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Inside this issue:

State Council Focuses on CalPERS' Failure in Affordable Long-Term Care

By Merry Pawlowski, Exec. Director, CSU-ERFSA

In a well-attended State Council meeting held on Zoom on April 27, Lawrence Grossman, a Certified Financial Planner, addressed the pressing issue of the failure of the CalPERS long-term care program and the class action lawsuit that has resulted from the exorbitant rise in premiums originally guaranteed not to increase.

Mr Grossman detailed the complex background which led to the current debacle for over 100,000 policy holders, with special attention to CalPERS' denial of culpability or responsibility for the program's lack of solvency. Grossman contends: "What fundamentally separates the CalPERS long-term care program from commercial long-term care insurers is the fact that the CalPERS program is an unprofessional and undercapitalized insurance enterprise not subject to Department of Insurance oversight. While the enabling legislation for the program unambiguously requires CalPERS to offer a private carrier policy, CalPERS chose to ignore the law and operate only an in- house program, which is permissible under the law if, but only if, there is a private long-term care option."

Grossman points out that currently there is a settlement before policy holders to accept or reject by June 6 with final court

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ASCSU Report: Budget Problems, Legislative Intrusion into Curriculum

By Jerald Schutte, CSUN, Emeriti Academic Senator

For the first time since COVID, the ASCSU met in a hybrid format on March 16-17, 2023. While many continued to attend online, a significant number were present in person. The format remained the same, comprised of three parts: 1) reports from the ASCSU chair, faculty trustee, and standing committees; 2) guest discussions, including the interim chancellor, executive vice chancellor, Trustees Fong and Simon, the CFA President, and California State Student Association VP; and 3) vetting and voting on resolutions.

Discussions followed three themes, the first being the budget request during declining enrollment. While the governor appears to be keeping his word on compact increases (5% state funded increases to the CSU budget), that amount is some $300 million short of the Board's request and includes none for the $1 billion one-time request for deferred maintenance.

However, that compact requires enrollment to increase by 10,000 this year. In fact, the system has experienced a 5% (roughly 24,000 student) decline. These declines are more prevalent in the Northern California campuses, so much so that the Chancellor is planning a "shift" of capital outlay from the lowest to the

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From the President...

Dear Colleague,

It's hard to believe that it is May again. I hope you had a good spring and are looking forward to the summer months. One of the consequences of retirement, however, is because we can travel whenever we want, summer does not seem quite as special as it did before retirement. Free time is something that is not the special commodity that it once was.

I am pleased to report that our organization is in good financial shape. We held our spring State Council meeting, once again via Zoom on April 27th. It was a tight agenda, but we managed to get through it all with two minutes to spare! At the meeting, we said goodbye to our Vice President, Tom Donahue, who is taking a well-deserved break from the vice presidency, as well as from being chair of the Pre- and Post-Retirement Concerns Committee. In that role, Tom informed us of a deceased member whose spouse has been having trouble with CalPERS in terms of getting the survivor's pension benefits she is entitled to. As you may recall, when you were first hired, you had a choice of options for survivor benefits. One of the options was to keep the pension benefits the same by taking a slightly lower monthly payment. In the case of this survivor, CalPERS seems to have misplaced this paperwork for the member and cut her pension benefits.

You might wonder how this could happen, but remember that this is the same organization that falsely marketed long-term care insurance to us. In my own dealings with CalPERS, I recall being told by the person in charge of post-retirement employment that FERP faculty were entitled to the supplemental payment for teaching during the pandemic, only to be told later that this was not the case. I also remember calling my campus HR office a few years back to get the date of my hiring (ostensibly needed to cash out of my TSA) only to be initially told that they did not know when I was hired. When I expressed my incredulity about this response, they eventually found my date of hire. Long story short, please tell your spouse what his or her surviving pension benefits will be as you may find that the people who should know, do not. I am happy to report that with Tom's help, the correct pension benefits were paid out – another important reason to have CSU-ERFSA in your corner.

In terms of the CalPERS long-term plan debacle, we were fortunate to have Lawrence Grossman, a certified financial planner, who has taken the time to stay current on the litigation, give an update to the State Council on this issue. In summary, CalPERS rejected the initial settlement reached by the lawyers in the case, and a new settlement agreement has been reached. While this new offer does not appear to be nearly as favorable to the existing policy holders as the previous offer, the parties and the court must give final approval on the offer before any further action can be taken. In the very least, the issue has now been delayed, which may have been the goal of CalPERS in making the new offer. While CSU-ERFSA feels badly for the treatment of our members by CalPERS, we are limited by the actions we can take.

Nonetheless, we will continue to monitor the situation, and it will be discussed at our upcoming executive committee meeting.

Two of the important items considered at the State Council meeting were the election of officers and confirmation of committee members. First, officers. The slate put forward by the nominating committee, chaired by Marshelle Thobaben, was the following: Barry Pasternack, President; Sue Holl, Vice President; Bethany Shifflett, Secretary; and David Speak, Treasurer. The slate was unanimously elected, and the committee members put forward were confirmed. New committee members approved by the State Council include: Rick Ford, Carlos Davidson, Jonathan Karpf, Rochelle Kellner, and BJ Moore. Jerry Schutte was confirmed as the Emeriti Academic Senator, and Jay Swartz was confirmed as the liaison to CFA.

If you would like to serve on a CSU-ERFSA committee, please drop me a line. We can always use more help, and I think you will find it an enjoyable use of your free time.

One of the things we should be doing is keeping our minds active. Recently I was

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Legislative Report: Divestment From Fossil Fuels

By Robert Girling, Sonoma State University, CSU-ERFSA Legislative Director

Guest author for this column is Prof. Emeritus Carlos Davidson, SFSU, member of the CSU-ERFSA legislative committee.

At its April 2022 meeting the CSU-ERFSA State Council endorsed California SB 1173, which required CalPERS to divest from fossil fuel companies. SB 1173 did not pass the legislature but is back this year as SB 252. Authored by Senator Lena Gonzalez, the bill requires CalPERS and CalSTRS to divest from the 100 top Oil and Gas companies by 2030. Divest means selling off any stock or bond holdings in these companies and not buying new fossil fuel stocks or bonds.

Divestment is a moral issue. We divested from companies doing business in Apartheid South Africa because we thought profiting from racial oppression was immoral. We divested from tobacco companies because knowingly selling and promoting a product that causes cancer is immoral. There is now a global fossil fuel divestment movement because fossil fuel company are using their wealth and tremendous political power to block desperately needed climate change legislation – around the globe and right here in California.

And like tobacco companies, their own scientists knew the harm their product was causing, but the companies kept that knowledge secret and publicly denied it – even as they were extending the legs of drilling rigs to deal with sea level rise. Even today fossil fuel companies are greenwashing rather than truly addressing climate change. And CalPERS unwittingly becomes party to that greenwashing, as when for example, it promoted to members Exxon's bogus net zero by 2050 claims.

A group of California coastal counties have sued 37 major oil companies for damages due to sea level rise. Their suit powerfully makes the moral case. Here are three quotes:

• "Defendants have known for nearly 50 years that greenhouse gas pollution from their fossil fuel products has a significant impact on the Earth's climate and sea levels."

• "With that knowledge, defendants took steps to protect their own assets from these threats through immense internal investment in research, infrastructure improvements, and plans to exploit new opportunities in a warming world."

• "Defendants' conduct was so vile, base, and contemptible that it would be looked down upon and despised by reasonable people."

You may be thinking this is all fine and well, but will divestment hurt my pension? Fortunately, a number of studies indicate that divestment is financially prudent. For example, as the City of New York was considering divesting its three large retirement funds, it hired the financial consulting firms BlackRock and Meketa to independently write reports on divestment. Here is a quote from an article about the reports: "BlackRock and Meketa have separately concluded that investment funds have experienced no negative financial impacts from divesting from fossil fuels. In fact, they found evidence of modest improvement in fund returns." And SB 252 contains an "escape clause," so that if CalPERS thinks divesting from a fossil fuel company is not financially prudent, then they don't have to divest.

What about engagement as an alternative strategy to divestment? Engagement is when owners of company stock try to get companies to change their practices through shareholder resolutions. There are several reasons why shareholder engagement, which can be a powerful strategy in some circumstances, is not likely to be effective in the case of fossil fuel companies and climate change. First, what is needed, keeping 80 percent of fossil fuel reserves in the ground unburned, would represent astronomical financial losses to the fossil fuel industry. Not surprisingly, the industry has fought tooth and nail against addressing climate change, and it still claims today that all its reserves can and will be burned. Pope Francis put it this way, "Is it realistic to hope that those who are obsessed with maximizing profits will stop to reflect on the environmental damage which they will leave behind for future generations?"

Shareholder engagement promotes the image of fossil fuel companies as good corporate citizens, which actually strengthens their political power to fight climate legislation. This is exactly opposite the strategy of divestment, which aims to weaken the political power of fossil fuel companies by calling them out as bad actors, and thereby win climate legislation. Former SEC commissioner Bevis Longstreth in Climate Change and Investment in Fossil Fuel Companies: The Strategy of Engagement Won't Work said: "Indeed, engagement is likely to assist Big Oil and Big Coal in postponing the day when governments limit the burning of fossil fuels. … Engagement with institutional investors like Harvard gives the fossil fuel giants the protective cover they need to stretch out the transition process to renewables for as long as they can. It legitimizes talk over action."

Divestment, by weakening the political power of the fossil fuel industry, can help win government action. A study from the University of Oxford looked at a number of divestment movements – South Africa, tobacco, Darfur in Sudan, and others and concluded that they had all been successful impacting their targeted industries and ultimately in winning legislation. Think about how the divestment movement from tobacco companies made it unacceptable for politicians to take tobacco campaign contributions, that in turn it finally gave them the independence to pass anti-smoking legislation. We are already starting to see this with fossil fuel divestment. The California Democratic Party recently decided not to endorse candidates who take fossil fuel campaign contributions.

To date over 1,500 institutions worldwide with over 40 trillion dollars in assets have divested from fossil fuel companies, including the State and City of New York Retirement Funds, state of Maine, Quebec province, the Vatican, United Church of Christ, Episcopal Church USA, Unitarian Church, World Council of Churches, and the California State University and University of California systems. Senate Bill 252 now has 110 organizations officially signed on supporters including labor, religious, environmental, and public health groups.

In summary, when companies act this immorally and with such catastrophic

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The Prefunding of CSU Health Benefits (Revisited)

By John G. Kilgour, CSU East Bay

Whereas the State of California has prefunded its public-sector pension obligations for decades, it has only recently begun to set aside money to prefund retiree health benefits. Such benefits are also known as "other post-employment benefits (OPEBs). The two terms are often used interchangeably. OPEBs include healthcare (broadly defined), dental care, and life insurance.

Until recently, information on OPEBs was relegated to the notes of financial statements, where they received little attention. That changed when the Government Accounting Standards Board (GASB) issued statements 74 and 75, effective 2016 and 2017 respectively. Information and data on OPEBs became readily available to all, and it was shocking.

Until 1989, an employee only had to work for the State for five years to become eligible for retiree health benefits for life. That was a ridiculously generous benefit. For employees hired after January 1, 1989, the rule was changed to 50% vested after 10 years of service, increasing by 5% per year until fully vested after 20 years. GASB 74/75 further tightened that to 50% vested after 15 years and increasing by 5% per year until fully vested after 25 years.

As of 2020, actuaries estimated the State had an OPEB liability of $86.5 billion and OPEB assets of less than $1 billion ($874.3 million to be exact). That gave a funded ratio (assets ÷ liabilities) of .01 or 1%. It was estimated that, if no action was taken, California's unfunded OPEB liability – now termed "net fiduciary position" – was expected to reach $300 billion by 2047.

Under a plan championed and signed into law by then Governor Jerry Brown, California's unfunded OPEB liability is now expected to be zero by 2044. That's 21 years from now.

The plan requires active employees to pay for half of the "normal cost" of OPEB benefits each year. Normal costs are the present value of the cost of benefits and administrative expenses incurred each year. The public employer will pay the other half. The State and other covered public agencies will continue to pay for the health benefits of current retirees (Yes!) and a portion of the unfunded OPEB liabilities on a pay-as-you-go basis. Employer and employee contributions are deposited in the (pre-existing) California Employers Retirement Benefit Trust (CERBT).

Until 1989, an employee only had to work for the State for five years to become eligible for retiree health benefits for life. That was a ridiculously generous benefit.

The rules of the CERBT are (1) employee contributions are mandatory, (2) the rate of contributions within a bargaining unit must be uniform (though they may vary among bargaining units) and (3) no cash outs of employee contributions are allowed. The CERBT does not separately account contributions for individual employees and retirees. All contributions made by employers and active employees are held as assets of the participating public employers (individually). Contributions made by employees may not be withdrawn. Thus, some short-term former employees will have contributed to the retiree health plan from which they will not benefit. Earnings on invested assets accrue to the CERBT fund.

The participating public employers choose from among three CERBT investment strategies (risk levels) and five categories of investments. Effective March 1, 2023, they were:

Asset Class Target Allocation	Strategy 1		Strategy 2		Strategy 3	
	2021	2023	2021	2023	2021	2023
Global equity	59%	49%	40%	34%	22%	23%
Fixed income	25	23	43	41	49	51
Treasury securities	5	5	5	5	16	9
Real estate investment trusts	8	20	8	17	8	14
Commodities	3	3	4	3	5	3

The State of California (including the CSU) and most of the 601 participating public agencies had initially chosen Strategy 1. As of January 31, 2023, there were $16.8 billion in assets under management in the CERBT. There were allocated as follows: $14.2 billion (84.2%) in Strategy 1, $1.8 billion (10.7%) in Strategy 2 and $79 million (4.7%) in Strategy 3. Clearly, the decision makers are not risk averse.

The table shows that between its origin in 2021 and March 1, 2023, the decision makers in general have become more risk averse. The percentage of assets in global equities has dropped from 59% to 49% while the percentage in real estate investment trusts (REITs) has increased from 8% to 20%

California has adopted a well-thought-out plan to eliminate its retiree health-care unfunded liability by 2044. That's 21 years from now. The legislated employee contributions are pretty secure. The anticipated return on investment of a average of 6.2% is reasonable (at least it was before COVID and the Ukraine war). However, state- and local-government contributions are somewhat less certain. We may be about to enter a recession and there will undoubtedly be others over the next 21 years. That's when state and local governments will be likely to reduce their contributions. Still, it is a good plan, even if it is off by a year or two.

Health Benefits Report: Covid Emergency Expiring, More

By David Wagner, Sacramento, CSU-ERFSA Health Benefits Director

Expiration of COVID Public Health Emergency. The Federal Government's COVID- 19 Public Health Emergency expired on May 11, 2023. Among other changes, this action has an impact on the cost and availability of COVID tests previously subsidized by the government. Since the specific changes may vary depending on your health plan. you may need to contact representatives of your health plan. Vaccinations, including COVID -19, remain free to those on Medicare.

Hopefully, health insurers will proactively alert members to any change to their policies. If not, you may need to contact your plan's representatives or check their website. CalPERS will update its website as information becomes available.

Pharmacy Benefits Manager Contract. In the last Health Benefits' column we noted the anticipated initiation of the process to contract for a pharmacy benefit manager. Shortly after publication of our article CalPERS announced that the contract with OptumRX has been extended thru the end of 2025. This action provides coverage continuity for CalPERS members while allowing additional time for drug supply and pricing to stabilize. The process for selecting the pharmacy vendor for a new five-year contract is now scheduled to begin in mid-2024, with a new contract start date of January 1, 2026.

HMO Intent to Award Process. CalPERS is half way through the process to determine which HMOs will be awarded contacts for the next five years (2024-28). All existing carriers have submitted proposals to continue with CalPERS. Some modifications in geographic area and benefit coverage have been proposed by the carriers. The CalPERS board has reviewed these proposed changes and continue discussions with benefit carriers. The next step in the process will be the board's review and decision on proposed requested rate adjustments.

Long -Term Care Proposed Settlement. Letters were mailed on April 7, 2023 from the plaintiffs' attorneys to all settlement class members. The letter described the proposed new settlement and the options available to impacted policy holders. The court will hold a hearing in late July to determine whether to grant final approval.

Please follow the deadline established for responding to this proposed settlement. It is strongly recommended that you continue paying premiums and proceed as if there was no settlement until the court takes final action. If you opt to be included in the settlement and if the settlement is approved, you will be notified when you can stop paying your premiums.

Questions on the settlement should be directed to the plaintiffs' attorneys, not CalPERS or the long-term care administrator (LTCG). The settlement information phone number is 1-866-217-8056. The settlement has its own website for information at https://www.calpersltcclassaction.com/.

COLA and PPPA Increases in May 2023 for Retirees by Year of Retirement

State and Schools	
Year of Retirement	Allowance Increase (COLA and PPPA) effective May 1, 2023
1965-1981*	8.00%
1982*	5.06%
1983*	3.82%
1984-2005	2.00%
2006	2.13%
2007	2.98%
2008	4.77%
2009	2.42%
2010	2.06%
2011	3.22%
2012	3.29%
2013	2.74%
2014	2.36%
2015-2021	2.00%
2022	Not Eligible

CSU-ERFSA's Half Price Membership Offer For New Members Extended

CSU-ERFSA's half-price membership deal is continuing until June 30th of 2024. You will be joining the only association solely dedicated to supporting and improving CSU retiree benefits. All CSU retirees are eligible for membership.

For more information on this deal, see: https://tinyurl.com/2s3c8hu4

DETAILS: Send your check to CSU-ERFSA, 18111 Nordhoff St., Northridge, CA 91330-8339 in the relevant amount below. Please send your name, email, phone, CSU campus and department retired from, and the date you retired.

Half-price is valid for 12 months from the date received. Thereafter, you pay at the normal rate.

Gross Monthly CalPERS Benefit	Dues for the First Year
Less than $3,000	$30
$3,001 - $3,600	$36
$3,601 - $4,300	$42
$4,301 - $5,300	$48
$5,301 - $6,300	$54
$6,301 and above	$60
Donor Member	$66 and up

Pre-/Post-Retirement: "Benefits of Various Kinds"

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

In representing the Pre-and Post-Retirement Concerns Committee, I will discuss benefits for this issue in two different ways.

First, I report on an inquiry on the question, "Where does CalPERS keep the record of our pension choice for a survivor?" You will recall in the last issue there was a report that some survivors were quite alarmed because CalPERS insisted that the original CSU employee in a family had made no pension choice, although the survivor had been told to expect a continuity of the same pension that the couple had been receiving for many years.

I at first moved ahead with the understanding that there would be a record of the original pension choice that I had made on my local campus when I began my appointment in 1968. No such thing. I was told that on my home campus (SDSU) that no records were kept for longer than five years.

It happens that there are two other ways a person can find out about the status of a pension for one's survivor. You can go to the CalPERS website and locate your personal information on the page MyCalPERS. There, once you enter your identification and choose the option under "More Information/Your Account" for "Add or Change Your Beneficiaries," you can see the status of your present funding, and as well the sum that is projected for your survivor. If instead you call 1-888-225-7377 and ask for the Disability and Survivor Benefits Division, you will be able to speak to a person, and you will get a polite, respectful, courteous, and informative reply on this matter.

I turn now to something lighter concerning our benefits, moving to a tale that however slightly pushes about in modern English literature. The story begins with a brief period in the 1920s, when the poet Robert Graves was writing letters of a bracing rascality to *The (London) Times Literary Supplement* and signing them with the nom de plume of "R. Supward." This is not only an evocative name, you see—it also describes a condition of one's posture. We next move ahead to the late 1950s, when a waggish undergraduate student at Oxford University was reading Tennyson's "Ballad of Oriana." This is a poem (available on the internet) containing eleven stanzas of five lines each, with lines in each stanza which include a call to the heroine's name: "Oriana!" We get lines like these:

"There is no rest for me below, Oriana,"
(line 2) and
"We heard the steeds to battle going,
Oriana;" (9) and
"I to thee my troth did plight, Oriana,"
(15) and
"When forth there stept a foeman tall,"
Oriana, (19) and
"They should have stabb'd me where I lay,
Oriana," (31) and
"They should have trod me into clay,
Oriana." (35)

Here is what the student discovered: as you read the poem aloud, in every instance simply substitute the phrase "R. Supward" for every occurrence of the name "Oriana." By the time you arrive at the words "And then the tears run down my cheek, Oriana" (39) you will find yourself laughing more healthily than you have in months. In fact you may slump in helpless laughter to the same extent that, as accounts allege, the editors of *The New York Times* did years ago when their invited guest Mickey Rooney stopped a somber meeting by jumping up to do a long tap dance on the editors' table.

And just what does this have to do with "Benefits"? The direct answer: readers of tis newsletter are members of the academic community, and as such they can expect pieces of whimsey like this to come their way (and to few other folks) as a result of that simple fact! Respecting the matter in hand: it may be youthful and perhaps sophomoric, but oh, to be nineteen again.

Thanks for this story go to David Wykes, my old graduate school roomie and late Professor of English at Dartmouth College.

I will be stepping away from retirement organization activities for some time, and the new Chair of the Pre- and Post-Retirement Concerns Committee will be Jonathan Karpf, an anthropologist from San Jose State University. Welcome to him!

If you are reading *The Reporter* online and would like to drop your paper subscription (i.e., read *The Reporter* online only) please drop the office a note - we maintain a mailing list of those who read *The Reporter* online and will add you to it. (The online notification is sent out as soon as we go to press, so you receive earlier accesss to the current issue.)

CSU-ERFSA New Members

Bakersfield – John B. Stark

Channel Islands – Richard S. Ambrose
Dave Chakraborty
Constance M. Christensen
Linda Demyan
Arlene Miro
Christopher W. Wheeler

Chico – Norman R. Galassi

East Bay – Maria Nieto

Fresno – Susan D. Geringer
Rose Marie Kuhn

Los Angeles – Colleen Friend

Northridge – Lucy Parakhovnik

Sacramento – Jessie R. Gaston

San Bernardino – Frances Coles

San Diego – Marian Aste
Jeffrey Davis

San Jose – Ellyn Herb
John McClusky

Summer Book Recommendations

By Sherry Keith, Professor Emerita, SFSU

The Bohemians by Jasmin Darznik (Ballantine Books, 2021) reviewed by Sherry Keith, professor emerita, San Francisco State University.

The Bohemians is a fascinating work of historical fiction about Dorothea Lange, photographer extraordinaire. This novel, based on the author's careful historical research, chronicles Lange's little-known early career when she arrived in San Francisco in 1918. With neither fame, fortune, nor friends to help her, Dorrie stumbles persistently forward with fierce determination to establish herself as a photographer. Darznik anchors the novel in San Francisco bohemia of the 1920s, exposing the pervasive hostility towards Chinese/Chinese Americans blanketing the city.

As important as Dorothea to this story is Caroline Lee, the beautiful mixed race Chinese American woman who befriends her. Caroline introduces Dorrie to the SF bohemian set who frequently mix with the uber wealthy at soirées on Nob Hill. At these gatherings, Dorrie meets artist Maynard Dixon, one of her future husbands, as well as many of San Francisco's elite, who eventually become patrons of her portrait studio at 540 Sutter Street. Caroline, whose real name was Ah-yee, although frequently referred to as only "Chinese girl" in the historical record, became Lange's first assistant in her portrait studio.

Darznik is a skilled writer who immediately engages us with her characters and the place where their lives intersect in 1920s San Francisco. She reveals the importance of both serendipity and determination in Dorothea Lange's success as one of the most important documentary photographers of twentieth century America. She also brings to life a forgotten figure in Lange's story, Caroline Lee, who without doubt expanded Lange's awareness and empathy for the oppressed and forgotten. At the same time, she makes us aware that Dorrie's fame as the Great Depression's photographic historian was built on a much broader artistic career.

The Bohemians has an especially interesting interview with Darznik along with notes about the significant personalities comprising the bohemian set of that era and place.

Dorothea Lange's personal archive of more than 40,000 original negatives and 6,000 vintage prints is housed at the Oakland Museum of California. The collection includes field notes, personal correspondence, proof sheets, audio tapes, and other material that tell the story of Lange's documentary process. When you are in the San Francisco Bay Area, you can see the most complete collection of Lange's work anywhere. Don't miss the opportunity.

Immeasurable Outcomes: Teaching Shakespeare in the Age of the Algorithm by Dr. Gayle Greene (John Hopkins University Press, 2023). Reviewed by E. Kay Trimberger, professor emerita, Sonoma State University.

The title and subtitle of this book did not prepare me for the wonders I found inside: This is not your standard text from a university press. Rather, it is written in beautiful, personal prose where Greene provides a detailed story of her gifts as an English teacher at a small liberal arts women's college, Scripps, part of the Claremont Colleges in southern California.

Greene provides a detailed description of her classroom, with verbal portraits of individual students who she entices into reading and writing about difficult Shakespeare plays and educating each other. We hear from students after they graduate and Greene also contrasts this teaching with the kind of education she received at large universities in the 1960s and 1970s

Most important for the readership of this newsletter, Greene provides examples of how such teaching techniques can work in small classrooms in all kinds of universities, colleges and community colleges –and not just in expensive elite colleges like her own. I came to Sonoma State University in 1975 and took early retirement in 2000. One of the things I loved about teaching there was that I never had a class of over 40 students, and most were smaller yet. I sometimes gave short mini-lectures, but mainly I found ways to facilitate discussion, even on controversial topics when I taught Women's and Gender Studies from 1981 on. I wish I had had a book like this as a beginning teacher. If this is no longer the norm, I hope such small classes are still possible at many CSU campuses.

Greene places her own personal experience as a student and teacher within the larger environment by integrating research (mainly by others) on what is happening currently in education and historically how we got here. She analyzes why students today are struggling to get an education in a much harsher external environment. While most books of U.S. education focus on either K-12 or higher education, *Immeasurable Outcomes* looks at how changes in K-12 (especially the emphasis on testing) have negatively affected the students we teach in the CSU.

I loved this unusual book and learned a lot. I think you will too.

The Family Roe: An American Story Joshua Prager (Norton, 2023). Reviewed by E. Kay Trimberger.

Journalist Joshua Prager wrote this timely and important book (a finalist for the 2022 Pulitzer Prize) tracing the lead up and fifty year aftermath to the 1973 Supreme Court decision making abortion legal. For over a decade Prager spent hundreds of hours with Jane Roe, white, working class Norma McCorvey (1947-2017), her three daughters (all put up for adoption) and others members of her extended family, including her long-time partner, Connie Gonzales. For a man to have won these women's trust is a great achievement. Prager discovered a cache of Norma's private papers which permitted him to better follow Norma's story as over the years she goes from pro-choice to pro-life and then feels disillusioned and used by both sides. Joshua himself becomes part of the story as he helped reconnect the daughters to each other and attended their reunions and Norma's funeral.

But this is not just a family story. Prager focuses on the lives of three other participants in the struggles--Linda Coffey, who filled the original Texas lawsuit and now lives in obscurity, Curtis Boyd, a former

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California Disability Rights Groups Sue to Overturn Assisted Suicide Law

By Don Thompson, Kaiser Health News, April 2023

Disability rights advocates sued Tuesday to overturn California's physician-assisted death law, arguing that recent changes make it too easy for people with terminal diseases whose deaths aren't imminent to kill themselves with drugs prescribed by a doctor.

California's original law allowing terminally ill adults to obtain prescriptions for life-ending drugs was passed in 2016. Advocates say the revised version that took effect last year removes crucial safeguards and violates the U.S. Constitution and the Americans with Disabilities Act.

Plaintiffs in the federal lawsuit, which was filed in Los Angeles County, argue that life-ending drugs are more likely to be used by people with disabilities and racial and ethnic minorities because those groups are less likely to receive proper medical and mental health care. The advocates fear that vulnerable people could be pressured into taking their lives by family members or caretakers or feel pressure themselves because they don't want to be a burden.

The lawsuit contends that California's approach, known as the End of Life Option Act, harks back to the discredited practice of eugenics, which once sought to keep people with disabilities and other minority groups from reproducing.

The system "steers people with terminal disabilities away from necessary mental health care, medical care, and disability supports, and towards death by suicide under the guise of 'mercy' and 'dignity' in dying," the suit argues. The terminal disease required for assistance is, by definition, a disability under the Americans with Disabilities Act, it says.

Proponents of the law rejected those claims. "We will do everything possible to ensure the law remains in effect," said Kevin Díaz, chief legal advocacy officer for Compassion & Choices, a group that backed the California laws, in a statement. Diaz said there was broad public support for "medical aid in dying for terminally ill adults, who are destined to die, and just want the option to die peacefully, rather than with needless suffering."

Sean Crowley, a spokesperson for the group, pointed to a 2007 study of the practice in Oregon and the Netherlands that found "no evidence of heightened risk" for vulnerable groups.

Michael Bien, an attorney for the plaintiffs, said the law violates constitutional equal protection and due process safeguards designed to protect people from discrimination and exclusion. Bien is one of the attorneys who sued on behalf of the United Spinal Association, which has at least 60,000 members with spinal cord injuries or who use wheelchairs, including 5,000 in California; Not Dead Yet, which opposes physician-assisted death; the Institute for Patients' Rights, which advocates for those at the end of life facing health care disparities; and Communities

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From the President

(Continued from page 2)

introduced to the game of Wordle by a couple of friends. Wordle is a game played on a computer where you have to identify a five letter word by trying different candidate words. I use *The New York Times* website to play (https://tinyurl.com/32kzc94k). Each time you try a word, if a letter in the word tried is in the correct position, the letter is highlighted in green. If the letter is in the candidate word, but in a different position, the letter is highlighted in yellow. If the letter is absent, it is not highlighted.

You have six tries to identify the word, and Wordle is a good test of logic. Where it gets particularly tricky is when a letter is used twice in a word, as the computer will only identify the correctness of one of the letters (unless both letters are in your submitted word). At *The Times* website, what some might consider foreign words (but which are commonly used in English) are allowed. For example, adieu is a good word to start out with in that it has three vowels.

My best wishes to you and your family for a happy and healthy summer.

Barry (bpasternack@fullerton.edu)

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Legislative Report

(Continued from page 3)

consequences for human society and life on the planet, public pension funds should not engage with them as if they were good corporate citizens; they should instead divest.

The California Faculty Association is one of SB 252's main sponsors, along with the nonprofit Fossil Free California. For more information on the bill, see https://tinyurl.com/yejekeky.

Summer Book Recommendations

(Continued from page 7)

fundamentalist Christian, today a leading provider of third-trimester abortions, and Mildred Jefferson, the first black female Harvard Medical School graduate, who became a pro-life leader. Prager embeds these personal stories in the organizational history of both sides based on his careful reading of the feminist and pro-life literature and their academic interpreters. Although he makes clear that he is pro-choice, he presents the other side in an unbiased way. While *The Family Roe* reads like a detective story, the many pages of footnotes, bibliography and index will impress the academic. Even if you think you know this history, you will learn a lot.

CFA Report: Curbing Executive Retreat Rights, and More

By Jay Swartz, Cal Poly Pomona, CSU-ERFSA Liaison to CFA

With the final virus-related restrictions lifted during 2022, California Faculty Association (CFA) members have been crisscrossing the state over the past year seemingly in a mad dash to make up for lost time, both in San Francisco for its spring assembly and then just days later in Sacramento for one of the most robust lobby days ever.

"By our final count we had face to face meetings with approximately three quarters of the Legislature," Kelly Burns, CFA political director noted. "The energy and passion was electric."

Notable among the many bills CFA members have been advocating are those that aim to curb executive retreat rights and CALPERS investments, along with an urgent call for expanded parental rights benefits.

Retreat rights in particular have landed on the union's radar in the wake of the way in which the disgraced former chancellor Castro surprisingly popped up on the San Luis Obispo campus as a tenured full professor without the prior knowledge of faculty, staff, or students. Senate Bill 808 calls for a review process before executives can just pick a campus at their leisure.

CALPERS investments continue to strike the ire of CFA as well as union lobbyists. In late April CFA added their unqualified advocacy of SB 252 to require our retirement fund organization to divest from its investments into fossil fuel related companies.

Parental rights also has the attention of union activists. While pay historically has been a point of contention, recent attention has turned to parental leave benefits for both mothers and fathers, leading to full-throated support of Assembly Bill 1123 that mandates a full semester of leave to care for newborn family members.

Lobby Days expanded to three days and included what appeared to be a record number of students this spring, notably those from the Students for Quality Education (SQE) organization.

Prior to the full court press in the state capital, CFA leadership met for its semi-annual enclave, its 96th General Assembly, in San Francisco, where the talk centered around customary social justice issues and discussions about reopening the union contract with the CSU administration.

With May upon us, CFA plans to reopen its contact discussions in three areas: Article 20, workload; Article 31, salary; and Article 37, health and safety issues, fueled by an internal survey of 7,300 members reinforcing the voices of CFA leadership.

The month also brings forth the Governor's May revise to the CSU budget, and predictably, CFA intends to continue to press for supplemental funding given how our system always faces a shortfall.

"We're ready to work together in solidarity," newly re-elected CFA president Charles Toombs of San Diego State stated. "We're stronger together. And we're ready!"

State Council Meeting Focuses on CalPERS' Failure to Provide Affordable Long-Term Care Insurance

(Continued from page 1)

approval in July. However, the settlement amount has dropped substantially. The choices before policy holders appear to be a refund of 80% of all premiums paid with surrender of the policy or a $1000 payment with a moratorium on premium increases through October 31, 2024.

If more than 1% of policy holders exclude themselves from the lawsuit, CalPERS can walk away from the deal. The issue is complex and the decision for policy holders may be difficult, so Grossman insists that there should be an immediate moratorium on rate increases pending a public audit and assessment of the program to determine a reasonable solution to the crisis.

Pursuant to Grossman's presentation, the executive committee plans to take up discussion of this situation at its next meeting.

In other State Council business, a new slate of officers, members of committees, liaisons, and delegates was approved. Officers: Barry Pasternack, President (Fullerton), Sue Holl, Vice President (Sacramento), Bethany Shifflett, Secretary (San Jose), David Speak, Treasurer (Pomona).

New committee members approved were: Carlos Davidson, Legislative Committee (San Francisco); Rick Ford, Legislative Committee (Chico); BJ Moore, Membership Committee (Bakersfield); Jonathan Karpf, Pre and Post Retirement Committee (San Jose); Rochelle Kellner, Pre- and Post-Retirement Committee (Pomona). Liaisons approved were Gerald Schutte (Northridge) as Emeriti Senator and Jay Swartz (Pomona) as liaison to CFA.

The nominating committee proposed the following for 3-year terms as delegate-at-large for the State Council: George Diehr (San Marcos), Harold Goldwhite (Los Angeles), and Jodi Servatius (East Bay). Approved for a 1-year term was David Quadro (Fresno).

Pocket Calendar

The pocket calendar is currently being sent ONLY to those who have opted in - please notify the office at the email, phone, or address on page 2 if you would like to continue receivng the calendar.

However, if you have opted in already, you do not need to opt in again. You will remain on the list to receive the calendar.

ASCSU Report: Budget Problems, Legislative Intrusion into Curriculum

(Continued from page 1)

highest enrollment campuses to boost an overall increase. It remains to be seen whether the legislature will meet or increase the budget beyond 5%, but at this point that does not appear to be happening.

The second major theme of the meetings was legislative intrusion into the curriculum, in several variations. There have been problems, starting with AB 1460 (a required ethnic studies course in GE) three years ago and continuing last year with AB 927 (the community colleges are allowed to offer bachelor's degrees) and AB 928 (a single transfer pathway of the associate degree for transfer (ADT) from the CCC to the CSU and UC).

While the implementation of CCC ethnic studies course approvals continues to cause strife, the CCC requirement to not duplicate CSU degrees has become problematic, so much so that the Chairs of the Assembly Higher Education and the Senate Education Committees (Fong and Newman, respectively) penned a letter to the Chancellor of the CCC requesting a pause on new degree submissions. The CO of the CCC acknowledged the letter but politely rejected the request.

Meanwhile, the ADT single transfer protocol Cal IGETC, derived from negotiations among the educational segments over the past year, have generated dissensus between CSU faculty and administration as to whether the GE requirements, for lower division students at the CSU campuses, remain distinct from Cal IGETC.

Today, legislators are pushing several bills that would further require new curricula. As such, the plenary voted on legislative advocacy with positions supporting or opposing various bills put forth by the California State Legislature. Specifically, for example, we want more information on AB 640 (union agreements on food service at the CSU) and AB 808 (rules for CSU Title IX Settlement agreement), while supporting AB 656 (the CSU doctoral program) and AB 1123 (employee parental paid leave) and opposing such bills as AB 252 (the Athlete Protection Act) and the AB 1390 (the service-learning graduation requirement). Advocacy continues with several bills being amended because of ASCSU efforts.

Several other issues of varying degrees of importance were discussed. Among them were the seven campus president searches ongoing, as well as searches for the next chancellor and executive vice chancellor. This is occurring while the Cozen-O'Conner report on title IX recommendations is due this month at the Board of Trustees meeting.

As well, the ASCSU plenary also heard from candidates and voted for the two names that would be sent to the Governor for selection of the next faculty trustee. The final selections were Profs. Romey Sabalius from San Jose State, the incumbent, and Darlene Yee-Melichar from San Francisco State.

Finally, the much-anticipated Faculty Salary Survey draft report was circulated, finding CSU faculty are paid on par with the rest of the country. Many concerns were voiced as to the methodology, the comparison institutions, and the lack of California cost-of-living adjustments. The report is set to be heard at the May Board of Trustees meetings.

During the second half of the plenary, several resolutions were passed on second reading, among which were:

—AS-3587 (recommending a fourth year of mathematics/quantitative reasoning);

—AS-3591 (Call for State Gas/Oil Excess Profit Fee Funding in Support of Public Higher Education);

—AS 3592 (Compensation for AB 928 implementation);

—AS 3596 (Equitable capping of Executive Administrative Raises in the CSU);

—AS 3599 (CSU authority over changes to College Preparatory A-G standards and Guidelines);

—AS 3601 (support in maintaining Veterans' centers on all CSU campuses);

—AS 3603 (On AB 506 and Control of the CSU Curriculum);

—AS 3605 (2023 Legislative Advocacy positions); and

—AS 3618 (condemnation of the CCC decision to proceed with a duplicative Baccalaureate Degree).

All resolutions can be accessed through the following link: https://tinyurl.com/yfenexts.

In Memoriam

Bakersfield – Ronald H. Dolkart

Dominguez Hills – Kenneth Kuykendall

East Bay – Harry H. Carter

Fresno – Rolland "Woody" Hurst
Robert E. Kittredge

Humboldt – Edmund T. Wright

Long Beach – Earl S. Beecher
Harold L. Cannon

Los Angeles – William J. Hart

Northridge – Michael Reagan
Alexander V. Muller

Pomona – Peggy J. Snyder

Sacramento – James A. Jolly

San Bernardino – Richard W. Griffiths

San Diego – Vincent J. Landis
Charles J. Stewart
Linda L. Terry

San Francisco – Diane Resek
James W. Syfers

San Jose – Martin Billik
Marvin E. Lee

Sonoma – Skinner E. Anderson
Victor A. Garlin

Welcome

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Should Older Seniors Risk Major Surgery?

By Judith Graham, Kaiser Health News

New Research Offers Guidance

Nearly 1 in 7 older adults die within a year of undergoing major surgery, according to an important new study that sheds much-needed light on the risks seniors face when having invasive procedures. Especially vulnerable are older patients with probable dementia (33% die within a year) and frailty (28%), as well as those having emergency surgeries (22%). Advanced age also amplifies risk: Patients who were 90 or older were six times as likely to die than those ages 65 to 69. The study in *JAMA Surgery*, published by researchers at Yale School of Medicine, addresses a notable gap in research: Though patients 65 and older undergo nearly 40% of all surgeries in the U.S., detailed national data about the outcomes of these procedures has been largely missing.

"As a field, we've been really remiss in not understanding long-term surgical outcomes for older adults," said Dr. Zara Cooper, a professor of surgery at Harvard Medical School and the director of the Center for Geriatric Surgery at Brigham and Women's Hospital in Boston. Of particular importance is information about how many seniors die, develop disabilities, can no longer live independently, or have a significantly worsened quality of life after major surgery.

"What older patients want to know is, 'What's my life going to look like?'" Cooper said. "But we haven't been able to answer with data of this quality before." In the new study, Dr. Thomas Gill and Yale colleagues examined claims data from traditional Medicare and survey data from the National Health and Aging Trends study spanning 2011 to 2017. (Data from private Medicare Advantage plans was not available at that time but will be included in future studies.)

Invasive procedures that take place in operating rooms with patients under general anesthesia were counted as major surgeries. Examples include procedures to replace broken hips, improve blood flow in the heart, excise cancer from the colon, remove gallbladders, fix leaky heart valves, and repair hernias, among many more.

Older adults tend to experience more problems after surgery if they have chronic conditions such as heart or kidney disease; if they are already weak or have difficulty moving around; if their ability to care for themselves is compromised; and if they have cognitive problems, noted Gill, a professor of medicine, epidemiology, and investigative medicine at Yale. Two years ago, Gill's team conducted research that showed 1 in 3 older adults had not returned to their baseline level of functioning six months after major surgery. Most likely to recover were seniors who had elective surgeries for which they could prepare in advance.

In another study, published last year in the *Annals of Surgery*, his team found that about 1 million major surgeries occur in individuals 65 and older each year, including a significant number near the end of life. Remarkably, data documenting the extent of surgery in the older population has been lacking until now.

"This opens up all kinds of questions: Were these surgeries done for a good reason? How is appropriate surgery defined? Were the decisions to perform surgery made after eliciting the patient's priorities and determining whether surgery would achieve them?" said Dr. Clifford Ko, a professor of surgery at UCLA School of Medicine and director of the Division of Research and Optimal Patient Care at the American College of Surgeons.

As an example of this kind of decision-making, Ko described a patient who, at 93, learned he had early-stage colon cancer on top of preexisting liver, heart, and lung disease. After an in-depth discussion and being told that the risk of poor results was high, the patient decided against invasive treatment. "He decided he would rather take the risk of a slow-growing cancer than deal with a major operation and the risk of complications," Ko said.

California Disability Rights Groups Sue

(Continued from page 8)

Actively Living Independent & Free, an independent living center in Los Angeles County.

Bien pointed to statistics showing inequities in infant and maternal mortality, and covid-19 deaths. "This is how our system works, and end-of-life care has the exact same problems," Bien said.

People who choose to use drugs supplied by a doctor to kill themselves may not realize they could instead receive help managing their pain, potentially including sedation that can render them unconscious, said Ingrid Tischer, one of two individual plaintiffs in the lawsuit.

"It really does create two classes of people" based on whether they are perceived to be terminally ill, said the 57-year-old Berkeley resident. "One side gets [suicide] prevention, one side gets a [life-ending] prescription. And that is discriminatory." Tischer was born with a type of muscular dystrophy, a progressive disease that now makes it difficult for her to breathe and requires her to use a walker or a wheelchair.

California is one of 10 states, along with Washington, D.C., that have so-called aid-in-dying laws. The others are Colorado, Hawaii, Maine, Montana, New Jersey, New Mexico, Oregon, Vermont, and Washington. Bien said his clients were looking for a way to challenge the laws and settled on California's 2022 statute because it removed safeguards in the original law.

The revisions reduced the minimum waiting period required between the time patients must make two oral requests for medication from 15 days to 48 hours. The suit notes that, by contrast, California has a 10-day cooling-off period between buying a gun and taking possession of it. The law also eliminated requiring patients to make a written attestation within 48 hours before taking life-ending medication.

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Personal / Professional

Harold Goldwhite (Los Angeles), CSU-ERFSA's former executive director, published "Great Chemistry Books: A Personal View," Kindle Direct Publishing, paperback edition available from Amazon. This is Book 2 of the Series Chemical History Sketches. Book 1, "A Chemical Chrestomathy: Chemists" is also available.

Professor Goldwhite (Los Angeles), now in his 90s, continues to teach Chemistry 4830, History of Chemistry, in Fall Semester at Cal. State, Los Angeles. Goldwhite continues to participate in Cal. State L.A.'s LifeLong Learning institute. In January 2023 he gave a talk at Monte Cedro retirement community in Altadena on "Space Fiction and Space Fact."

Merry M. Pawlowski, CSU-ERFSA's executive director, authored *Joseph Conrad and Material Culture: From the Rise of the Commodity Transcendent to the Scramble for Africa.* Vol. XXXI, *Conrad: Eastern and Western Perspectives*, ed. Wieslaw Krajka. Maria Curie-Sklodowska University Press / Columbia University Press, 2022.

CSU-ERFSA
Calendar of Events

June 6, 2023 — If you are covered by the CalPERS proposed long-term care program settlment, June 6th is the deadline to complete a claim form or exclude yourself from the lawsuit — see your program information received in April. or the settlement website at https://www.calpersltcclassaction.com/

CU-ERFSA Executive Committee - Summer meeting, via Zoom, date to be determined, most likely in August.

Robert Cherny's (San Francisco) book, *Harry Bridges: Labor Radical, Labor Legend* (University of Illinois, 2023) continues to attract attention. *The New York Review of Books* reviewed the book: E. Tammy Kim, "The Safe Harbor" (April 20, 2023), and Cherny appeared in an online book talk and discussion sponsored by the University of Washington's Harry Bridges Center for Labor Studies with Kim and International Longshore and Warehouse Union activist Zack Pattin on April 12, 2023. The offer in a previous issue of *The Reporter* for a 30% discount when ordering from the publisher's website is good until June 30, 2024. Use the promo code F22UIP.

Does College Pay?

The Public Policy Institute of California asks "Is College Worth It?" in a series of graphs and charts that are well worth the small amount of effort it takes to check them out. Does college yield a better job, higher earnings, and a "brighter future down the road?" Their answer for the most part is "Yes," with a worker with a bachelor's degree earning 62% more than one with a high school diploma. That difference has grown from 39% in 1990.

Check out the publication at: https://tinyurl.com/yz5935fn.