Summer 2021
Ventura County Community College District Retirees' Association
The Monitor

Annual Meeting: Litigation Attorney Addresses Retirees

By Harry Culotta

The 27th Annual General Meeting of the Ventura County Community College District Retirees' Association (VCCCDRA) on March 17, 2021 was unusual in two respects: (1) It was the first time in the Association's history that this meeting had been held online via Zoom, and (2) It was the first time since 2008 that an outside attorney had been the featured keynote speaker.

In 2008 the speaker was Thomas M. Sharpe, Esq. of the firm Bennet & Sharpe in Fresno, CA. Mr. Sharpe represented the VCCCDRA in its lawsuit against VCCCD, which was filed in August 2007 and concluded with the Settlement Agreement in January 2010.

In 2021 the speaker was Erica Deutsch of the firm Bush Gottlieb in Glendale, CA. Ms. Deutsch represents the VCCCDRA in its breach-of-contract lawsuit against VCCCD, which was filed in August 2020, but is still in litigation.

In his introductory remarks, President Rene Rodriguez thanked Association members for supporting one another and denounced the VCCCD for not standing up for retirees. He also informed the audience that Lyn MacConnaire and Patricia Parham are serving as Chair and Co-chair, respectively, for the ad-hoc Legal Committee that is working directly with Ms. Deutsch.

Ms. Erica Deutsch addressed the audience on the topic "Status of the VCCCDRA Lawsuit Against the VCCCD." She began by introducing herself as a partner of Bush Gottlieb, which represents labor organizations, both in the public and private sector. Her areas of specialization include employee benefit plans.

Ms. Deutsch described the sequence of events in the lawsuit, beginning with a demand letter sent to VCCCD's attorney at the end of June 2020. The letter outlined in detail why the VCCCD would breach several contracts if it moved the retirees' medical benefits package to CalPERS. VCCCD's attorney and Bush Gottlieb engaged in settlement discussions, but were unable to reach resolution.

For more details about the issues in the lawsuit, please read Lyn MacConnaire's excellent article in this issue of The Monitor on page 2, and also on pages 2, 3, and 4 in the Winter 2021 edition of the Monitor.

In August, Ms. Deutsch filed the complaint in Ventura County Superior Court and a motion seeking a temporary restraining order (TRO) against VCCCD to immediately halt the move to CalPERS. The court denied the motion.

In September, Ms. Deutsch filed an amended complaint and motioned for an injunction against VCCCD, but the court denied the injunction.

The lawsuit has been in the discovery process since October. In this phase, counsel for each side seeks information, documents and evidence that supports its position in the lawsuit. (Editor's note: As of this writing, the discovery process is ongoing).

At this point, Ms. Deutsch invoked attorney/client privilege, and the discussion that followed involved

*[See **Culotta,** p3]*

WELCOME TO NEW VCCCDRA PRESIDENT, DIANE MOORE

At their meeting on June 16, 2021, the Exec Board approved the appointment of Diane Moore as the new VCCCDRA President whose tenure will extend from July 1, 2021 to June 30, 2022.

Diane was an English Professor at Oxnard College from 1976-85 and a Dean at Ventura College from 1985 until her retirement in 2007, with a one-year stint as the Acting Vice President of Instruction at Moorpark College in 1995. She says, "I am looking forward to working with Rene Rodriguez and the excellent team of Executive Board Members. I, along with all of the 740 retired District employees who are members of the VCCCDRA, am extremely grateful for Rene's leadership and service on the Exec Board for 15 years and 10 years as President on behalf of all of us. His experience and wisdom are invaluable as we continue working this year to maintain our insurance benefits.

Update on Lawsuit and Other Issues

By Lyn MacConnaire

Settlement discussions between our attorney and the District's attorney ceased almost a year ago when we sent them our last proposal and requested clarification on their proposal concerning how the CalPERS combo plan would be handled by the District. Meanwhile, the attorneys have been focusing on the discovery process, which is still in progress,

We remain very concerned that the District has chosen an organization (CalPERS) that divides retirees into two groups forcing retirees eligible for Medicare to accept Medicare as their primary health plan. This has saved the District millions of dollars, most of which went to raises for active employees. This action has forced retirees on Medicare into plans that do not have the same cost protections enjoyed by those on the plan given to actives. As an example, the Medicare Supplemental Plan has no maximum for the costs of prescription drugs. The plan also has a limit to the number of hospital days covered in a year compared to the plan given to actives.

One of our top issues is how to protect retirees' lifetime benefits from further erosion in the event CalPERS changes its plans or in the event District leaves CalPERS and switches to a new plan. We need a long-term solution that honors the promises made to us. <u>We do not want to have to take legal action again in the future.</u>

Since the change to the CalPERS benefit plans; new issues have been presented to your legal team. Since the implementation of the new benefits system, the Legal Committee has heard from many retirees that the process for reimbursement of premiums, penalties and IRMAA has not been successful. The District communicated that retirees would receive reimbursements for costs by either direct deposit or check by the first day of each month. In fact, prior to changing to CalPERS, VCCCDRA did an informal phone survey of Tier II retirees that were already receiving reimbursement of Medicare Part B. We found that with rare exception these retirees already on Medicare Part B were indeed receiving regular reimbursement at the beginning of the month.

However, District has since hired the Benefits Coordinator Corporation (BCC) to handle all reimbursements to retirees. District HR was no longer directly involved in the process. A number of retirees have described the new process as frustrating, exhausting and a nightmare.

We have kept track of each case that has come to our attention. Problems have included:

- Inadequate explanation as to how to apply to BCC
- No tracking by BCC or communication back to the retiree when there is a problem and thereby not getting reimbursed.
- Retirees having to spend hours on phone calls and on the computer.
- Retirees being told that the person they were talking to had to talk to the next level and were promised they would hear back
- Being told, in one case, the next level had 48 hours to get back to them but even the rep might never hear back.
- Not hearing back from anyone
- Late reimbursements up to four or five months after the application process had been completed.
- Inadequate or no information regarding the process required at the beginning of each year to set up new claims for reimbursement.
- Many reports by retirees that their reimbursement for the new year were four or even five months late.

For many this process has been exceedingly stressful and in some cases it has been a financial hardship. We will seek solutions to these ongoing issues in the pending litigation since active employees do not have to deal with these reimbursement issues.

We would like to express our thanks to the hard-working members in HR. Recently we have referred retirees to them for help and have received positive feedback that they have been helpful, for example, in sending documents to BCC on behalf of the retiree.

We remain concerned that there are only two full-time people there trying to assist us through this transition, on top of their regular jobs. **We are also very concerned that come July 1, 2021 there will be a number of retirees receiving Medicare for the first time and will need assistance with both CalPERS and BCC. Many of these retirees will receive a bill for three months of premiums for which they must pay ahead of time. There is a particular concern given BCC's inability to provide reimbursement in a timely manner, that retirees will not get timely reimbursement to be able to pay these bills without hardship. We hope the District will act proactively in ensuring these retirees will receive the financial help they need before they experience needless stress and financial hardship.**

The legal team is confident in our case, which involves the clear breach of written promises. We have no doubt we will prevail and successfully obtain the level of health care that retirees were promised.

*[**Culotta,** from p.1]*
legal strategy and potential future events. She noted the Superior Court has not yet set a trial date.

Following the presentation, there was a question-and-answer period. Ms. Deutsch responded to a few questions regarding the lawsuit, and the rest of the time was reserved for questions from retirees not related to the lawsuit. Most questions involved practical matters such as

--what documents to submit to Social Security and which office to send them to,

--how to receive a Benefit Verification Letter or a Medicare Premiums Letter from Social Security,

--how to obtain reimbursement of Medicare premiums through BCC (Benefit Coordinators Corporation),

--how to report Medicare Part B enrollment to CalPERS, and

--how to switch from PERS Choice Basic to PERS Care Medicare Supplement.

Marie read the questions and Marta Freixas answered most of them. This went on for nearly an hour.

Attendees expressed their gratitude to Erica Deutsch for appearing in person for the meeting (via Zoom) and for giving an excellent presentation.

President Rene Rodriguez called the Zoom meeting to order at 1:00 p.m. and asked to approve the minutes of the March 11, 2020 Annual Meeting, prepared by Marie Soo Hoo. The motion was made by Barbara Cogert and seconded by Gerry Olsen to approve the minutes as presented. The members voted unanimously to approve the minutes.

Next, Patty Gage gave a report on the Operating Fund, but withheld the Legal Fund report, instructing anyone with questions about it to phone her.

Afterward, Joy Kobayashi gave the Membership Report (1,010 members, including 739 active and 271 deceased) and noted there are now 359 lifetime members. She reminded attendees that membership dues are now $20 per year and $200 lifetime.

Rene then introduced Angela Duran, the first recipient of the VCCCDRA Sponsored Don B. Medley Scholarship. He spoke of Don Medley's history with the District, beginning in 1968 as the first instructor of business data processing at Moorpark College and concluding as Associate Vice Chancellor, Information Systems at the District Office.

Angela Duran spoke of her educational background and interest in computer science. While attending Oxnard High School, she founded the Robotics Club and entered the group in a robotics competition, where they won the rookies' award. Angela is the first in her family to attend college. She came to the USA from the Philippines. She intends to use her computer skills to help preserve the environment. Attendees wished Angela the best in her career endeavors.

In other Association business, the Executive Board recommended three amendments to the Bylaws. Carolyn Dorrance had proposed at the previous Annual General Meeting and then authored (in collaboration with Carmen Guerrero), an amendment (Article IV, Section 8) to add three at-large representatives to the Executive Board. The other two amendments revise other parts of the Bylaws to harmonize with the addition of the at-large representatives. All three are displayed below with the language changes shown in **bold**:

--Article IV–Officers, Section 4.c., revision to language "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."

--Article IV-Officers, addition to language: **Section 8. At-Large Representatives. Three (3) members of the association shall be appointed 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.**

--Article VI-The Executive Board, Section 1, revision to language "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."

On the motion of Susan Webster, seconded by Becky Hull, the members voted unanimously to approve the amendments to the Bylaws.

Next, Larry Manson, representing the Nominating Committee, called for nominations for the election of president of the Association. There were no substantive nominations. Larry then called for the election of vice president. Carmen Guerrero was nominated and elected unanimously by the audience.

Rene Rodriguez thanked Carmen for accepting the nomination. He also thanked the approximately 109 attendees for joining the Zoom meeting and then adjourned the meeting at about 4:15 p.m.

REQUEST FOR CONTRIBUTIONS TO THE VCCCDRA LEGAL FUND

Thanks to strong retiree support of the VCCCDRA Legal Fund, we have only had to make two official requests for contributions since we started the fund in June 2020. As you can surmise from the keynote presentation that our attorney Erica Deutsch made at our 2021 Annual General Meeting, excellently summarized in Harry Culotta's article in this edition of The Monitor, our attorney has been taking the necessary legal actions against the District since her firm was retained in June 2020.

With the able leadership of our legal team headed by Lyn MacConnaire and Patricia Parham, Chair and Co-Chair, respectively, of the VCCCDRA Legal Committee, the VCCCDRA has made it possible to make steady progress towards resolving our differences with the District. The lawsuit currently finds itself in the middle of "discovery", a time consuming and costly part of the legal process on the way towards getting a court date established.

We once again request a contribution of $250 from all our VCCCDRA retirees by using the form on the last pages of this newsletter. Almost one half of our members have found the means to contribute to the legal fund. The more of us that participate the easier the load will be on all of us. I think of this as a very small price to pay now to ensure that in the future, our insurance coverage will be protected by legal language that retirees have earned and are entitled to. Now is the time to accomplish this for now and always, while we have the number of retirees to accomplish this. Next to our pensions, nothing is more important to our wellbeing than our insurance coverage into our elderly years, free of bureaucratic hassle.

The District seems to take retirees seriously only if retirees take legal action against it. If you read Lyn MacConnaire's illuminating article in this issue of The Monitor, you will see why we have a winning legal case against the District. Lyn excellently highlights some of the main issues at stake and describes in detail some of the hardships our retirees have had to endure due to the shift to the CalPERS healthcare system, and is more than hopeful that we can prevail in getting the quality healthcare coverage that we are seeking.

As I write this, I am very pleased to welcome Diane Moore as the new incoming VCCCDRA President effective July 1. Diane and I know each other well from the many years we spent together at Ventura College as faculty and as deans. Now I look forward to spending more time together as I transition into the Immediate Past President position on the Exec Board. Welcome aboard, Diane!

Rene G. Rodriguez

A THOUSAND THANKS TO RENE RODRIGUEZ AND GARY JOHNSON FOR YEARS OF SERVICE

We cannot thank retiring Association President Rene Rodriguez and Executive Board member Gary Johnson enough for their efforts on our behalf over their many years of service. As President, Rene has led our organization with wisdom, grace and expertise, leaning on his many years of experience as a professor at Ventura College and a manager at each of the three colleges. We are extremely grateful that he will continue to share his knowledge with the Executive Board as he continues to serve in the position as Past President. Gary, also known as the guru of benefits, has been the leader of countless negotiating meetings, working tirelessly to protect our benefits. He will continue to provide the Board with perspective, context and history as we deal with current changing benefit dynamics. Thank you both!

Diane Moore,
VCCCDRA President

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.

Philip Bohen	VC	Linda Chaparro	OC	Heidi Dalton	VC
Janet Dawald	OC	Robin Douglas	VC	Leslie Folkes	VC
Suzanne Gerhardt	MC	Kelly Peinado	VC	James Song	MC

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 are 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 are receiving a printed copy of this newsletter, this means that we don't have your email address. In addition to helping us save money on newsletter costs, giving us your email address will enable you to stay current on the status of our lawsuit against the District. Although our newsletters summarize the situation over the last few months, we often send out electronic notices immediately when there are new developments. Please send your email address to me at: tandemstoker@roadrunner.com. Thank you

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

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The Monitor **Summer 2021**

In Memoriam

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

David Abraham Lupe Aldana Vern Simmen

2021-2022 Executive Board

Diane Moore, President	***vcccdra@gmail.com***
René G. Rodriguez, Immediate Past President	***vcccdra2@gmail.com***
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