



The Peralta Retiree

October-December 2011

Vol. 8 No. 1

<http://www.peraltaretirees.org>

From the President...

by Jerry Herman, PRO President

When Principle and Good Sense Clash, Compromise

These days, when the concept of compromise seems to be anathema to elected officials, the PRO Board has embraced compromise on the issue of the Medicare requirement for pre-2004 retirees. Please read Bruce Jacobs' article on page 2 for a full report and analysis of the issue. I'll summarize it here and conclude with our opinion and advice to those who find themselves mandated to enroll in Medicare when they thought it was not required.

First, the Peralta District is in a position to lose millions of dollars each year if required to pay in full for the medical expenses of those eligible retirees who are not enrolled in Medicare. Obviously this is not a good situation for the District. And the District's financial liabilities put its capabilities to fully fund our health benefits at risk, so we need to support every reasonable measure to minimize the District's costs for retirees' benefits.

Second, PRO has actively backed the District's efforts to get all eligible retirees enrolled in Medicare even if we believed that pre-2004 retirees are not required to do so. We have advocated it in the newsletter and other PRO communications, and we have made phone calls to retirees urging them to enroll voluntarily. This campaign has had success but not enough. There are still dozens of pre-2004 retirees not enrolled in Medicare B.

Recently the District sent a letter to pre-2004 retirees not enrolled in Medicare B stating that they are required to do so and threatening to substantially cut their benefits in July, 2012, if they do not

(Continued on page 4)

Plan to Attend ...

PRO's Annual Membership Meeting

Wedgewood Banquet Center
at
Metropolitan Golf Links
Oakland

Thursday
November 10
11 AM to 2:30 PM

See Details on Page 3

Inside This Issue ...

Medicare Requirement	P. 2
Annual Meeting	P. 3
PRO Questionnaire.....	P. 4
Picnic Pictures.....	P. 5
PRO Elections	P. 8

PCCD To Cut Benefits For Not Enrolling in Medicare

by Bruce Jacobs

In July, the Peralta District contacted all retirees who are over age 65 and who have not enrolled in Medicare. The letter indicates that the retiree is required to enroll in Parts A and B of Medicare in order to retain his/her full health benefits. It goes on to say that Medicare eligible retirees who have not enrolled by July 1, 2012, would face a significant reduction in benefits.

PRO received a number of inquiries from retirees who received the District's letter and who for various reasons did not wish to enroll in Medicare. To ascertain whether or not the District can impose this condition, the PRO Board examined the contract language that governs the guarantee of benefits to retirees.

For people who retired after July 1, 2004, the contract language is clear and unambiguous: They must enroll in Medicare A and B when they become 65 to retain District-paid benefits. For earlier retirees the contract language is ambiguous (see the box on

page 6 for the exact contract language in the July 1, 2000-June 30, 2004 PFT contract). It seems to require enrollment in Part A so long as there is no cost to the retiree. Since the District has agreed to completely reimburse any retiree who must pay for Part A, this Medicare coverage is available to everyone 65 and over at no cost to the retiree. The Part B language is where ambiguity appears. Clause 22.F.2.b says that retirees are not required to enroll in Part B so long as it requires payment (which it does for everyone). However, clause 22.F.2.c indicates that the District can "request" that retirees enroll in Part B provided the District pays 100% of the current and future costs of the Medicare premium.

(Continued on page 6)

PRO Board News

Sondra Neiman Resigns; Socorro Taylor Appointed

Long-time PRO Board member Sondra Neiman has resigned from the Board due to family responsibilities. The PRO Board has confirmed recent retiree Socorro Taylor to replace her.

Sondra worked at Laney College for 22 years as a Learning Disabilities Specialist and Coordinator of the Learning Skills Program. She started the program in 1982 and developed it during her tenure. She retired in 2003, and joined PRO when it first was or-



(Continued on page 7)

Peralta Retirees Organization

PO Box 1951
El Cerrito, CA 94530
<http://www.peraltaretirees.org>

President - Jerry Herman
jerrherm@sbcglobal.net
Vice President - Bruce Jacobs
Secretary - Ann Whitehead
Treasurer - Anna Pavelka-Lodato

Board of Directors

Remo Arancio
Pat England
Linda Japzon
Alex Pappas
Ned Pearlstein
Jay Quesada
Socorro Taylor

The Peralta Retiree Editor - Bruce Jacobs
webmaster@peraltaretirees.org

The Peralta Retiree is published four times a year by the Peralta Retirees Organization (PRO)

Volume 8 Number 1

Welcome New Members

PRO welcomes the following retirees who have recently joined.

Rosella Bowman
Peggy DeCoursey
Rosario Fernandez
Mark Greenside

Loretta Hernandez
William Lepowsky
Gabriela Paisano
Debra Payton

PRO's Annual Luncheon and Membership Meeting



Mardi Gras

With Louisiana Cuisine

Thursday, November 10



Social Hour	11 AM—12 PM (No Host Bar)
Buffet Luncheon	12 PM—1 PM (\$18/PERSON)
Entertainment	1 PM—2 PM

Short Business Meeting to Follow

**Featuring the Zenith Band
New Orleans Jazz and Dixieland**

Door prizes and surprises

Location

**Wedgewood Banquet Center
Metropolitan Golf Links
10051 Doolittle Drive
Oakland, CA 94603**
=====

Driving Directions

From Sacramento: I-80 toward SF. Take I-580 East toward Alameda/San Jose/Downtown Oakland. Merge onto I-980 West toward Downtown Oakland. Merge onto I-880 South toward San Jose. Take the Hegenberger Road exit toward the Oakland Airport. Turn right on Hegenberger Road. Turn left onto Doolittle Drive (last turn before the airport entrance). Golf course is on the right.

From San Jose: I-880 North toward Oakland. Take the Davis Street exit. Turn left onto Davis Street. Turn right onto Doolittle Drive. The golf course will be on your left.

Luncheon Reservations
Required by Monday, Oct. 24.

To reserve: Send a check made out to 'PRO' for \$18 for each person in your party attending the luncheon. Mail your check to:

PRO
PO Box 1951
El Cerrito, CA 94530

Please include the name(s) of all attendees that you are paying for. There is no charge to attend the business meeting, and it is not necessary to reserve if you do not plan to have lunch.

Name _____

Number Attending _____

Names of additional guests attending:

Total enclosed (\$18/person) \$ _____

Let Us Know What Events You Would Like PRO To Sponsor

PRO has sponsored a number of events during the last few years including theater parties, a garden party, a happy hour get together, a show at Yoshi's, and an evening at the ballet. As the Board starts to plan for 2012 we want to provide members the opportunity to weigh in on the kinds of events they would like to attend. Below is a list of possibilities and a place where you can add your own suggestions. Please complete the form and mail it to: PRO, PO Box 1951, El Cerrito, CA 94530. Thanks for your help!

Activity	Likely to Attend	Possibly Attend	Not Interested
Oakland A's or SF Giants Games	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Warriors Basketball Games	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Casino Trips	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comedy Club Evenings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raiders/49ers Football Games	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clean Up the Bay Day (in September)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Garden Visits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jazz Evenings (Yoshi's, for example)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
KQED Fundraising Volunteering	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Museum Visits	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Theater Parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ideas—be specific: _____			

(From the President...Continued from page 1)
 comply. That letter raised the hackles of those of us on PRO's Board who deal with benefits because our reading of the relevant contract language led us to believe that pre-2004 retirees had a choice as to whether to enroll in Medicare or not, and we had advised retirees who inquired accordingly. After the letter had been sent, we heard from several irate retirees who felt the District was unjustified in forcing them to enroll in Medicare.

The PRO Board still believes that, based on contract language, pre-2004 retirees are not mandated to join Medicare B, and under other circumstances we might advise fighting for the principle of that

belief. But, because there is so little to gain (retirees lose no benefits) and so much to lose (the District could be out millions annually) in fighting for the principle, we have decided to compromise and adopt the District's view that pre-2004 retirees are indeed mandated to enroll in Medicare B. We are advising them not to challenge the District, but to sign up for Medicare B as soon as they can (January 1, 2012) so there will be no possibility of their benefits being cut.

Now, if we could only get Congress to be so reasonable.

Scenes From the 2011 Mad Hatters PRO Picnic



Boris Gregory



PRO President Jerry Herman (left) and PRO Member Ralph Marinaro sport "mad hats."



Judy Thomas and Tom Hughes



Melody Pound, Ida Pound and Russ Gregory



Mike Feiler and Sue Chinn



Tom Southworth and John Luther

It's Time To Renew Your PRO Membership for 2012

Please renew your PRO membership for 2012 if you have not already done so. If you are not sure whether you are paid up for 2012, you can check the mailing label on this newsletter to see when your membership expires.

Dues are: \$20-1 year, \$55-3 years, \$80-5 years, and \$250-lifetime.

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____

Email _____

Mail a check made out to "PRO" to: PRO, PO Box 1951, El Cerrito, CA 94530

(Medicare Continued from page 2)

On August 26, PRO officers Jerry Herman and Bruce Jacobs met in a teleconference call with Jennifer Seibert, District Benefit Coordinator, and Peter Wantauck and Annette Lewis, both from PSW Benefits, the District's broker, to discuss the Medicare requirement. During that call, the District and PSW indicated that they believed the pre-July 1, 2004 contracts required retirees to enroll in Medicare provided the District reimbursed the retiree for all Part A and Part B premiums. They indicated that after July 1, 2012, they would limit benefits to any Core-Source insured retiree who was over 65 and not enrolled in Medicare to the difference between what Medicare would pay and the cost of the benefit. Kaiser-insured retirees will not be able to continue their Kaiser coverage if they are not enrolled in Kaiser's Senior Advantage and will have to change to Core-Source.

During the teleconference, we indicated that while PRO supported the District in trying to enroll everyone into Medicare, we did not believe that the contract language either explicitly or in the intent of the negotiators was to make Medicare enrollment a requirement for eligibility for District-paid benefits. However, we agreed to urge all eligible retirees who have not done so to enroll in Medicare during the coming open enrollment period (January 1, 2012-March 31, 2012) and to help the District contact everyone who is not yet enrolled to help them understand the requirement and the enrollment process.

Any eligible retiree who is unwilling to enroll in Medicare will face a severe cut in benefits as of July 1, 2012. If that retiree believes that the contract language under which s/he retired does not require Medicare enrollment, his/her only alternative is to sue the District after they have suffered a loss due to the District's policy. PRO has sought a legal opinion about the responsibility of the District's unions (which negotiated the contracts) to enforce them after an employee retires and has been told that the unions cannot use grievance procedures for retirees who are no longer members of the respective bargaining units. Our attorney has indicated that after retirement each retiree becomes an individual contractor with the District and can enforce his/her rights only through legal action. This is also the position taken by the unions.

While PRO believes the pre-July 1, 2004, contract language is ambiguous, we believe that it is in everyone's interest to have universal enrollment in Medicare. Enrolling in Medicare does not reduce a retiree's benefits (in fact, it enhances the benefits package somewhat) and will substantially shift the cost of providing benefits from the District to Medicare. (An example cited during the teleconference was of a non-Medicare enrolled retiree whose medical bills approached \$1 million all of which the District was responsible for and almost all of which would have been paid by Medicare had the retiree been enrolled.) While we recognize that for a few people enrolling in Medicare might slightly increase paper-work hassles, we do not believe that the hassles and expense involved in suing the District over an issue where there is no reduction in benefits is worthwhile.

If you are over 65 and have not enrolled in Medicare, we recommend that you do so during the open enrollment period that begins on January 1. If you need help with the process or have questions about it, you can contact Jennifer Seibert at the District Office (jseibert@peralta.edu or 510-587-7838, press 5#), PSW (510-587-7838, press 2#), or PRO (webmaster@peraltaretirees.org or PO Box 1951, El Cerrito CA 94530).

Article 22.F.2 of the PFT-PCCD 7/1/00-6/30/04 Contract

All regular and contract faculty retiring from the District during the term of this Agreement shall be offered medical coverage that is consistent with the coverage offered to active employees at the time of retirement. This includes spouse and eligible dependents.

- a. Those retirees who are eligible for Federal Medicare Part A coverage at age 65 shall apply for such coverage, as long as there is no additional cost to the retiree.
- b. Retirees eligible for Medicare Part B are not required to enroll in that program as long as it requires payment.
- c. The District, at its sole option, can request an eligible retiree to enroll in Part B (or Part A, if the Federal Government ever requires the retiree to pay for Part A benefits) if the District pays 100% of the current and future costs of the Medicare Premiums.

Contribute To The Pro Scholarship Fund By Honoring Or Memorializing A Friend Or Loved One



Yes, I want to support the PRO Scholarship Fund with a contribution.
(Please print)

In honor of: On the occasion of: In memory of:

Please send acknowledgement card to:

Name: _____

Address: _____

City: _____ **State:** _____

Zip: _____

Contributor's Name: _____

Contributor's Address: _____

City: _____ **State:** _____

Zip: _____

- Make check payable to: **The Peralta Foundation—PRO**
- Send to: PRO, PO Box 1951, El Cerrito, CA 94530
- Contributions are tax deductible to the extent allowed by federal and state law.

Contributions Received for the PRO Scholarship Fund

In Memory of	Contributor
Walter Asato	Ed Minasian
Edith Gray	Ed Minasian
Carl Tonini	Bea Marlais
Richard Vietti	Kathleen Sullivan

(Board News Continued from page 2)

ganized. As the chair of the Service Committee, Sondra was instrumental in developing the process and procedure for awarding PRO scholarships. She got to know and appreciate Socorro when she provided Sondra with assistance from the Peralta Foundation.

Socorro started working at COA in 1994 and moved to the District Office in 2002. In 2004 until her retirement last year she served as the Ex-



IN MEMORIAM

The following Peralta retirees has passed away during the last months. PRO extends our deepest condolences to his family and loved ones.

**Berndt Scharlach
Rip Matteson**

If you have any information about the passing or the serious illness of a Peralta retiree, please contact Bruce Jacobs at: webmaster@peraltaretirees.org or by writing to PRO, PO Box 1951, El Cerrito CA 94530.

ecutive Assistant for the Foundation where she planned and coordinated major fund raising events. She also documented and managed scholarships and grants including communications with funders, donors, and scholarship and grant recipients. The former Foundation Director and Socorro, with the help of volunteers, raised over half a million dollars (net) for the Foundation from 2004 - 2010.

PRO Board Says "Thank You Mac"



The PRO Board honored former PRO treasurer Shirley 'Mac' Timm at a luncheon to thank her for her contributions to the organization. Mac recently resigned having served as PRO's treasurer from the founding days.

*(Rear Row from left): Anna Pavelka-Lodato, Remo Arancio, President Jerry Herman, Bruce Jacobs and Jay Quesada
(Front Row): Linda Japzon, Shirley Timm and Sondra Neiman.*

Nominations Open For PRO Board Seats

Nominations were opened for this year's Board election at the September 14 Board meeting. The following people, currently serving on the Board, were nominated at that time: Remo Arancio, Pat England, Alex Pappas, and Jay Quesada. In addition, newly appointed Board member Socorro Taylor has also been nominated. Members may submit additional nominations by mailing the nominee's name to the PRO Post Office Box (PO Box 1951, El Cerrito, CA 94530). The nominator must include his/her name and should have verified that the nominee is willing to serve if elected. Nominees and nominators must be current in their payment of PRO dues. Nominations will close at the general business meeting on November 10 (see page 3 for information about the meeting).

Seeking Volunteer Tutors in English or Math to Join the COA DSPS Team

Do you have a few hours each week to assist students at College of Alameda? State funds for DSPS have been cut by 50%, but COA DSPS is serving more students than ever. We're trying to minimize the impact of the brutal budget cuts on our hard-working students who are striving to earn their certificates and degrees and improve employment skills. With support, students with disabilities succeed academically.

To volunteer or for more information please email Helene Maxwell at hmaxwell@peralta.edu.

Peralta Retirees Organization
P. O. Box 1951
El Cerrito CA 94530