest of the way, we need at least another \$75,000.

If you have not yet contributed to the Legal Fund, we need you to do so <u>now</u>! If you have already contributed and are willing to contribute more we urge you to do so, <u>or</u> pledge an amount for the future.

For those of us in the front lines, this circumstance has been time consuming, but certainly very much worth the effort. We are proud and pleased to be part of this effort.

We need your support now!

Thanks for Supporting the Lawsuit

Dear Fellow Retirees.

As we embark upon this absolutely necessary lawsuit to keep our hardearned health benefits at the same level we were guaranteed when we were hired and agreed to by the district when we retired, I need to discuss two items with you.

The <u>first</u> one is to ask you to thank the people of the benefits committee of the VCCCD Retiree's Association for the hundreds of hours that they each have devoted to the cause. So much has to be done to prepare for a lawsuit; it really takes caring and devoted people to take on these tasks. Believe me, we are thankful to have such people looking out for our welfare. There have been many players but particular thanks should be given to Gary Johnson and Rene Rodriguez as they have been the strength behind all that has been done.

We also need to thank the more than two-thirds of our retirees who have contributed to the legal fund. Your support has allowed the Association to proceed with this legal action. Those of you who contributed the full amount or more that was asked, even though for many it was a hardship, are to be thanked especially. You are very much appreciated.

As some of you may know, I experienced a serious illness this past year. Even though I am on Medicare with our district insurance as the supplement, the costs have been very high. Our health benefits are so important.

My friends, we are in this all together and we need to show solidarity and caring. Some retirees who have <u>not</u> contributed say that they have insurance from other sources (e.g. military, other employment, etc.) or they have Kaiser or Health Net and so the issue doesn't affect them. Some retirees have other reasons why they haven't contributed yet! We ALL will be affected if we don't stop the erosion now! We don't want our health benefits to be tied to what is currently being negotiated by the District with the various unions.

My <u>second</u> item is to request that those of you who have <u>not</u> contributed to the legal fund to do so now to help those who are not as fortunate as you. The Association understands that, financially, some of you may not be able to donate the past amounts requested but, at least, donate something or even pledge an amount that you can donate. You may contribute on a payment plan as some retirees have done. Remember that money contributed to the legal fund that is not used will be returned pro rata to the contributors.

Since <u>all</u> of us will benefit from a successful conclusion to this case and will not have to deal with this issue ever again, your monetary support is very important and fair to those who have contributed.

Please send your checks as soon as possible made out to the <u>VCCCD</u> <u>Retirees Association Legal Fund</u> to P.O. Box 6216, Ventura, CA 93006-6216.

Sincerely,

Orlene Bowers, Past President VCCCD Retirees Association (2000-02)

Membership Updates

Don Medley, Founder, VCCCDRA

WE NEED ADDRESSES/PHONE NUMBERS/EMAIL ADDRESSES FOR THE FOLLOWING PEOPLE. If you can help call Don Medley at 805-482-8761 or email to don.medley@verizon.net. Thank you for your help.

Betty Albiston Donald Anderson Charlene Arnold Madaline Braun Patricia Burkard Rafael Carranza Robert Chatenever Marge Corbell Willadean B. Cummings Jesse "Russ" Emory Christy Corbett Patricia Earl Beatrice Epping Lynn Greig Peter Gucciardo Jose de Guzman David Kay Sandra Kinghorn Teresa Lara Nancy Lindsay Joyce Lundy George Martinez Diane Moore Norlene Neal Garland Orr Della Rhodes Alicia Rosas John Roach Barbara Smith James Stemen Myra Toth Florencia Wallace Rosalie Wasef Gerald White **Ernest Williams** Louise Zitnik

Please correct your roster with the following address/phone number/e-mail changes:

Eddy Barron Gerald Bridgeman Margaret Boles

William W. Dodgen John W. & Gerry Emrick Dallas Flanigan

Joseph Gonzales, PhD Barbara Hall Dee Konczal

Harry Korn David & Karin Leyba Gregory Marquez

Alexander Marziani Thomas McAdam John McConnell

JoAnn Moore Johnna L. Morton Michael Strumpf

Membership Updates

(from previous page)

Please correct your roster with the following address changes:

Diane Stephens Charlotte K. Udd Mary Urquidi

Victoria Bortolussi

Telephone number only adds or changes:

Charles Campo James Castren George V. Simon

Email Address Changes:

Sidney Adler
Shirley P. Baskin
Clydie Wright
Jack & Eleanor Hudson
Judith Gerhart
Clara Lee Kimbrough
William Robinson
Betty Sullivan
Bob & Rosemarie Booth

Emanuel Turse Aster Ikezoye
Pat Gage

IN MEMORIAM

WE HONOR OUR DEAR COLLEAGUES
AND WILL ALWAYS CHERISH THEIR FRIENDSHIP

George R. Anderson Marvin Bergstrom Abundio S. Carrillo Albert Clodius Eleanor S. Bernal Robert Gibbs
Don F. Jackson
Betty A. Poland
Annette Reese
Stewart W. West

VERY, VERY IMPORTANT SURVEY!!

WE HAVE BEEN TRYING TO COLLECT INFORMATION TO HELP OUR LAWYERS TO REPRESENT US. TO DATE, WE HAVE HAD 476 RESPONSES, WITH 11 OTHERS WHO ARE EITHER TOO ILL TO RESPOND OR WHO DO NOT WISH TO BE REPRESENTED. WE NEED THE SURVEY DATA FROM THE FOLLOWING PEOPLE. PLEASE ENCOURAGE THEM TO GET IN TOUCH WITH ME AS SOON AS POSSIBLE TO COMPLETE THE SURVEY. THE SURVEY QUESTIONS ARE LISTED BELOW.

David and Jean Abraham Madaline R. Braun **Dolores Casuga** Willadean Cummings Patricia Earl **Linda Fintel Joseph Gonzales** John Hanft Wilmer Ingram **Harry Korn Joyce Lundy Thomas McAdam** Johnna Morton **Garland Orr Daniel Rios Barbara Smith Diane Stephens** Carmen S. Taylor Florencia Wallace Carol Woodward

Donald Anderson Rafael Carranza **Raymond Centeno Sr** Jose de Guzman James Ferguson **Dallas Flanigan** Lynn Greig Rosalio Haro Jim Jarvaise **David Levba George Martinez** Michael McGann **David Murphy Arthur Preston** Raymond L. Scalf Don L. Smith Irma Stewart Robert J. Tufts John Roger Walters

Margaret Boles
Francis W. Carrigan
Marjorie Corbell
John Dempsey
Ruby Filar
Bernie Ford
Peter Gucciardo
Ruth Hunt
Achla Jindal
Diana Lopez
Alexander Marziani
Bennie Molina
Norlene Neal
Clarence (Don) Richar.

Clarence (Don) Richardson Janet Schuette

Joan Smith Bill Studt

Neriman Urkmez Elaine Wefel

SURVEY QUESTIONS

- 1. What was your job title when you retired?
- 2. What month and year were you hired and what month and year did you retire?
- 3. Were you eligible for Medicare when you retired? If not, were you (or will you be) you eligible later?
- 4. What institution within the District did you retire from?
- 5. May we include your name and address on the claim?

WE NEED THIS INFORMATION EVEN IF YOU DO NOT RECEIVE DISTRICT-PAID BENEFITS.

Also, by now each of you should have received the 2006 issue of the Association roster. Please check your entry to insure its correctness. Send any changes to me either by email at don.medley@verizon.net or by snail mail to Don B. Medley, 110 Flora Vista Avenue, Camarillo, CA 93012.

Thank you for your continued support!

Don B. Medley

VCCCD Retirees Association Legal Fund

Filing a lawsuit and raising money for the Legal Fund are the two most important endeavors our Association has ever undertaken!

Make checks payable to VCCCD Retirees Association Legal Fund

Return this form and your check to: VCCCD Retirees Association P.O. Box 6216 Ventura, CA 93006-6216

Thank you!

Ventura County Community College District Retirees Association

Thanks to Our Generous Colleagues Who Have Contributed to the Legal Fund

Monte Abbath Paul Acker Karen D. Adkison Sidney Adler Paul Aiello Kirk Aiken Barbara Ainge Betty Albiston Steven F. Alcocer Judy Alexander George R. Anderson Janet Andriese Herbert F. Anson George S. Arita Steven F. Arvizu Ruth S. Bachofer Mary Shannon Baker Evis Barnett Shirley P. Baskin Rita Beahan Larry Bell William Bendat Edith L. Bennett Tom R. Bertolino Art Bettini David L. Bishop Richard L. Black Charlene Blalock-Carlson Yvonne Bodle Peggy Boedecker W. Roger Boedecker Constance Bosso Joan M. Bourland Donald C. Bowen Orlene Bowers Stanley Bowers David A. Breslin Gerald Bridgman Jane Broadbooks Kenneth L. Buckner Louis J. Burger, Jr. Barbara Buttner Linda Calderon Eloyce M. Caldwell Dolores A. Camarillo Jesus Camarillo Laura J. Campbell James Castren Jeri Chandler Albert H. Clodius Betty R. Coffey Pandita Cole Nadine M. Colt Edith Conn Donald E. Cook Carlisle C. Cooper Judith Costales Carol Cressman Harry R. Culotta Loretta Curtin Gerald R. Curtis Marie D'Agay Agnes Dachtler Charles C. Dahl

Donna Daniel

John Davie Jose F. de la Pena John W. Dell John Dempsey Lois B. Denardo Barbara A. Derryberry Delores Deutsch Bona Dillon Joanna P. Dillon Virginia L. Dodd William W. Dodgen Paul F. Dunham Gerald D. Dunlap Margaret J. Edwards Hugo Ekback Juanita Elliott Lucille Elrod Thomas K. Emma John W. Emrick Jovce Evans Larry Falxa Jack Farrell Judith Farrell Joan Faskin-Johnson Gerald R. Fecht Al Fernandez Bert Fickerson Lania Finegold Paul F. Fink Betty Florentine Jack A. Fleming Vincent Flocco Jr. Eva Flores Diane I. Flynn William Fox Norma L. Frisby Joyce Gammon Paul Gannatal James R. Gayle Judith Gerhart Robert R. Gibbs Pat Ann Gibson Richard A. Glenn Rheda Gomberg Jesus J. Gonzales Donna Grahek Anita K. Grotz Miriam E. Gunderson LeRoy D. Haberman Barbara Hall Elton Hall John Hardoin Mary Jane Hardoin Verle (Tom) Harris Judith A. Heard W. Ray Hearon Sheelah Henry Charles J. Hewson Lola Jean Higby Audrev M. Hill Barbara Hoffman Chervl Holt Carol Howe Eleanor R. Hudson

Jack R. Hudson

Frances E. Hughes Ruth Hunt John E. Hurley Morris E. Husted Aster K. Ikezove Chad Ishikawa Don F. Jackson Paul A. Jacobs Evelyn A. James Richard James Dorothy (Hyde) Jantsch Jim Jarvaise Hariette H. Jarvis Eursell Jett Randy John Gary Johnson Patricia Johnson Desmond Jones Ellis Jump Hitoski H. Kajihara Mary Ellen Kazmark-Bruskotter Robert C. Kelley Clara L. Kimbrough Lynn Knipping Gerd Koch Harry Korn Richard Kurtik George E. Lanning, Jr. Helen Larmon Gaylord D. Larsen Clara Lawson William H. Lawson Howard Level Garv Lewis Carmen Llanes-Munoz Vivian Lockard Alicia A. Long Robert W. Long Knox Long Robert Lopez Anita F. Lorenzana Doris MacTague Mary Mangham Lawrence H. Mason Lucie Marsh Floyd Martin Teresa Martinez Martin H. (Tuck) Mason Ben G. Matley Donald Matthews June I. McCaffrey Lenora McCarthy Maxine McConathy MoDean C. McCullough Thomas A. McDannold William H. McEnroe George B. McNeely Ruth D. McPherson Don B. Medlev Michael Meeks Sheldon M. Mehr Gail Metcalf

Fred Mever

Patricia J. Michaelson

Nancy Miller Snoda Miller Dorothy D. Mills Jo Ann Moore Linda Kay Moore Gary B. Morgan Helene Mulligan Henry V. Nevarez Betty J. Newlee Clemmie Nicholas Jack Noves Margaret E. O'Neill Terence O'Neill Maricarmen Ohara Gerald Olsen Yvonne Olson Deni Osborne Farl Owen Darlene A. Pacheco Donald D. Paillette Phillip E. Passno James D. Peterson James Peddie Kilby V. Perkins Joanne Perry Richard Phelps Hermenio Pillado Irene Pinkard Betty A. Poland Steven Pollock Marilyn A. Pomeroy Jon Popiel Gilbert Putnam Richard Quint Patricia Raguse Arthur Rahm William F. Ramelli Eleanor G. Ramey Gilbert M. Ramirez Carolyn Rees C. Robert Reeves William H. Robinson Donald F. Rodriguez Rene G. Rodriguez Karla Roff William V. Rollins Grace V. Rosmaier Jeanette M. Ross Lola Rudd Doris E. (Betty) Sahota Judith Salazar Rachael Santoyo Francis J. Sattler Paul C. Ssheele Elise Schneider Deanna Schultz Michael Seely Mitchell L. Smith Maynard E. Sommer Virginia Sommerhauser

Jorita Sorensen

Talle E. Sutton

Robert Stephens Edith J. Stone

Jean Spencer

A. Keith Strasser Jerry Straughan Pauline Stringer-Eilers Richard M. Strong Michael Strumpf Thomas J. Steube James Sturgeon J. Elizabeth H. Sullivan William H. Tauck Jennie Taylor Anthony J. Terranova Colin Terry William Thieman Floyd D. Thionnet David C. Thomas John E. Thomsen German C. (Jerry) Torres Rita Tregurtha Manual O. Trevino Sandra Trevino Betty True Shirley A. Tucker Robert J. Tufts Emanuel R. Turse Constance A. Tveit Charlotte K. Udd Karen Van Cleave Suzanne van Marion Norma M. Vedvik Don A. Villaneuve Diane T. Volz James W Walker Sinclair Wall Susan Webster Mary Weesner Elaine Wefel Carol Weinstock Steward W. West James A. Whalen Joseph Wolfe Louis Wolff John L. Woolley Clydie S. Wright Hiroko Yoshimoto Kathleen Young H. O'Neil Ziegler

The Association's oldest retiree, George McNeely, has pledged to match, dollar-for-dollar, up to \$25,000 in pledges from the membership to support the Legal Fund. For this reason, we are very proud to announce

The George McNeely Matching Pledge Drive

Will you be the first to answer George's challenge?

Consider making a pledge that can be fulfilled with a future contribution, if you are unable to contribute today

Name: (print)	
I pledge to contribute the amount of to support the lawsuit against t	dollars, when needed, he District.
Signature	Date

Please Mail to: Vivian Lockard, Secretary/Treasurer

VCCCDRA P. O. Box 6216

Ventura, CA 93006-6216

Ventura County Community College District Retirees Association

Executive Board

Rene G. Rodriguez, President

Gary Johnson, Past President

Harry Culotta, Vice President

Vivian Lockard, Secretary-Treasurer

Benefits Committee

Gary Johnson, Chair

Political Committee

Gary Morgan, Chair

Place 41¢ Stamp Here