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Inside this issue:

"They're At It Again!" Two More Initiatives From Reed and DeMaio

By Alan Wade, CSU-ERFA Legislative Director

Persistence may be a virtue, but in this case it is still another effort on the part of that dangerous duo Reed and DeMaio to attack public employees and their deferred compensation (i.e., "pensions"). They have withdrawn their first effort to get an initiative on the 2016 ballot after an unfavorable title and summary by the Attorney General and an obvious lack of support for signature gathering. Now, they have countered with not one but two new efforts.

Currently awaiting word on title and summary from the Attorney General's office, the current versions are called the "Voter Empowerment Act of 2016" and the "Government Pension Cap Act of 2016."

The first one may sound familiar, as it is the same name given by the authors to the earlier failed version. It differs in one big way from its predecessor—it refers only to new public employees, thus excluding current employees and retirees from its scope.

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Who Owns Your Online Course? You? Or the University?

By Ann C. Diver-Stamnes, Emerita, Humboldt State

About the author: Ann Diver-Stamnes began teaching at Humboldt State University in 1990. During her tenure at HSU, she served as department chair for 7½ years and Secondary Education program leader for 16 years, and she published four books, as well as articles and book chapters. In 2000, she received HSU's Outstanding Professor of the Year Award and the California Teacher Educator of the Year Award by the Credential Counselors and Analysts of California. She can be reached at acd1@humboldt.edu.

My hope in writing this article is that it serves as a cautionary tale for those of us who transformed courses for online delivery within the CSU and have now retired. Our intellectual property is very much at risk, and, short of a civil suit, we have no protection.

I fully retired from Humboldt State University (HSU) in August, 2013. The following May, through sheer serendipity, I discovered that two classes I had transformed for online delivery while at HSU had been copied without my knowledge or permission on Moodle, an electronic platform used at HSU for delivery of both face-to-face and online course content. In one case, a former student, employed as a technology consultant at HSU which gave her access to all courses on Moodle, simply copied my entire course into her work folder and gave two other staff members and a lecturer access to the course. This included, among other items, videos I had created, original writing, and notes to my students.

In the other case, a lecturer was hired to

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From the President...

Dear Colleagues,

The CSU-ERFA state council met at CSU Fullerton on October 17, 2015. This was my first opportunity to chair the meeting since I took over as president on July 1st. The session was held in the Alumni House, a beautifully refurbished historic building on campus. Our hosts, led by Professor Dorothy Heide, were exceptional in terms of the accommodations, lunch, parking, etc. I extend my commendations and thanks to all of them.

President's Report. In my report, I emphasized the significantly improved relationships between CSU-ERFA and the chancellor's office. Most indicative of this change was the presence of Chancellor White at the state council (details to follow) and our numerous meetings with senior staff members in his office. I also mentioned two new opportunities for our colleagues to volunteer on campus. Given the fatalities on several college campuses in recent years, most of the CSU's are reviewing and, if necessary, revising campus safety procedures. You might want to get involved in this process. During my forty-five years at Dominguez Hills the thought that a student would come into my classroom or office and open fire never entered my mind. Sadly, today it would!

Another important initiative concerns the cost of textbooks. Since the average CSU student spends about $1,000 per year on textbooks and course materials in addition to tuition and fees, campuses are being encouraged to explore free or low-cost internet alternatives. Our members may want to work with their departmental colleagues to select these items. There is some excellent electronic material available but also a lot of junk.

The other item I presented was the "CSU Multi-million Shoe Collection Campaign." For more information on this planet-wide effort to provide footwear for the shoeless, see www.soles4souls.org. The CEO of this non-profit will be meeting with us at our executive committee session in January. At that time, we will decide whether or not to go forward with this unique project. If so, we need each campus affiliate to help organize the shoe drive.

Chancellor White. During his opening remarks, Chancellor White listed the following items as high priorities on his agenda for the CSU: building a strong relationship with Sacramento, the importance of the CSU system to the State of California (10% of California's employees are CSU graduates), a thorough examination of the K-12 curriculum, teamwork among the CSU student bodies, the necessity of infrastructure renovation (the deferred maintenance backlog is $2 billion), legal issues concerning privacy, increasing the proportion of tenure-track faculty, the cost of tuition, the movement to offer BA degrees at community colleges, increasing grant money for professors, and, most importantly from our point of view, involving CSU-ERFA members in achieving these goals. After about twenty minutes of opening remarks, the chancellor fielded some tough, pointed questions from state council members for another twenty minutes.

Following this unprecedented session with a CSU chancellor, Chancellor White requested a photo op with Faculty Trustee Steven Stepanek, Immediate Past President Barbara Sinclair and yours truly. Unexpectedly, a chancellor's office media person interviewed Barbara and me. Our organization will get some valuable systemwide publicity from this.

Executive Director Position Description. The Council approved a revised vacancy announcement for the administrative head of CSU-ERFA (see p. 4). It will be posted on our website. The application deadline is Feb. 1, 2016. Please consider applying or encouraging qualified colleagues to do so.

Organizational Membership. We concluded the day with an extensive and, at times, heated discussion of whether or not we should extend our membership to retired staff members. Some campuses do, and others do not. A few campuses restrict membership to faculty with emeritus status. A document will be prepared summarizing these differences. A change of this type will require a revision of our by-laws and a change in the name of the organization.

WOW, WHAT A DAY!

Bill Blischke
President, CSU-ERFA

State Council Meets, Hears Chancellor White

The highlight of the CSU-ERFA state council meeting at CSU Fullerton on Saturday, October 17, 2015 was the visit by CSU Chancellor Timothy White and the discussion of the future of CSU-ERFA. The chancellor spoke for about twenty minutes and answered questions for an additional 30 minutes. He discussed the importance of utilizing the talents of retired faculty and staff at the campus level and indicated that we should work with Vice Chancellor Garrett Ashley as our liaison to the chancellor's office to coordinate these efforts.

In response to a comment about how CSU-ERFA has problems at some campuses with obtaining information about retirees from the local human resource management office, he indicated that "we'll take care of that." He received applause from the delegates after several responses, especially when he said one of his goals is to reverse the tendency of several of his predecessors to emphasize central control over granting authority to the campuses (while cautioning that some aspects must be controlled centrally). His comments were well received.

On the issue of whether he would support adding a retired faculty position to the CSU Board of Trustees, he stressed the value that Faculty Trustee Steven Stepanek, who was present, adds to the board and understood how a retired faculty trustee would also add an important voice. The process to add a retired faculty trustee, however, would face many obstacles before it could be implemented.

After lunch, the group engaged in a spirited discussion on the issue of "faculty" versus "faculty and staff" as it relates to membership eligibility. Delegates from San Diego, Long Beach, Fullerton and San Francisco spoke strongly in favor of including all CSU retirees. They cited examples of how retired staff have served important roles in their campus organizations. Other delegates expressed reservations about moving away from a "faculty" association. The accompanying article, on page 9, gives the flavor of the discussion. The matter will be discussed at the next meeting of the executive committee.

"They're At It Again!"

(Continued from page 1)

That will supposedly more it more palatable to voters. The second one proposes a cap that would limit all public employers to no more than 11% of base and 13% for safety employees in new employee benefits.

The Attorney General's title and summary should be out by mid-November. Even if the latter is favorable to our side, as was the most recent, these pernicious proposals could hit the streets for signature gathering very soon. Unless, of course, the authors can't tap into enough money and power to finance the 500,000 or more signatures required. Not too large a hurdle, but the process is still costly.

Our advice is the usual—don't sign any initiatives without due diligence. In fact, don't sign them at all. These could be damaging to our future financial health, as well as devastating to public service in general.

One more item: the governor just vetoed the proposed bill that would have eliminated the payment of signature collectors by the number of signatures collected.

In the box on this page is a quick summary of what Reed and DeMaio are up to now, courtesy of our SCORE colleagues. The full text of the proposed initiatives is available on the California Secretary of State's web site at http://goo.gl/VINTtz.

Impact of New Reed-DeMaio Pension Measures on New Public Employees

Voter Empowerment Act of 2016

• Eliminates defined-benefit (DB) pensions for new employees hired after January 1, 2019. Employers could provide risky defined-contribution plans, would not be required to contribute any amount toward employee retirement and could provide nothing at all.
• Limits employer contributions to one-half the cost of retirement benefits. Employers would not have to pay anything, but can't pay more than half.
• Prohibits benefit enhancements for employees or retirees in existing defined benefit retirement plans.
• Prohibits employers from paying the increased costs related to closing existing retirement plans. This means either the state would have to pick up the costs, or if funds go broke employees and retirees would have to sue to get their benefits paid.
• Death and disability benefits would be impaired, because they are currently based on a DB plan. If DB plans are eliminated, there is no way to provide existing death and disability plans.
• Reciprocity is eliminated. If a government employee changes employers, they are treated as "new employees." Teachers changing school districts would lose their pensions. Same with all other employees.
• Allows voters to approve defined-benefit plans or increased employer contributions above one-half the cost of retirement benefits for new employees, or benefit enhancements for existing employees or retirees.

Government Pension Cap Act of 2016

• Prohibits government employers from contributing more than 11% of base compensation for a new employee's retirement benefits, or 13% for safety employees.
• Includes Social Security, Medicare, retiree health care (including prefunding), defined contribution plans, and other deferred compensation towards the 11% or 13%.
• Will result in huge pay cuts for all new employees.
• Reciprocity is eliminated. If government employees change employers, they would be treated as "new employees." Teachers changing school districts would lose their pensions. Same with all other employees.

Source: State employee unions, SCORE coordinating group.

CSU-ERFA Searches for a New Executive Director

After an unsuccessful search last year, the CSU-ERFA's state council announced a new search for an executive director to replace Don Cameron, with the goal of having his replacement on board July 1, 2016. The new job advertisement is below. The CSU-ERFA office will be located on the campus, if possible, where the executive director is located. The executive director position is part-time (see below for details).

The position announcement is as follows: The California State University Emeritus and Retired Faculty Association (CSU-ERFA) is a statewide association devoted to addressing the concerns and protecting the rights and benefits of retired CSU faculty and staff. CSU-ERFA has a membership of approximately 2,400 retired faculty and staff from the 23 CSU campuses. For further information, visit www.csuerfa.org

Qualifications: Emeritus status as a retired faculty member from a California State University campus and membership in CSU-ERFA; three years or more experience as a department chair or in a management position; skill in planning, organizing and implementing long-range projects; ability to supervise office staff; ability to communicate effectively both orally and in writing; experience managing budgets; familiarity with issues affecting CSU retirees, including health insurance programs and benefits; ability to interact effectively with members; either reasonable proximity to the CSU-ERFA office on the CSU Northridge campus, or proximity to a CSU campus that will provide office space.

The Position of Executive Director of CSU-ERFA: The Executive Director implements the policy decisions of the State Council, the Executive Committee and the Association's officers and is responsible for the day-to-day operation of the central office. The Executive Director serves as an ex-officio non-voting member of all committees and the State Council, makes arrangements for the Fall and Spring State Council meetings, Executive Committee and other committee meetings, and prepares and distributes written materials related to such meetings. The Executive Director supervises and evaluates an Office Manager and an Administrative Assistant, both part-time employees. The Executive Director is responsible for maintaining appropriate accounting procedures and, on a quarterly basis, or more frequently if directed to do so, the Executive Director, working with the Treasurer, reports to the Executive Committee on the financial status of the association. The Executive Director maintains liaison with the affiliated retiree groups on each CSU campus, responding to requests for information or materials and encouraging activities of interest to retirees at the campus level. The Executive Director responds to inquiries from members, either by resolving their concerns or providing directions about how to address those concerns. The Executive Director is responsible for maintaining an accurate database of CSU-ERFA members and providing an accurate listing to campus affiliates, when requested.

Salary: The current CSU-ERFA budget provides an annual salary of $19,000 plus a $2,000 annual travel allowance.

Effective Date of Appointment: July 1, 2016. Initial appointment will be for a two-year term, subject to renewal for an additional two year term, based on satisfactory performance. It should be noted that CSU-ERFA policy requires that this position has to be advertised every four years. The incumbent executive director may be considered for reappointment as part of this process.

Applications: Candidates should submit a cover letter, a resumé and the names and contact information of three professional references by February 1, 2016, to Barbara Sinclair, Chair, Search Committee, 706 Flores De Oro, South Pasadena, CA 91030.

CSU-ERFA is an Equal Opportunity Employer and does not discriminate against persons on the basis of age, disability, disabled veteran status, gender, marital status, national origin, race, religion or sexual orientation.

Chancellor Timothy White shakes hands with CSU-ERFA Vice President Barry Pasternack, with CSU-ERFA President Bill Blischke looking on. The Chancellor spoke at the October 17th State Council meeting at CSU Fullerton's Alumni House. For highlights of his remarks, see the president's column on page 2 and the story on page 3. Photo: Matthew Gush, CSUF.

CSU-ERFA New Members

Dominguez Hills – Garry D. Hart

Long Beach – Joanne Conley, Arlene Lazarowitz, Antoinette Walsh

Pomona – Wendy Slatkin

Sacramento – Susan Leith

Stanislaus – Thomas J. Abram, Margaret Tynan, Mildred Ward

Health Benefits: LTC, Drug Costs, and Dependents

By David Wagner, Health Benefits Director

Long-Term Care Report. In October, CalPERS staff completed the semi-annual report to the Board on the Long-Term Care (LTC) program. Letters were sent in April 2015 to over 60,000 policy holders who were subject to the two-year, 85 percent rate hike. Of this number, 28.1% elected to modify their coverage and avoided the rate increase. This was a higher percent than anticipated. Those in the CalPERS LTC program who continue to hold policies with automatic inflation protection or life-time coverage will be sent letters in spring 2016 explaining options to avoid the additional 36 percent rate increase to be implemented July, 2016.

Among other interesting findings, staff reported that as of June 30, 2015 the LTC program has "136,256 participants; $4.1 billion invested asset value; and, $1.7 billion paid in participant benefits" since the program began in 1995. These amounts are not surprising, given that the program has an aging group of policy holders and given the increasing costs of health care in the U.S. Annual claims continued to rise each year since 2012 "at a fairly constant increasing rate of 350 claimants and $7 million per year on average." The leading disabling condition remains "pure dementia," accounting for 35 percent of claims. It also accounts for a disproportionate amount of claim reimbursements since many dementia patients are treated in an assisted living facility, a higher-cost care site.

LTC Lawsuit. The long-term care lawsuit against CalPERS continues. Plaintiffs' attorneys are seeking class-action status. Arguments will be heard on the motion for "class certification" in November. The September 30, 2015 *Sacramento Bee* reported that a ruling on this motion is likely before the end of this year. The *Bee* also noted that the remedy sought by the plaintiffs is to have the legislature allocate tax money to make the long-term care fund whole.

Drug-Cost Initiative. Soaring drug prices have once again been in the news. An increasing proportion of rising health-care expenses is due to higher prescription drug costs. In California and in Ohio ballot measures are being proposed that would cap what the state would pay for drugs to the rates paid by the federal Veterans Affairs Department. In California, signatures are still being gathered for the California Drug Price Relief Act to qualify for the November 2016 ballot.

Dependent Eligibility Verification Project. Remember two years ago as some of us scrambled to find documentation to support the continued eligibility of dependents for CalPERS health coverage? The Dependent Eligibility Verification Project (DEV) has concluded. CalPERS reported that over 18,000 ineligible dependents were removed from health coverage representing 2.6 percent of the total dependent population. Staff estimated a savings of almost $122 million, a 31:1 return on costs of the DEV project. For state retirees, 2,206 dependents out of a total of 107,568 dependents were found ineligible. When asked at the October 15th stakeholder engagement briefing if there were any consequences beyond disenrollment, we were told "no."

Going forward, CalPERS is required to determine at the time of retirement the eligibility of dependents for health care. Every three years CalPERS is required to verify that dependents of retirees remain eligible. It is anticipated that the specific process for this verification will be developed within the next 12-18 months. CSU-ERFA and other organizations representing public retirees intend to be involved with CalPERS staff in formulating a workable process.

Can Pensions Be Too Generous? Brazil's Pension Crisis

The New York Times recently reported on the increase in pension expenses in Brazil, at both the state and federal levels, as a result of some unique features of pensions in that nation.

Currently, Brazilians retire at an average age of 54, compared with the average age of 62 or 63 for filing for Social Security in the US, a commonly used definition of American retirement. Some officials have multiple retirements that total more than $100,000 per year. Loopholes enable spouses or daughters to continue to collect on the retirement for the balance of their lives. Remarrying after one's spouse has died is so common among retirees in Brazil that it is called the "Viagra effect," in which retired civil servants remarry in their 60s or 70s to wives who are substantially younger and continue to collect the retirement benefit for decades after the principal dies.

With the Brazilian economy in a downturn, the requirement payments for pensions have crowded out expenditures at both the federal and state levels on public services other than pensions.

Compounding the problem is the fact that the Brazilian fertility rate is only 1.77 children per woman, with a bit over 2.0 necessary for the population to reproduce itself. As recently as 1980, the fertility rate was 3.4. Another factor is life expectancy, which grew from 62.5 years in 1980 to 74.9 years in 2013. At present, the Brazilian economy spends about 10% of GDP each year on pensions, equivalent to countries in Southern Europe that have had some of the same problems, and higher than the U.S.'s 7% on Social Security, plus federal, state, and local public pensions.

Politicians have tried to raise the retirement age to 65 for men and 63 for women and to enact measures to prevent young widows from receiving the full pension for their own lifetimes. Loopholes are common, however, and many Brazilians retire much younger.

The options "are very unpopular," according to Mariano Bosch, a labor specialist at the Inter-American Development Bank. "Brazil has three very clear options to prevent large increases in pension spending: increase contributions, increase the retirement age, or decrease pensions."

Pre- and Post-Retirement Concerns: CalPERS Fees and State Subsidies for Retiree Health Care

By Tom Donahue, Chair, Pre and Post-Retirement Concerns Committee

Q: What is the news about CalPERS and its spending on carried interest?

A. News is available on the CalPERS website under the heading "Facts at a Glance." By all means notice the total of fees paid in two categories for management advice: the "Base Fees and Performance Fees," or "Investment External Management" costs are reported as $930.7 million. You may recall from last time that there was speculation that these would be between $600 million and $900 million. A separate category, "Third-Party Administrator Fees," is listed at $294.6 million, and we may expect CalPERS to explain this in the future. In any event the management fees are certain to be reduced as the shift away from equity investments proceeds over time.

On another matter, you may choose to relax over the issue of the up-and-coming excise tax for "Cadillac" investment programs. The issue, as you may recall, is that in 2018 under the Affordable Care Act a 40% "excise" tax is to be levied on all health insurance policies that cost more than $10,200 for an individual policy or $27,500 for a family policy per year.

Those who have joined CalPERS recently will remember that during their visit to their local CalPERS office they were given a charge sheet showing what the state – that is, CalPERS itself – is willing to pay each year to subsidize retiree health care. For the year 2016 this information sheet, entitled "2016 State Share for Retirees" (also available directly on the internet: Google "CalPERS 2016 health premiums – state only) lists direct subsidies for persons whose compensation packages were simple and uncomplicated before retirement and remain so after retirement.

The information sheet shows that the subsidy for health premiums for state rank-and-file-retirees has the following monthly limits: one-party, $705; two-party, $1,343; and family, $1,727. Our HMOs have negotiated smaller sums than that with the state in each case. The monthly subsidy for the retired employee and one dependent for Kaiser Permanente Senior Advantage, for example, is: $594.46.

Other examples: for the PERS Choice monthly medical supplement for the employee and dependent, it is $732.76; for the CCPOA north and south medical supplement, it is $872.56. Multiply the sums for a year and you will see that the state offers a maximum subsidy of $8,460 for one person, $16,116 for two, and $20,724 for a family. And actual negotiated subsidies are smaller: the amount for my wife and me in Kaiser Permanente Senior Advantage is $7,133.52. The advice from here is: relax, we aren't near the Cadillac range at this point.

Please send any questions for this column to: donahue_thomas@ymail.com.

A "Growing Inequality of Death"?

The *Washington Post* headline was "The stunning – and expanding – gap in life expectancy between the rich and the poor." They went on to call it a "growing inequality of death." These are drastic words, but 30 years ago the gap in life expectancies between the rich and the poor was half the size it is now. The findings are from a new National Academy of Sciences, Engineering and Medicine report, "The Growing Gap in Life Expectancy by Income: Implications for Federal Programs and Policy Responses."

In 2010, the poorest quintile of 50-year old men had a life expectancy of about 76.1 years, and the richest quintile's expectancy was 88.8, a gap of about 13 years. That gap, for men born in 1960, is twice the size of the corresponding gap for men born in 1930. For women, the corresponding 2010 numbers are 78 and 92, a gap of 14 years. That gap has also expanded considerably in the last 30 years.

Peter Orszag, former director of the Office of Management and Budget for the Obama administration and one of two co-chairs of the committee that authored the report, said that "The bottom of the socioeconomic distribution isn't experiencing any material increase in life expectancy." The increases are largely in the top two quintiles, the upper 40% of the income distribution.

About a third of the disparity is due to lifestyle choices, with lower income people more likely to smoke cigarettes and to be obese. The source of the rest of the gap is unknown, although some of it is likely to be due to the lack of health insurance among the lower half of the income distribution, as well as dietary choices.

The report highlights important consequences of the difference in terms of federal entitlements. For those born in 1930, the government will spend about the same amount regardless of their incomes. Those in the upper quintiles will receive more from Social Security. Those who are poorer are more reliant on Medicaid (Medi-Cal in California) and disability programs.

But for the group born in 1960, the life-expectancy differences are now so great that the government will spend more on those in the upper quintile. For the upper quintile, government benefits over their lifetimes were an average of $522,000 in 2010, but in the poorest group, that number was only $391,000.

If one raises the age of eligibility for Social Security from 67 (the full retirement age for those born in 1960 and after) to age 70, the wealthiest quintile loses 20% of its total lifetime government benefits, but the poorest group loses almost 25%, reflecting the shorter lifespans. According to the *Post*, "since the poorer group can't expect to live as long, forcing them to wait to begin drawing their benefits in full would eliminate a larger portion of their retirement."

CFA Report: Strike Coming? And CalPERS' Solvency

By Leni Cook, CSUDH, CSU-ERFA Liaison to CFA

A Strike? Things are heating up across the campuses as mediation between the Chancellor's representatives and CFA over salary issues has ended and the mediator has certified the sides to factfinding. In factfinding, the parties make their case to a panel in hopes of securing a favorable factfinding report. The panel is made up of one neutral third party and a representative from each bargaining team. The neutral party writes a "factfinding report" that recommends how a settlement could be achieved. After that, the sides have 10 days to study the report and perhaps reach a settlement or the factfinding report becomes public.

If no agreement is reached during that time, the statutory process is over, according to the CA Higher Education Employer-Employee Relations Act of 1979. Furthermore, based on this act, when the process is over, CFA gains the right to strike and/or take other job actions and CSU management may impose its "last, best, and final offer."

In preparation for the end of factfinding, CFA began its strike authorization voting process on October 19, lasting until October 28. Both on-line and on-campus voting is by CFA members only. Local CFA chapters across the state have been holding rallies and actions in conjunction with the vote. Media coverage and photo-gallery activity and actions are available on the CFA website (www.calfac.org). A state-wide chapter rally is planned for the CSU Board of Trustees meeting at the Chancellor's Office on November 17 where further actions may be announced.
On Friday, October 16, the CFA board passed a resolution urging CFA members to vote Yes to authorize job actions. During the 83rd Assembly held that weekend in Sacramento, leaders from all 23 campus chapters affirmed the resolution.

Issues Facing CalPERS. Just prior to the Assembly, on Friday afternoon, there was a joint meeting of CFA's Health and Retirement Benefits and Retired Faculty Committees where the agenda included reports from CSU-ERFA, an overview of CalPERS pension facts, issues, challenges and threats, and an overview concerning Californians for Retirement Security, a coalition of public-sector workers with CFA on their executive board. More information on this group is available on two websites (www.letstalkpensions.com and www.dontscapegoatus.org . Other topics included more pension initiatives from the Reed faction, and a review of the new United Health Care supplementary program for Medicare available to eligible CalPERS retirees.

Some of the major issues confronting CalPERS were enumerated in an overview provided by George Diehr, the CFA representative to CSU-ERFA. Although I was not able to attend the meeting, I did receive a copy of his handout. Of major importance to us as retirees is the negative cash flow that is predicted to grow in the future unless steps are taken to increase contributions and income. Contributions no longer exceed benefits. The amount needs to be covered by net investment income and/or an increase in contributions by members or legislative action. The funded status of the State Miscellaneous plan (used by CSU) in 2014 was 72.4%. Also of interest is the June 1, 2015 article (http://goo.gl/MPPxFV) on reducing portfolio risk.

Recent newspaper articles concerning CalPERS investments continue to focus on changes in investment strategies and their cumulative effect on the fund's shortfall predictions.

The next CFA Assembly is scheduled for April 16-17, 2016 with the Retired Faculty Committee meeting set for the prior afternoon. Regular weekly updates on CFA activity are available on their website (see above).

Medicare Beneficiary Income / Assets Low

The Kaiser Family Foundation recently released an issue brief describing the income and assets of Medicare beneficiaries in 2014. The average beneficiary pays some $2,000 to $3,000 out of pocket for medical expenses while on Medicare, approximately $200 to $250 per month.

Many proposals suggest that Medicare's beneficiaries should pay a greater portion of their health costs. While upper income beneficiaries can do so, half of all Medicare beneficiaries had incomes below $24,150 in 2014, and a quarter were below $14,350. Only 5% were over $93,000.

And there are substantial differences among racial and ethnic groups. While white beneficiaries had an average income of $27,450, African-American beneficiaries averaged $16,150, and Latinos $12,800. More than half of the beneficiaries over age 85 lived on an income of less than $19,000.

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In Memoriam

Fresno - Roger Chittick,
Lorraine Person,
Burton Rehart

Humboldt – James McNelis,
Larry Squires

Northridge – Richard Trueman

Sonoma – Carl M. Jensen

Ed. Note: Shortened URLs

In the last two issues, we have used "shortened URLs" for the web addresses that authors cite.

The article above has the web address http://goo.gl/MPPxFV, which is the short version of an address that goes onto two or more lines. When web addresses do that, readers who click on the address (through the online (PDF) version of the newsletter), will receive an error message because only the first line of the URL will be recognized.

To create a shortened URL, google the term "short URL". Google itself has a site that creates them, which we use, but there are several others, no reliability or other problems noted. We can't find anything on how long they last.

Who Owns Your Online Course?

(Continued from page 1)

teach a class I had created on my own time over the course of my teaching career. He wrote to me asking that I approve a course copy so that he could use my materials when he taught the class in Fall, 2013. I wrote to him, stating (in excerpted form), "I've been doing some thinking about the class and have decided that I'm going to hang on to the work I did on the course. The class is a product of an entire career's work, and I want to retain the intellectual work product I've created and indeed may use in the future in other contexts. It's also better for you if the course content that faculty and students see and assess is your work product rather than mine. Otherwise, it becomes a bit of a sticky ethical issue. Giving someone access to a fully laid out Moodle site, in essence the entirety of a class' design and implementation, is so different from sharing a syllabus. I've become intrigued by the dilemmas and the importance of this issue of intellectual property in online teaching." Unfortunately, I didn't realize how prophetic these words would end up being.

The lecturer wrote back that he understood and respected my decision. However, I discovered that he was able to access and use all my intellectual property in the course, simply substituting his name for mine on the syllabus; uploading all the PowerPoints, online course construction, course materials, and videos I created; and presenting the course and the materials with no attribution of my authorship. Of course, this makes a mockery of faculty evaluation. He was evaluated on the basis of the course construction and materials, none of which he created. Indeed, he could not have created the course because he had neither the background nor the expertise.

As soon as I became aware of these situations, I tried to resolve them. My request to administrators was simple: please desist from using my intellectual property. In the first case, at my insistence, I was ultimately assured that the copy of my course placed in the staff member's work folder would be deleted which would prevent the other individuals from accessing it, although I have no way of proving that indeed occurred. The second case was given to the College dean in which the theft occurred who ruled that there was no breach of intellectual property. I appealed to the Acting Provost who denied the appeal, citing HSU policy: "In distance education courses, the faculty will own the copyright but the university will receive a royalty free license to use the material." The president of the university also denied my appeal.

The rationale for the original decision that I received from the associate dean was that HSU owns the intellectual property because of a small stipend I was paid to learn how to transform an existing face-to-face course for online synchronous delivery. HSU maintained that because the course was one I was "paid to create," they were able to access and use it as they saw fit. I repeatedly informed the administration at all levels that I was not paid to create the course and had created it over years as a labor of love on my own time. Indeed, the course pre-existed the dean's arrival on campus, distance education at HSU, the creation of the College of E-learning and Extended Education, and any current interpretation of distance learning policy. I never signed any documents giving away the rights to my intellectual property nor would I have done so.

The end result is that I have effectively lost any control of the distribution of my intellectual property; it has been used without attribution of my authorship and passed off as the instructors' original work. My work has effectively become the property of HSU, and I have no say in how it is used or modified, who has access to it, or how many times it is given away.

After I had exhausted my options at HSU, I filed a grievance a year ago with the California Faculty Association (CFA) and recently was informed that CFA will not take the case to arbitration. They cite the fact that I am no longer employed by the CSU, even though the work product in question was created while I was a professor (and union member) within the system.

Several issues are of concern here for emeriti. First is the establishment of a precedent that professors who teach distance education courses do not own the content of the courses they created. Instead, the institution owns the materials and can give them to other faculty, absent consultation with or the knowledge or approval of the original author and with no attribution of that person's authorship. The minute I offered the course online, my work — researched and created over 25 years — was available to the institution to use at will. This means that the work product of any faculty member at HSU who teaches a distance learning course is vulnerable and can be taken and given away without notice. Research and expertise gleaned over a career can simply be given to a lecturer or another professor to utilize, whether or not that person has any expertise in the discipline. It seems quite likely that other faculty within the CSU are experiencing similar breaches of their intellectual property which, because of technologies we now use in teaching, is very difficult to protect and very easy for others to access.

Emeriti faculty are particularly vulnerable in this environment. The theft of my intellectual property occurred after I retired. Unless we take down all course materials from the electronic platforms used at our universities at the end of each semester, those materials are easily accessible and can be copied and given to others as occurred in the two cases I experienced.

With the existing technology, many faculty will never know if their content has been accessed, copied, and given away. The intellectual property of all faculty, active and retired, is at risk here, especially now that so much of our course content – both for face-to-face and distance learning courses – is completely accessible online.

Given CFA's decision not to take my grievance to arbitration, emeritus faculty are literally in a Catch-22. The work product created while we were active faculty can be taken upon our retirement without our knowledge or our consent, and we have no protection. Stealing intellectual property today, as I have discovered much to my chagrin, is as easy as pushing a button.

CSU-ERFA Article To Go On CSU Public Affairs Web Page

Based on interviews with President Bill Blischke and others, the Chancellor's Office Public Affairs division is preparing an article on CSU-ERFA to be placed on the public affairs web page, http://www.calstate.edu/pa/. Watch for it!

Who Are We? "Faculty" versus "Faculty and Staff"

By Don Cameron, CSU-ERFA Executive Director

As more of our campus affiliates move towards including retired staff as potential members, some have urged CSU-ERFA to change its membership eligibility to include CSU retired staff members. Our constitution states that "all retired California State University faculty, professional librarians and academic administrators who are CalPERS annuitants . . . or who are members of a campus organization affiliated with CSU-ERFA and who have official recognition as being retired, are eligible for membership in this organization."

Currently, nine of our seventeen campus affiliates include faculty and staff retirees as potential members; most of the other eight campus retiree organizations are able to extend membership to non-faculty retirees by approval of an executive committee. Those campuses that include both faculty and staff tell us it is difficult to recruit staff members for CSU-ERFA because everything from our title, our recruitment literature and the issues discussed in *The Reporter* and at state council meeting tends to emphasize faculty concerns.

Those campus affiliates that include both faculty and staff offer the following arguments in favor of a more inclusive definition of membership:

1. Some of the most active and valuable members of their organizations are non-faculty retirees.
2. The activities of the affiliates, such as social events, monthly gatherings for bridge or meetings to listen to campus speakers are of equal interest to all retirees, and presence at such events is increased by the attendance of retired staff.
3. Faculty and staff retirees share the same excellent CalPERS benefits, and all retirees have similar concerns about retention of those benefits.
4. Prior to retirement, many faculty worked closely with various staff members; opportunities should be provided for a continuation of that relationship after retirement.

CSU Chancellor Timothy White listens to a question at the CSU-ERFA State Council meeting.

Faculty Trustee Stephan Stepanek, CSU Chancellor Timothy White, CSU-ERFA Immediate Past President Barbara Sinclair, and CSU-ERFA President Bill Blischke post before the October State Council meeting. All photos courtesy of Matthew Gush.

Opponents to any change in CSU-ERFA membership eligibility cite the history of the organization and the need to continue to focus on the concerns of retired faculty. When CSU-ERFA was founded in 1985, a spirited discussion occurred concerning whether the title should include only "Emeritus Faculty" or the more inclusive "Emeritus and Retired Faculty." This was an issue because on some CSU campuses, only certain retired faculty are granted Emeritus status. We have been the "CSU Emeritus and Retired Faculty Association" since our founding in 1985.

We have asked the campus affiliates to consider this issue and some interesting responses have been received. To indicate the wide range of opinions on this topic, please note the following two excerpts:

"At our campus, we encourage both faculty and staff to join our retirement association and we suggest that staff join CSU-ERFA as well, because it is not evident that staff are welcome in CSU-ERFA. The name debate is always a difficult one and we all know it is unlikely there will be one widely accepted solution. Having said that, our members would enthusiastically embrace any change that clearly welcomes retired staff. Half of my Board members are long term staff who are devoted to the University and its mission – and they bring valuable knowledge and skills to the table."

"Including non-academics is folly, as far as I am concerned. I worked hard for my doctorate, my promotions and my status. Most staff do not have the same rigorous steps to follow. While "inclusive" is politically correct, I don't think a groundskeeper has the same issues I have. While changing the name may recruit more staff members, I believe that faculty will choose not to join or drop their membership."

This topic will be an agenda item at the January 23, 2016 meeting of the executive committee. If any CSU-ERFA member wishes to offer comments, please forward those thoughts to the CSU-ERFA office and they will be conveyed to members of the executive committee.

CALIFORNIA STATE UNIVERSITY EMERITUS AND RETIRED FACULTY ASSOCIATION
The Retirement Center
18111 Nordhoff Street
Northridge, CA 91330-8339
http://www.csuerfa.org

Have you moved? If so, please report your new address to the CSU-ERFA office at the above address.

Address Service Requested

California State University
Emeritus & Retired Faculty Association

CalPERS Member Survey

As *The Reporter* goes to press in early November, we were notified that CalPERS has an outside vendor surveying stakeholder groups, including retirees, about their perceptions of CalPERS as an organization. The survey includes topics like investment policies, health plan administration, trustworthiness, legislative advocacy, customer service, etc. The vendor is using an online survey company, www.surveymonkey.com, to administer the questions and compile the answers. If you are picked for the survey, we hope that you will participate.

Medicare Beneficiaries

(Continued from page 7)

Median per capita savings weren't much better. White beneficiaries averaged $91,950 in assets, but African-American beneficiaries had only $12,350 and Latino beneficiaries had $9,800. Over half the beneficiaries who were 85 and older had less than $30,700. For more information, go to http://www.kff.org and search for "income assets of Medicare beneficiaries".

October's State Council meeting was held at CSU Fullerton's Alumni House, pictured here.

CSU-ERFA Calendar of Events

January 23, 2016 - CSU-ERFA Executive Committee meets in Torrance.

April 23, 2016 - State Council meets at San Jose State University.

October 22, 2016 - State Council meets at Cal Poly Pomona.