

# FACULTY MATTERS



FACULTY  
ASSOCIATION  
AMERICAN FEDERATION OF TEACHERS  
LOCAL 6157

## Our Governor versus Education and Retirement

by **Mark Newton**

President, Faculty Association, AFT 6157

Educators can not afford to ignore Sacramento politics any longer. After the holidays drifted into rainy January days, I eagerly awaited Governor Arnold Schwarzenegger's State of the State address and his proposed 2005-2006 state budget. The rumors had the state deficit increasing from six to eight to nine billion dollars. I had optimistically hoped that the Governor would suggest some bipartisan effort to address these serious fiscal issues —

perhaps a combination of budget cuts, pursuit of more federal funds, and temporary taxes. (Some critics claim that that a tax on the rich would easily make up the deficit, but who knows?) Instead, I was dismayed to find that he believes that much of California's financial mess is the fault of overpaid teachers, state employees, and their unions. What follows is my interpretation of parts of the Schwarzenegger plan, with emphasis on education.

—Continued on page 8

## Faculty Member Narrowly Escapes Tsunami

A Letter from Nabeel Atique, December 31, 2004

I just wanted to let you know that I am safe - it was a close call. I was in Thailand rock climbing by the beaches when the Tsunami hit. I somehow survived and made it out safely - it was an ordeal. Below is an account of what I experienced. I am safely in Bangladesh now with my mom.

You know all about it by now. The tsunami hit Railay, Thailand pretty hard. I was climbing in

*...I heard people screaming and running. I didn't know what the hell was going on...*

East Railay and leading a climb. I was high on the wall almost at the top of Muai Thai boxing wall, close to the anchor. I was hanging off a bolt working on the last section to the anchor. All of a sudden I heard people

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## Retirement Issues for Junior and Senior Faculty

by **Philip J. Crawford**

San José City College Faculty Member, Administration of Justice Counselor and Attorney at Law

It is unfortunate that we wait until retirement age to seriously consider our retirement options and benefits. Often it is too late and too expensive to take advantage of some very attractive options. Our Republican leadership in California intends to try to do away with our

defined benefit STRS system and replace it with a Monte Carlo system similar to the 401k plan. The difference being that your retirement benefits are betting on a bullish market in the 401k-style plan. Defined benefit programs such as STRS and PERS provide

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SPRING ONE

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—Continued from page 1 (Tsunami)

screaming and running. I didn't know what the hell was going on, so I yelled to be lowered. Once lowered, I untied my knot as fast as I could. I heard "Big wave coming". We left the rope and some gear and ran up into the hillside. While I was up on the wall, my friend Adam noticed that the tide had receded about 200 feet in a matter of minutes. It was spooky. He knew something was up. We were up about 100 feet, but weren't sure if we were safe, however, we couldn't go much higher. We kept hearing that Phi Phi was obliterated and Phuket was hit hard and there were pieces of conflicting information. We also heard there would be aftershocks and we stayed put until about 4pm.

We went down and the first sight was a dead body being moved. We lent a hand. It was awful. We knew that the sights we'd see would not be pleasant. There was a boat in our hotel swimming pool. Another boat was in the reception area and dead fish littered some of the rooms. The King Climber's shop was empty although the climbers were able to salvage some gear. We saw another dead body being moved. Helicopters were hovering. There wasn't an infrastructure to deal with this mess and we weren't even as hard hit as some other places. That night we went up into the slopes again and stayed high. We didn't know what to expect. Nobody really knew. If we asked the security personnel, they'd even say "next big wave coming in 5 minutes".

The next morning big ferries came and took hundreds of people off the island. We managed to get off Railay into Krabi. In Krabi we saw a lot of people with bandages limping

along. The airport was a scene - people with number tags waiting on standby. We had confirmed flights out on the 28th, so we made it to Bangkok last night. Today I fly home to Dhaka to see my mom and family. I cannot wait.

I am tired and ready to be out of here. I will send some "before and after" pictures later. Please ask people to help in any way they can - donate, pray or anything. People here really need it.

Take care,  
 Nabeel

**Editor's Note**

Nabeel Atique is a San José City College faculty member and he is currently serving as the Adjunct Representative on the Faculty Association, AFT 6157, Executive Board.

Of course by now we know that the tsunami death toll has reached over 150,000 individuals with hundreds of thousands injured and left homeless. We are asking all faculty to be generous with their donations to charities of their choice to help out in the hard hit areas. Particularly vulnerable and hard hit are the children who have been left orphaned by this tragedy.

**FA, AFT 6157, Executive Board Meetings (Spring 2005)**

<u>Date</u>	<u>Time</u>	<u>Location</u>
Friday, Feb 11	10:00-12:30pm	SC Community Rm, SJCC
Friday, Feb 25	10:00-12:30pm	TBD, EVC
Friday, Mar 11	10:00-12:30pm	SC Community Rm, SJCC
(Council of Division Reps)	1:00-3:00pm	Sequoia Rm 219, EVC
Friday & Saturday, Mar 18-19	(CFT Convention)	Manhattan Beach Marriott
Friday, Apr 1	10:00-12:30pm	Sequoia Rm 219, EVC
Friday, April 15	10:00-12:30pm	SC Community Rm, SJCC
Friday, April 29	10:00-12:30pm	Sequoia Rm 219, EVC
Friday, May 13	10:00-12:30pm	SC Community Rm, SJCC
Friday, May 27	10:00-12:30pm	Sequoia Rm 219, EVC

# SJECCD Hiring 29 Full-time Faculty

Over the past month, the Faculty Association, AFT 6157 has been meeting with Mike Hill to discuss the appropriate number of full-time faculty positions that must be hired in order for the District to be in compliance with the state's 75% rule. The intent of the 75% rule is to make sure that Districts maintain a high number of full-time faculty and don't fill full-time faculty positions with adjunct faculty.

In theory the rule requires that each District have 75% of full-time faculty with 25% of part-time faculty converted to full-time equivalency. Most Districts don't meet this 75% rule, but have a specific number that the state allocates to them. The number allocated to SJECCD puts us at about a 71% ratio of full-time faculty to adjunct. In other words, although we have almost 450 adjunct faculty, when their load is converted into an equivalent of one FTE, we still have almost 71% full-time faculty teaching classes. This is a pretty good ratio in relationship to the rest of the state.

When we first began meeting with Mike Hill, he stated to the FA, AFT 6157 that the District needed to have 260 full-time positions in place by the beginning of fall semester 2005. The FA, AFT 6157 took exception with that number and did some research in Sacramento and with the CFT. After numerous meetings with Mike Hill, both sides finally agreed that we would need to have filled at least 265 positions. Of course, this is assuming that we do not meet growth this year; if we do grow, the number would be higher. We agreed that since we currently have 236 out of 265 full-time positions "filled," we must hire at least 29 more full-time instructors to make our goal. Increasing the number of full-time faculty to be hired in the district was good news to all. We hope and anticipate that many of these positions will be hired from within the ranks of our adjunct faculty members.

**San José City College Positions:** In December, the Academic Senate met and made a recommendation to President Chui Tsang as to which positions needed to be filled at SJCC. After discussing this with the deans and taking the input of the Academic Senate, President Tsang made the following recommendation. The following positions need to be hired at SJCC by fall 2005. Keep in mind that already out there for hire are two

full-time Cosmetology positions and one full-time Dental Assisting.

### 13 Total Positions

- |                             |               |
|-----------------------------|---------------|
| 1 Biology                   | 2 Mathematics |
| 1 Administration of Justice | 2 Counselors  |
| 1 Construction Technology   | 1 English     |
| 1 Communication             | 1 Spanish     |

As part of the equalization between SJCC and EVC due to the fact EVC's enrollment is now greater than SJCC, the SJCC president also determined that he would transfer 2 vacant faculty positions to EVC.

**Evergreen Valley College Positions:** At EVC, the discussion of positions to be filled also took place at the Academic Senate meetings, as well as joint meetings that included Deans Carbajal and Hoyos, and Deans' meetings that included Academic Senate representation. Interim President Jon Kangas took a very active role in making sure that this was a collaborative decision. Quite an exchange of ideas ensued as not only were groups considering new positions, but also, they were working together on another reorganization of EVC. After these meetings constituents

agreed that the following 16 new positions would be filled:

### 16 Total Positions

- |                   |                |
|-------------------|----------------|
| 1 Spanish         | 1 Counseling   |
| 2 Art             | 1 Drama        |
| 2 Nursing         | 1 Chemistry    |
| 2 English         | 1 Math         |
| 1 Communication   | 1 Librarian    |
| 1 History         | 1 DSP Position |
| 1 Legal Assistant |                |
- (increase a 60% position to full-time)

All these new positions mean a lot of exciting, but hard work for our full-time faculty. We are not the only district in the area doing major hiring. Foothill/DeAnza, West Valley/Mission, Cabrillo and Peralta etc. are all in the process of hiring more full-time faculty. It is incumbent on us to get these postings out as soon as possible, set up hiring committees and interview and offer these positions, so that we may recruit the best-qualified faculty. We probably need almost every full-time faculty member to agree to sit on a hiring committee. Again, we strongly encourage our current adjunct faculty to apply for these full-time positions.

## CFT Convention March 18–19<sup>th</sup> Manhattan Beach Marriott

The 2005 California Federation of Teachers (CFT) Convention is in Manhattan Beach during the weekend of March 18-20. The Convention represents the highest policy-making body of the Federation. However, the union's vitality and democracy depends on strong participation by locals throughout the state. Delegates will decide important resolutions, constitutional amendments and elect CFT officers.

This is a great opportunity for active faculty members at SJECCD to learn more about the CFT, interact with other faculty and staff from other community colleges and other educational institutions throughout the state. We are asking for any faculty members (full-time or adjunct) who might be interested in being a part of the delegation to this convention to submit their name to President Mark Newton, by Thursday, February 11, 2005 at 5:00p.m.

# Bargaining for Faculty

## Negotiations Update

Since April 2004, the Faculty Association, AFT 6157 negotiations team has been bargaining with the District once a week, except for the month of July on the reopener agreement that expired on June 30, 2004. Your team consists of: **Mark Newton (SJCC), Debbie DeLaRosa (EVC), Marc Sola (EVC Non-Instructional), Jesse Votaw (SJCC Adjunct), and Barbara Hanfling.**

You may ask why it is taking so long to come to agreement and the team would probably answer that one, we have a number of difficult issues to work on and two, we are fighting hard to win a well deserved pay increase for our faculty. As you can see from the list to the right, this reopener is a rather complicated one.

We have made some substantial progress on many of these issues, but are still working hard to come to agreement on others of equal importance.

One of the most difficult tasks in negotiations is determining the veracity of the District's budgetary woes. It does seem as if prior to and during each year of negotiations we hear strong sounds of gloom and doom from the District Office. Ironically, we do know that in the last two years after we painfully heard cries of poverty and deficit spending, cut many classes, laid off adjunct faculty, and left vacant classified positions unfilled, the district ended up with \$2 million and \$700,000 in the black respectively

In this reopener, the District has offered faculty members a **0% increase** on the salary schedule and has been informed the faculty negotiations' team that the District has no money. This is the third year in a row that the District's opening proposal has been 0%. Last year we were able to work hard to make sure that faculty and staff received 3%, (2% on the salary and 1% bonus). Keep in mind that in the last 3 years (assuming a 0% increase this year) that faculty will have only received 2% salary increases on the salary schedule.

### Reopener

1. **Cost of Living Adjustment (COLA) raise**
2. **Medical Benefits; Long Term Disability; Spousal Waiver**
3. **Adjunct Faculty Bill of Rights; Seniority Rehire Preference Rights (SRP)**
4. **Class Size and Differential Loading Negotiations**
5. **Updating Layoff language and Faculty Service Areas**
6. **Non-Instructional Issues-Counselors Workload**
7. **Retirement Benefits for Full-time Faculty**
8. **Categorical Faculty Members Rights**
9. **Sick Leave Accrual and Computation**
10. **Leaves of Absences: Personal Necessity**
11. **Movement Across Salary Classes for Teaching and Learning Initiatives**

Many of you may be aware that all Community College Districts received 2.41% COLA this year (2004-05); and 1% money for equalization and up to 4.22% growth funds. We also know that our district often cuts classes to save money, and then bemoans the fact that we are not reaching growth. We then end up in the position of scrambling for growth because we've always cut it so close so as to not exceed growth. Talk about looking at money before we look at student needs!

So we have been gathering data from other districts to show that many of them have received salary increases this year, even though they are not accomplishing growth: **Foothill DeAnza received a 2.41% increase; Chabot received a 3.44% increase; City College of SF received 4% and so on.** Furthermore, we have gathered data to show that over the past four years, our total raises for the Bay Ten plus 2 (12 Districts in the Bay Area), we are 3<sup>rd</sup> or 4<sup>th</sup> from the bottom in total amount of raises. We have received at least 3.4% less than other districts in the Bay Ten plus 2.

We are also hard at work on the class size, differential loading issue, but this is a huge uphill battle. We have not yet even agreed on what the current class size is for all classes in the District. The data changes every year; course outlines vary and each campus has different sizes for the same course.

The goal of the negotiations team is to reach agreement as soon as possible, so faculty may receive their well-deserved raise; so we can implement the new language that we have bargained on points 1-11 above and so that we can prepare for our next reopener which expires in 5 months. We will keep you informed in the upcoming newsletters and may be requesting your help on some issues. If you have any questions, please feel free to contact a member of the negotiations team.



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# What has the Union Done for You Lately?

## Grievance Victory

### Understanding Your Rights under Family Medical Leave Act

Faculty members who are ill and/or injured and are out on Family Medical Leave Act (FMLA) have many rights that are afforded to them under our contract, the Federal and California law. Our contract in Article 13.9.10 affords protection to faculty members who are out on FMLA and 29 CFR 825.208 offers protection to faculty on FMLA including important rights upon return to work after an FMLA illness or injury. FMLA also provides automatic leave for family medical issues and paid medical benefits for up to 12 weeks for full-time faculty.

In this case, EVC Physical Education faculty member **Randy Pratt**, injured in a car accident, was out of work. Before this injury Randy had signed his S-7 that guaranteed him the position of Athletic Director as part of his work assignment. Although Randy had returned to work in early September, on the September 15 Board agenda, the District unilaterally withdrew Randy Pratt's name as Athletic Director without consulting him and gave it to another faculty member for the Academic year 2004-05.

Article 13.9.10 of our contract states the following: "A faculty member on Family Medical Leave Act (FMLA) is entitled to be returned to the same position held prior to leave, if it is still available, or to an equivalent position.... A faculty member on FMLA will not suffer the loss of any other employment benefits that the faculty member earned or was entitled to before using the leave."

In November, after trying to settle this matter informally, the Union filed a formal grievance with the District. The interim Chancellor appointed Mike Hill, Vice Chancellor, Administrative Services as the hearing officer. Mike Hill, Patrick Butler (grievance officer), Barbara Hanfling and Randy Pratt met with Mike Hill on two occasions. The FA, AFT 6157 laid out its demands for making Randy Pratt whole. It was very clear and important to the Union that the other faculty member who had been put into the job of Athletic Director, when the District violated the contract and FMLA, should not suffer for the District's mistake. We were not willing to take the position away

from this faculty member, as there was currently a promise to this faculty member to hold the Athletic Director position for the 2004-05 year. Therefore very carefully the Union made a proposal and won the following settlement.

- For the fall 2004 the grievant shall be paid \$7,850
- In spring of 2005, the grievant will not serve as athletic director at EVC
- In fall of 2005, the grievant will again serve as athletic director at EVC
- Based on college need, if the position is continued for spring 2006, it will be opened and grievant's application for that assignment and its reassigned time will be considered without bias. The process shall be that all eligible candidates will be allowed to submit a letter of application. These applications will be screened by the EVC President and President of the EVC Academic Senate. The EVC President will then make a final recommendation. (This process does not establish any binding requirement upon the District regarding future processes.)
- If needed, a letter explaining that grievant's break in service as athletic director for the 2004/2005 year was due to injury and not job performance will be provided.
- Grievant will sign a release for any and all claims related to this as provided by the District.

It is very important that we ensure that the District follows the contract and all federal and state laws. A lot of changes are occurring in the District at this time, and as we all know we are without many administrators who are supposed to make certain that the contract is enforced. Currently although we have acting staff as the interim Chancellor and interim President of EVC, there is no acting Director of Human Resources. Yet still the District must follow the contract and we have to be careful to monitor our rights.

Feel free to contact Patrick Butler our grievance officer or Barbara Hanfling, Executive Director regarding any questions you might have. Since payroll, Deans, your administrators, or even coworkers might offer you an interpretation of the contract (right or wrong), it is important that you double-check sources of information with the Union.

## Personal Note

### Remembering Sam Nakaso

June 30, 1927–December 28, 2004

Sam Nakaso worked on the PE/Athletic staff at San Jose City College from 1961-1991. During his career, he coached several intercollegiate sports, taught Physical Education, and served as the athletic trainer for several years. He also taught occasionally at Evergreen Valley College, both before and after his retirement.

After a four-month battle with lymphoma, Sam Nakaso passed away at the age of 77. He is survived by his wife Hiko, who retired from the SJCC Admissions and Records office in 1991; his daughter Joanne, currently on staff at SJCC; his son Dan, former City College Times editor; and two grandchildren. Sam requested that there be two memorial services, one at the Villages in San Jose and one at the Buddhist Temple in Alameda.

Sam Nakaso was 14 years old when his family had to leave everything and go to a relocation camp in Topaz, Utah. Years later he had doubts about accepting the \$20,000 and letter of apology from the government sent to former Japanese-American internees because he said you can't put a value on or pay for liberty. Sam eventually went on to receive a Master's Degree in physical education from Columbia University in 1956.

A memorial scholarship is being created for Sam at San Jose City College. Donations may be made to the Sam Nakaso Memorial Scholarship Fund for a student-athlete or physical education major in the San Jose Evergreen Community College District c/o Diane Walker, Foundation Accounts, 4750 San Felipe Road, San Jose, 95135.

# Know Your Rights!

## Article 4.11-Faculty Rights to Free Classes

A year ago, the FA, AFT 6157 was able to bargain free classes for all faculty within our district. As a friendly reminder, this means that faculty do not have to pay tuition for any class that a faculty member takes within the SJECCD district.

However, the language also states you cannot deprive any paying member of the public from attending a class. What this ultimately means is that you may have to register a little later for a class in order to make sure that the class is not full. At any rate, you can always get the faculty member teaching the class to add you to the class. Keep in mind when you are trying to achieve your professional development steps or lane changes, that you can take some of your classes at the community college level.

## Article 13.5.2.2-Computation of Sick Leave

All faculty members, full-time and adjunct are now entitled to use their sick leave when they are teaching during summer sessions and intersession. If you become ill while teaching, the District will deduct the actual number of hours you missed while out sick from either your overload sick leave (if you are full-time) or your adjunct sick leave.

If you are teaching a 3-hour class and you are ill, 3 hours of sick leave will be deducted from your overload/adjunct sick leave bank. You must submit an absence request form in order to be paid for sick leave during the summer school and intersession.

We are in the process of cleaning up the language in the Article 13.5.2.2 in order to make it clear that this sick leave is also available to adjunct faculty. And currently we are at the bargaining table trying to bargain overload sick leave accrual for full-time faculty who work during intersession and summer school sessions. We will keep you informed of further developments in future emails.

# Faculty Awarded Step and Column Changes

## Fall 2004

The following faculty members were awarded Step 14, 17 and 19 changes effective in the fall semester, 2004. After many years of service, faculty developed professional development plans and accomplished their goals. See Article 10 for contract language on how to make professional development step increases (10.2.2). These increases of course benefit these faculty members in their paychecks immediately and ultimately in their retirement. Congratulations to the following faculty:

**Sharon Antonelli**  
**Brad Bergholdt**  
**Bonnie Clark**  
**Larry Crummer**  
**Debbie DeLaRosa**

**Loren Fromm**  
**Zee Gibson**  
**Alice Gosak**  
**Lois Janowski**  
**Joseph King**

**Wilbur Mellema**  
**Ken Morgan**  
**Linda Roy**  
**Nancy Wambach**  
**David Yancey**

Not only can faculty create Professional Development plans to move up to Professional Development Steps 14, 17 and 19, but also we have faculty who take classes to move them across lanes (see Article 8.9.3). Faculty who take additional graduate and/or undergraduate classes and receive credit for non-academic experience can also increase their salary. These faculty have made the following lane changes:

**David Ames** Lane III-Lane V  
**Laura Bettencourt** Lane II –Lane III  
**Valerie Bolaris** Lane IV-Lane V  
**Hang Chu** Lane III-Lane IV  
**Al Gonzalez** Lane IV-Lane V  
**Helen Han** Lane III-Lane IV

If you have any questions regarding your own ability to move lanes or advance on the salary schedule to the professional development steps (14, 17 and 19), please feel free to contact the FA, AFT 6157 (408-288-3106 or x3106).

## Personal Note

### William Joesten Retires

After 46 years as an adjunct English instructor at San Jose City College, Bill Joesten retired last semester. Unfortunately, his retirement started off on a rocky road as he suffered a heart attack and has had open-heart surgery to replace his aortic valve. We have heard that he is doing well and responding to medication. Of course all our thoughts are with him.

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guaranteed set fixed incomes with an 80% protection against inflation. This inflation protection prevents your income from dropping below 80% of the buying power you had at the time you retired.

In addition to the most commonly known benefit of bonus amounts (\$200.00 per month for 30 years, \$300.00 for 31 and \$400.00 for 32 years service) there are some other less understood options and benefits to consider.

### Purchase of Part-time Service

If you taught part-time anywhere in California before you were hired full-time you can purchase the portion of service credit you served and pay for it through payroll deduction amortized over 10 years. An important value of this kind of credit is that it counts (unlike sick leave credits and air time) toward qualifying for bonus years. Also, when you pay for it with payroll deduction you do so with tax free dollars so the investment works like a TSA. I purchased 260 hours of part-time service with our district which I served (1969-1974) and I am now paying for this through payroll deduction. (I started teaching at age 14.) I also purchased an FTE of one year of part-time services with Cal State U. San Francisco. Overload teaching does not qualify except for rounding off a few months short of a year's credit. The maximum credit (with the round-off exception) is 1-year credit per school year. You may also be able to purchase out of state teaching service years and some military service years. Again these qualify as service credits toward the bonus years.

### Purchase of Air Time

If you have at least five years service you can purchase five additional years service called "air time." I recently made this purchase and it cost me six digits to do so because I foolishly waited until now to make the buy. The cost of the "air time" goes down with lower seniority so that it is really reasonable if you do this at the beginning of your teaching career. I am pushing my son who teaches full-time at Overfelt High School to purchase the five years now when he will hardly notice the tax free deduction and enjoy five more years' credit. Air time like sick leave cannot be credited toward qualifying for the bonus years or other % increments so it simply adds five years to whatever you would qualify for

without it. You can also roll over an IRA or TSA and buy these years (or part-time service) with the IRA/TSA. In most cases the five years is more valuable than an IRA because of the hedge against inflation and a defined benefit component.

### Reciprocity Issues

In large part, due to the fact that so many Judges are ex District Attorney's, the public employee's retirement system enjoys full reciprocity. If you ever worked for a City, County, Special District, or the State of California in some capacity you were in a public employee retirement system. In most cases you can now re-deposit your funds even if you withdrew them (with interest) and claim whatever service years you accumulated. How it works is when you retire from teaching you simultaneously retire from your other public job and both use your highest salary at either place to determine your compensation level. In other words if you worked as a social worker for Santa Clara County for two years and withdrew your retirement funds from PERS when you came to work here (STRS) you can now re-deposit those funds in PERS with interest and pick up two years service from the county calculated at your highest salary as a teacher. Never mind that you did not have enough service years in the county to vest as the reciprocity provisions allow you to hitch your teaching years of service to the county service for the purpose of qualifying to vest. There are a couple glitches. You can't have a break in public service longer than six months between the two careers and your system (if a City or County not in PERS, [37 Act]) had to have adopted a reciprocity ordinance before you made the switch. The big advantage here is you only have to pay back your share and the public entity has to pony up their share (usually same as yours or more). For instance the District contributes 8% per year of your salary to STRS and so do you. Your annual statement only shows your contributions but the District's are identical.

### Early Retirement

If you have 10 years service and are age 55 (See Article 18 CBA for more details) you can reduce your load and pay to 50% and still get a full years service credit for every year you teach in half time status. For those who want to do something else this is a great option

because you can spread the 50% over the entire year (and summer/intersession) or teach full-time one semester and take the other off. This may be a far better option for you if you are between ages 55 and 60 and close to the 30 year bonus. Why? Because your percentage factor will hit 2.4% at age 61.5 (with 30 years) and you could get \$400.00 per month more for the bonus years. It all adds up and actuarially speaking if you increase your ultimate retirement income by 8k per year that could mean \$120,000.00 over your projected lifetime.

### Social Security Pitfalls

Two pitfalls await the long time faculty in our District. The first is called the "windfall elimination provision" and the second the government pension offset. The first one lowers your social security benefit because we do not (in most cases) pay social security (other than Medicare). Because of this when we retire from STRS even if you independently qualify from other work (10 years service) for social security you are not going to get what that estimate from social security says you will get. That is because the windfall is front-loading to compensate for lower income earners and it applies in calculating your benefits. When it is eliminated it can easily reduce your benefit by 50% or more. Those getting a STRS pension will in most cases have the windfall elimination applied in calculating their benefits.

The other pitfall is the offset. If you or your spouse qualifies for a spousal Social Security benefit it will be eliminated by two thirds of your STRS pension. If you get 2k per month from STRS and qualify for a 1k benefit with Social Security that benefit will be reduced (eliminated) because you have a \$1300.00 offset for public pension. This is a little complicated so if you want the Social Security bulletins on this e-mail me at [pjcrwr@aol.com](mailto:pjcrwr@aol.com). Also, many part-timers have opted out of STRS to avoid having their social security clipped by these offsets.

There is more to talk about here but this enough for now. Will contribute some more in the next edition.

## The Governor's plan

During his State of the State address, the Governor was typically charming as he told California that he would defy the “professional politicians” (read Democratic Legislators) and “special interests” (read Labor Unions). He further stated that he would go directly to the voters for more power if the legislature would not help him with his stated agenda: 1) fix the schools, 2) reduce extravagant spending, 3) redistrict the state so that elections aren't rigged to reelect the incumbent and 4) reform state pensions. Five days later, Schwarzenegger released his proposed state budget, putting his words to action. Parts of his plan are not pretty for education and other state workers.

## My interpretation of his plan

My translation of the Governor's agenda which if enacted, and that is a long way from happening, would hit teachers squarely in the pocketbook. First, by fixing the schools, he plans to ignore California's incredibly low spending per pupil; I have heard that California Community colleges again rank around 48<sup>th</sup>, and our K-12 are in the bottom quarter in the country in education spending per student. He proposes to suspend full proposition 98 funding (\$1.1 billion) to K-14 for the second year in a row; and not return the money suspended from last year (\$2.2 billion total expected).

Interestingly, with this action the Governor broke a deal made with California Teacher's Association last year. Further, Schwarzenegger hopes to alter the state constitution to lower the funds mandated for education in the future; and he will seek the power to make across the board cuts (including K-12 and community colleges) whenever revenues are insufficient. For good measure he proposes to convert teacher raises into merit pay, and to end tenure, because he believes the trouble with education is bad teachers — not insufficient resources.

Second, Schwarzenegger has embraced his political party's “no tax increase” refrain, and proposes across the board cuts in service and funding. Third, he would like to make it easier to elect more legislators of his own political party by launching a new redistricting effort. Finally, he proposed creation of a two-tiered pension system for state employees, with those individuals hired after July 2007 relying on only a 401K/403B type system. Instead of

having a defined benefit, their retirement would be financed solely by their investments; and they need to hope that the stock market does not have a downturn or that they do not encounter some bad/unethical financial advice. (Remember, those are your children and grandchildren and their teachers.) The Governor also proposes to end the state's contribution to the State Teacher's Retirement System (STRS), shifting \$40 million of new costs to community colleges, and very likely some of it to instructors.

## Budget details

Some of the basic points of the proposed budget as it affects education are as follows:

- The Community College portion of the reduced Proposition 98 funds increase from 10.25 to 10.35 percent.
- 3.0 percent (\$195.5 million) growth
- 3.93 percent (\$136.7 million) Cost of Living Adjustment (COLA)
- \$20 million for community college vocational link to K-12
- A “set-aside” of \$31.4 million as possible restoration of last year's lost Partnership For Excellence funds
- \$263 million in state bond funds for 50 community college construction projects
- Changes in Cal Grants and Financial Aid may benefit community college students (and be tougher on students at private universities).
- Community College fees remain at \$26 per unit
- No equalization funds (does not affect SJECCD that much)
- Reduction of \$469 million from the general fund as school districts and community colleges take over the STRS contribution. A note makes it clear that eventually Schwarzenegger wants instructors to pay for their own retirement contributions, and he proposes a two percent raise for those participating teachers.

## What does all this mean?

I can only speculate as to what all this talk means. For the community colleges, the news is mixed. Our students do not have to endure a third consecutive tuition increase, and grants may become more available. The Governor's budget reflects increases in the general funds and property tax increases so as to raise the California community college budget by 7.5 percent (\$359 million) in Proposition 98 funding, and a 6.2 percent increase overall. The COLA is healthy. On the other hand, these increases are only a fraction of what would have come our way if Schwarzenegger had adhered to his deal with CTA. The transfer of the retirement contribution to local school and college districts is huge and onerous, and if it goes through as proposed, will eat away substantially at the increases.

Governor Schwarzenegger's positions for the future may be more frightening than the budget itself. Tactically, the Governor's speech was brilliant; his popularity and magnetism will make a lot of the public believe that the problem with our education system is bad teachers and the Democratic Legislature that keeps trying to fund it. Just once I would like to be able to say “let me try” to a politician who tells me we can't fix our schools and colleges by throwing money at them.

It is still a long way to the May revise of the proposed budget and longer still until its passage. This process will be ugly. Funds are apparently pouring in from the East Coast to fund initiatives that our Governor has mentioned, as well as two initiatives to limit union rights in public education. California Federation of Teachers (CFT) is talking strongly about the need to take on these initiatives. It appears that the fall election could be enormously important to education in this state. Your voices will need to be heard.

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