RPEA Newsletter
March / April • 2014
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George Linn, Editor

Health Care & THE DOLLAR IMPACT

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RPEA ~ Serving Nearly 30,000 Retirees

I could have been an email
paperless@rpea.com
President’s Report

A Message From President Harvey Robinson

A LULL IN THE STORM
The rumblings you hear offstage involve the thrashings of San Jose Mayor Chuck Reed’s initiative title and summary being scrutinized in court. The word of the day is “elimination,” as in elimination of defined pension benefits for future service earned by current and future California public employees. The word “elimination” does not poll well among California voters. Due to court proceedings, and the need to gather over 800,000 signatures by a June date, it is unlikely that it will make the November ballot. This does not mean Mayor Reed will not proceed with a 2016 November ballot initiative. In San Jose and San Diego, both charter cities and as such not part of CalPERS, voters approved by a 70% margin, to move public employees from a defined benefit plan to a defined contribution plan. It is difficult to overcome voter envy of those who have no guaranteed monthly income outside of possibly social security. It also reflects the public’s increasing concern over local budget issues, i.e., the ability to provide basic services when faced with the public employee payroll and unfunded pension liability costs, particularly of police and fire. The preceding also manifests itself with the vicissitudes of the economy. Hopefully, as the economy improves, the call to place public employees in the uncertainty of a 401(K)-like plan will be mitigated.

In Memoriam

Joe Dear
CalPERS CIO (1951 -2014)

It is not often that RPEA pays tribute to a non-member. In this case we should. Joe Dear would be described by today’s youth as “awesome.” As CalPERS Chief Investment Officer (CIO), Joe oversaw the CalPERS investment fund, which had declined due to the “Great Recession” from $260 billion to $160 billion, and helped to bring it up to its current value of some $283 billion. In addition, Joe helped restore respect and credibility to CalPERS where scandals involving a previous Board member and CEO had dragged it down into the mud. Joe was also a very personable and caring individual. He will be missed.
The Tale of the Hydra

By George Linn, Editor & Director of Public Relations

Greek mythology tells us about an ancient serpent-like water monster with reptilian traits that possessed many heads. Each time a head was cut off, two or more heads would take the place of the severed head, proclaiming the serpent's resilience and growing strength in the face of resistance. This creature was called the Hydra.

This is much like the situation for pensions and health benefits today. The serpent attacking our pensions and health benefits is much like the Hydra of Greek mythology. Let's look at the attacks.

**Bankruptcy**
Several California cities have already declared bankruptcy. Vallejo went thru the process and has continued to struggle following their emergence from bankruptcy. Pension and health benefits have not seen changes in Vallejo. Then there is Stockton. Stockton took away their contribution to retiree health benefits. Currently CalPERS and San Bernardino are looking at legal remedies that have not yet affected pensions and health benefits for retirees.

The question is, who is next? Desert Hot Springs? How will their situation affect pensions and benefits? And then, are there others?

**Court Action**
Orange County retirees are seeking to retain the contribution to their health benefits. Who is next to have a court battle?

**Initiative Process**
The initiative proposed by San Jose Mayor Chuck Reed appears to be at a roadblock. Is it dead? Maybe for the ballot in 2014, but what about the ballot in 2016? Will this initiative reappear with similar or different language? Who will write a new and different one to place before the voters?

To be effective in our battle against Hydra-like situations, we need all the support we can find. Increased membership in RPEA is an important weapon in this battle. Think about those that you knew while you were working. Are they RPEA members? If not, why not invite them to attend a chapter meeting with you and encourage them to become members? Remember, your colleagues and work friends do not have to be retired to join RPEA.

So, we have severed a few heads of the Hydra, but many more are poised to strike. Let's return the Hydra to a monster of mythology instead of a reality of today.
IRS Offers Health Care Tax Tips for Provisions under the Affordable Care Act

The Internal Revenue Service (IRS) has published Health Care Tax Tips to help individuals, who are enrolled in health plans under the Affordable Care Act (ACA). The provisions of the ACA do not apply to members enrolled in Original Medicare, Medicare Advantage, a Medicare supplemental health plan, and/or a Part D prescription drug plan.

Although many of the tax provisions of the ACA included in the law went into effect on January 1, 2014, most provisions do not affect 2013 tax returns. The Health Care Tax Tips, available at IRS.gov/aca, include:

• IRS Reminds Individuals of Health Care Choices for 2014
  Find out what you need to know about how health care choices you make for 2014 may affect your taxes.

• The Health Insurance Marketplace
  Learn about Your Health Insurance Coverage Options – Find out about getting health care coverage through the Health Insurance Marketplace.

• The Premium Tax Credit
  Learn the basics of the Premium Tax Credit, including who might be eligible and how to get the credit.

• The Individual Shared Responsibility Payment
  An Overview, Provides information about types of qualifying coverage, exemptions from having coverage, and making a payment if you do not have qualifying coverage or an exemption.

• Three Timely Tips about Taxes and the Health Care Law
  Provides tips that help with filing the 2013 tax return, including information about employment status, tax favored health plans and itemized deductions.

• Four Tax Facts about the Health Care Law for Individuals
  Offers basic tips to help people determine if the Affordable Care Act affects them and their families, and where to find more information.

• Changes in Circumstances can Affect your Premium Tax Credit
  Learn the importance of reporting any changes in circumstances that involve family size or income when advance payments of the Premium Tax Credit are involved.


Proposed Cut in Medicare Advantage Spending

At the end of February, the Centers for Medicare and Medicaid Services (CMS) proposed reducing spending on the Medicare Advantage program. The Medicare Advantage program offers managed care plans through private companies. The CMS 2015 Rate Announcement and Call Letter proposed a spending reduction of 1.9% in Medicare Advantage for the fiscal year that begins October 1. Overall spending increased 3.3% in the current fiscal year, but payments to insurers declined by about 6%. As of 2013, 14.4 million people were in Medicare Advantage plans, which is approximately 28% of all Medicare beneficiaries.

For several years, the federal government has paid Medicare Advantage plans more per beneficiary than what Medicare paid for beneficiaries enrolled in traditional fee-for-service plans. The objective of the health law is to equalize spending over time resulting in the government paying the same amount whether a beneficiary enrolls in a Medicare Advantage plan or traditional Medicare plan.

“The new proposed Medicare Advantage cuts would cause seniors in the program to lose benefits and choices on which they depend,” stated America’s Health Insurance Plans (AHIP) President and CEO Karen Ignani.

Final Medicare Advantage payment rates for 2015 are scheduled to be announced in April.

CalPERS Pilot Project Partnering Anthem Blue Cross with Castlight Health

In mid-2014, the CalPERS health provider, Anthem Blue Cross, is partnering with Castlight Health to introduce a two-year pilot project to integrate an on-line consumer-oriented shopping tool for CalPERS members and dependents covered by its Preferred Provider Organization (PPO) Basic plans: PERS Care, PERS Choice, and PERS Select. The pilot program will not include Supplemental-to-Medicare health plans.

The goal of this CalPERS pilot program is to help PPO basic plan members make informed choices when selecting medical and pharmaceutical services. By making health care quality and cost information more transparent, members and their dependents will be empowered to make informed health care choices. CalPERS expects cost savings as members become more aware of the cost of services.

Ann Boynton, Deputy Executive Officer of CalPERS Benefit Programs Policy and Planning Branch, stated, “CalPERS is committed to helping its active and retired members receive high-quality care at an affordable price. We believe the ability to research costs, quality, satisfaction and convenience will be invaluable to our members – a ‘gold standard’ of
Some CalPERS contracting agencies may require Members in many counties re-aligned to proposed regions. Being more competitive, CalPERS health benefits could region premiums will more accurately reflect actual costs, and carriers will be better able to compete in regional markets. • Being more competitive, CalPERS health benefits could be more attractive to potential contracting agencies, possibly leading to increased enrollment and an improved risk pool. • Members in many counties re-aligned to proposed regions with lower relative costs could see lower percentage premium increases than if no changes to regions are made. CalPERS Proposes Regional Changes in 2015 for Contracting Agencies & Schools At the February 2014 CalPERS Pension & Health Benefits Committee meeting, the CalPERS staff proposed re-aligning the health plan regions and their county compositions for 2015. The re-alignment is intended to more closely reflect current geographic variation in healthcare costs including adjustments for risk (health status) for contracting agencies and schools. Without risk adjusting county level plan costs, high cost claimants requiring higher levels of services would skew aggregated county level costs, especially in the counties with smaller populations. CalPERS made the last alignment in 2005. Some of the benefits include: • Region premiums will more accurately reflect actual costs, and carriers will be better able to compete in regional markets. • Being more competitive, CalPERS health benefits could be more attractive to potential contracting agencies, possibly leading to increased enrollment and an improved risk pool. • Members in many counties re-aligned to proposed regions with lower relative costs could see lower percentage premium increases than if no changes to regions were made. Some of the risks include: • Members in a few counties being re-aligned into new regions with higher relative costs, could see higher percentage premium increases than if no changes to regions were made. • Some CalPERS contracting agencies may require modifications to existing labor contracts due to the proposed changes in regions. The proposed new regions are: Northern, Central Coast, Southern, and Southern Coast. A fifth Out-of-State “region” allows pricing of non-California premiums. Under the 2015 proposal, 33 of the 58 counties could see noticeably to moderately lower health premiums; 9 counties could see minimal changes; and, 16 counties could see moderately to noticeably higher health premiums. From the perspective of Total Covered Lives (TCL), the impact of the 2015 proposal is significantly different. Approximately 20% of TCLs could see lower health premiums; over 42% TCLs could see minimal changes; and, over 37% TCLs in 16 counties could see moderately to noticeably higher health premiums. With concerns voiced by stakeholders including agencies, which need to modify existing labor contracts, the proposal was postponed for further analysis to determine the impact on 2015 health premiums. In accordance with the Government Code, the CalPERS staff cannot provide more detailed information until the 2015 health premiums are announced at the June 2014 CalPERS Board and Committee meetings. This could be problematic for many agencies since CalPERS typically announces the proposed health premiums for the next calendar year on the same day of the June meeting when the Pension and Health Benefits Committee votes on a recommendation for adoption by the Full Board on the following day.

Ninth Circuit Court Rules Against Retirees in Orange County Case Orange County retirees sued Orange County over its decision regarding vesting of retiree health benefits by discontinuing “pooling” the costs of retiree health benefits with those of active employees, which the County had done for many years. The practice of pooling the two groups had historically resulted in lower health insurance premium rates for retirees. In February, the Ninth Circuit decided the case of Retired Employees Association of Orange County v. County of Orange in favor of Orange County. The County retirees adequately alleged that they had a contractual guarantee of health benefits for life, but the evidence regarding the vesting of the pooling arrangement did not support their claim. The court decided the County retirees had not proven that they had an implied vested right to pooling. This was the fourth court decision addressing retiree benefits in Orange County. This decision prevented a trial by upholding the lower district court’s decision, which granted Orange County’s motion for summary judgment.

In 2011 the California Supreme Court recognized that a vested right to retiree health benefits could be created either explicitly or implicitly. The court cautioned that the party asserting the existence of such a right bears the burden of demonstrating a clear legislative intent to create a contractual right so the public employer and the public are not blindsided with unexpected obligations. While a contractual right can be inferred, such inference must be rooted in legislative action which clearly shows that the public employer intends to confer a vested right. Essentially, a practice or policy without clear legislative intent does not create an implied contractual right to retiree health benefits.
CONSUMER AFFAIRS
Credit cards that have a “WiFi emblem” on them are a “no-no.” Thieves now have electronic devices that can read your credit card information right through your wallet or purse. Insist on “no WiFi” cards. Canada currently allows these cards to be issued. Hackers soon recognized their vulnerability.

The big story during the 2013 holiday season was Target being targeted by internet hackers who stole 40 million credit and debit card accounts. There are reports of bank accounts being drained and unauthorized credit card transactions as a result of this gigantic theft. As of December 23, Target has offered credit monitoring, a hotline for advice/help, and a 10% discount on all purchases to compensate for this miscue, but Target stopped short of indemnifying victims who suffer losses. All Target customers are urged to review their credit and debit card statements to identify any unauthorized charges. Any unreimbursed losses from this Target hacking fiasco should be referred to Target for recompense. If Target refuses to indemnify harmed victims, legal action should be considered. California Small Claims court can handle claims under $10,000. Larger losses would require legal counsel.

It’s an old scam, but it has resurfaced because paying by check is not as common now and small businesses and individuals don’t always remember to wait for the check to clear before delivering the goods or service. If possible, go to the bank that check was issued from and cash it. Then deliver what you sold. If you can’t get to the bank the checked is drawn on, then deposit the check in your bank and wait until your bank says it cleared. This can be overnight, but some take several days. Again, don’t deliver anything until that check clears. Cash is king in this type of situation, but you might want to have your bank check to be sure the bills are not counterfeit. Also, never agree to meet a buyer (or seller) in some remote location. Too many rip-offs occur in isolated places where no witnesses are around to observe and possibly intervene.

The FBI has warned computer users of a new virus called Reveton that can be delivered by simply clicking on an infected website. This virus then locks your computer and displays a message that says you have accessed or engaged in illegal internet activity such as internet gambling, child pornography, etc. It goes on to explain that you can pay a $200 fine with a “Money Pak” and get your computer functioning again. Sadly, some people have actually fallen for this and paid the money. If you encounter this virus, contact the FBI and report it. If you cannot get your computer to function again, take it to a computer repair store and get the virus or malware removed.

Beware of free offers or other invitations that require you to call a phone number that starts with Area Code 900. These calls cost you money by the minute, and the message you hear is often very wordy and keeps you in suspense while the phone charges accumulate. Remember, these calls cost you money. Avoid 900 numbers as much as possible, and don’t call back to unknown numbers (often with strange area codes). They are usually trying to get you to call a number that costs you toll charges. They get the tolls.

Free lunch or dinner offers still abound for seniors. They are almost always not free at all. The objective is to sell high-yield annuities that are attractive now due to low CD interest returns. The problem is that seniors can suffer surrender charge penalties if they need that money early for health or other reasons. Those penalties can erase investment returns and actually leave a senior with less principal than when the annuity was purchased. Some annuities have long terms before surrender charges disappear (12 to 20 years). If you have substantial financial resources and a good retirement income from pensions and other sources (e.g. rental property, interest income) along with a robust Long Term Care policy, an annuity could make sense for you. They do protect principal and usually provide guaranteed minimum returns of 4% to 5%.

Ask a fee-based financial planner (one who doesn’t sell investment products) for advice about annuities.

Director of Health Benefits, Joanne Hollender, visited the Headquarters Office on March 26. Apparently both she and Assistant Manager Tanya received the memo that everyone was to wear purple that day.
The deadline for submission of new bills has come and gone. The Legislative Committee and the LAO/IEC Trustees met on March 3 to discuss the bills that may affect RPEA members and their retirement. In this issue you will find the newest Position & Tracking Chart for bills that were recommended for RPEA to Support, Oppose or Watch closely from the 2013 legislative session. There were so many new bills submitted prior to the 2014 deadline that the Legislative Committee did not have time to review them all at our meeting this month. A follow up conference call will be scheduled before the April Board of Directors meeting to finish this up and get the new information on the tracking chart. The next Board meeting will be held in April where the Board will vote on the committee’s recommendations.

Updates appear in RED on the Position & Tracking Chart. The bills that are CHAPTERED, VETOED or DEAD will not appear on any future charts. This is the final information for those bills. We have been running a pilot program within the Legislative Committee with the addition of one committee member. This committee member will also serve as the Legislative Liaison for the California State University-Emeritus Retired Faculty Association (CSU-ERFA). Currently the Liaison is Alan Wade. Alan has attended our committee meetings and received all the information that we send to other committee members. He uses this information at meetings with CSU-ERFA to educate those members on the legislative issues that affect all CalPERS members. Alan is also a member of RPEA. Because of the activity and documentation that has been shared between the two organizations, we are working with CSU-ERFA to gain the appropriate approvals to make a contribution to our PAC’s. So far, this pilot program looks very good, and I hope to make it a more formal partnership in the very near future.

We got “lucky” this year. During the annual lottery pull for Political Action Committee audits, RPEA was chosen to be audited for the 2012 tax year. We received the notice from the Franchise Tax Board on January 24, 2014. The staff at J. Richard Eichman, CPA did their job and took good care of us. The audit was scheduled and finished before we even knew the appointment had been made! We passed with flying colors. There will be a “no exception” letter issued for us. This means the FTB found no exceptions to the laws and rules governing Political Action Committees. The rules and procedures established for RPEA member contributions are solid. We did learn some things about contributions during the discussions with Laura Stephen from Richard Eichman’s office. There are more restrictions to contributing to our PAC’s than we thought. As a result of the information we learned, we are going to attempt to create a short list of allowable activities and restrictions on dollar amounts that can be sent to the PAC’s by chapters and members. If this effort is successful, we can print the guidelines in a future issue of the newsletter so every member to has a copy.

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<th>BILL NUMBER &amp; AUTHOR</th>
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<td>AB-160 (Alejo)</td>
<td>Would except from the California Public Employees’ Pension Reform Act of 2013 (PEPRA), by excepting from the definition of public retirement system, certain multiemployer plans authorized under federal law and retirement plans for public employees whose collective bargaining rights are protected by a specified provision of federal law.</td>
<td>Assembly-Committee on Public Employees, Retirement and Social Security Urgency language was added on 5/28, 2/3 vote. If passed, will be effective immediately. DEAD 1/31/14</td>
<td>W-1</td>
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<td>AB-322 (Yamada)</td>
<td>Would enact the Home Care Services Act of 2013 and would provide for the licensure and regulation of home care organizations, as defined, by the State Department of Social Services. The bill would establish home care organizations as being recognized in the health care industry. The bill would prohibit, after January 1, 2016, an entity from arranging for the provision of home care services by a home care aide without first obtaining a license and would impose a civil penalty on an individual or entity that operates a home care organization without a license. The bill would also impose various licensure requirements on a home care organization. This bill contains other related provisions. (Family members will not be required to be licensed)</td>
<td>Assembly-Hearing 4-2-13 in Human Services Committee Placed in suspense file on 5/28/2013. DEAD 1/31/14</td>
<td>S-2</td>
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<td>AB-761 (Dickinson)</td>
<td>Firearm and Ammunition Divestment</td>
<td>Prohibits CalPERS and CalSTRs from investing public employee retirement funds in companies that manufacture, sell, market, or distribute firearms or ammunition and to sell or transfer any existing investments in companies with these business operations. Further, this bill would require the Systems’ Boards of Administration to report to the legislature any investments in a company with these business operations and the sale or transfer of those investments, subject to their fiduciary duty, by January 1, 2015 and every year thereafter.</td>
<td>Appropriations Suspending File 5/8. Failed deadline on 5/24. 2 year bill</td>
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<td>AB-785 (Weber) D</td>
<td>Public Employees’ Retirement System: Board of Administration: direct mailing assistance</td>
<td>Would authorize an organization that provides employee representation or membership services to annuitants of the Public Employees’ Retirement System to submit a request to the Board of Administration for assistance in performing direct mailing, subject to specified requirements. The bill would require the board, upon receiving a request, to provide a direct mailing to the annuants of the system who are members of the organization or eligible to become members of the organization. By authorizing continuously appropriated funds to be used for a new purpose, this bill would make an appropriation. The bill would also make a statement of legislative findings and declarations. This bill contains other related provisions. (AFSCME still refusing any amendments)</td>
<td>Assembly–Public Employees, Retirement &amp; Social Security Committee</td>
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<td>AB-837 (Wieckowski) D</td>
<td>The California Secure Choice Retirement Trust Probate and Estate Trustees</td>
<td>Current law requires that a guardian or conservator of a person be responsible for the care, custody, control, and education of a ward or conservatee, subject to a court’s determination of the extent of those powers, as specified. This bill would provide that the conservator’s control of the conservatee shall not extend to personal rights retained by the conservatee, including, but not limited to, the right to receive visitors, telephone calls, and personal mail, unless specifically limited by a court order.</td>
<td>This bill was gutted and amended.</td>
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<td>AB-1163 (Levine) D</td>
<td>Public Employees’ Retirement System: Board of Administration: composition – education Gut and Amend</td>
<td>Would require the composition of the Board of Administration of the State Personnel Board would replace that position with the Director of Finance. The bill would add to the board 2 persons appointed by the Governor, who are independent, as defined, and have financial expertise. This provision would not become effective unless ratified by a majority of voters at a statewide election. The bill would require the Secretary of State to submit that provision of the bill to the voters at the next statewide election. Would require the Board of Administration of PERS to adopt an education policy, as specified, for its members, and would require all board members to receive a minimum of 24 hours of board member education within the first 2 years of assuming office and for every subsequent 2-year period in which the person serves on the board. The bill would require the board to maintain a record of a board member’s compliance with the policy and to post the policy and an annual report on board member compliance on the retirement system’s Internet Web site.</td>
<td>Assembly–Public Employees, Retirement &amp; Social Security Committee</td>
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<td>AB-1523 (Atkins) D</td>
<td>Residential care facilities for the elderly: liability insurance.</td>
<td>Would require all residential care facilities for the elderly to maintain either liability insurance in an amount of at least $1,000,000 per occurrence and $3,000,000 in the annual aggregate or a bond in the aggregate amount of $3mil. By creating a new crime, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</td>
<td>Introduced 1/17/2014</td>
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<td>AJR-7 (Bonta) D</td>
<td>Assembly Joint Resolution Social security, Medicare, and Medicaid</td>
<td>This measure would request the President and the United States Congress to exclude social security, Medicare, and Medicaid from being a part of any legislation to reduce the federal deficit. This measure would express the Legislature’s opposition to cuts to social security, Medicare, and Medicaid, and call on California’s representatives to the United States Congress to vote against cuts to social security, Medicare, and Medicaid and to consider improving those systems in ways that would strengthen their protections.</td>
<td>Assembly – Aging and long term care committee</td>
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<td>SB-165 (Watlers) R</td>
<td>Public Employees’ Retirement System: membership: exclusions.</td>
<td>The Public Employees’ Retirement Law (PERL) creates the Public Employees’ Retirement System (PERS), which provides a defined benefit to its members based on age at retirement, service credit, and final compensation. Current law defines “member” for purposes of PERL and excludes certain people from membership in PERS. This bill would make technical, nonsubstantive changes to these provisions.</td>
<td>Senate – Rules</td>
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<td>SB 220 (Beall) D</td>
<td>Retirement: state employees (CalPERS sponsored)</td>
<td>The Public Employees’ Retirement Law provides a comprehensive set of rules and benefits for its members based upon age, service credit, and final compensation. That law requires a member of the Public Employees’ Retirement System to be retired for service upon his or her written application, if he or she has attained 50 years of age and is credited with 5 years of state service, except as specified. This bill would make a technical, nonsubstantive change to that provision.</td>
<td>Senate – Rules 8/30 Third Reading</td>
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<td>SB-481 (Huff) R</td>
<td>The California Public Employees' Pension Reform Act of 2013 (PERS) prohibits a public employer offering a defined benefit pension plan from exceeding specified retirement formulas for new members and prohibits an enhancement of a public employer's retirement formula or benefit.</td>
<td>Senate – Pending Referral Failed Deadline 5/20. 2 year bill 1/24/1014 DEAD</td>
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<td>SB-598 (Hill)</td>
<td>Allows a pharmacist, filling a prescription order for a prescribed biological product to select a Biosimilar only if certain conditions are met. The bill requires that the substitution of a Biosimilar be communicated to the patient and that the full name and manufacturer of the Biosimilar be indicated on the prescription label. It also requires the California Board of Pharmacy to maintain on its public website a link to the current list, if available, of Biosimilar products determined by the FDA to be interchangeable.</td>
<td>In Senate. Concurrence on Assembly amendments. 8/30 – Senate Unfinished Business 10/12/2013 VETOED</td>
<td>S/W</td>
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<td>SB-609 (Wolk) D</td>
<td>Current law requires the Office of the State Long-Term Care Ombudsman to solicit and receive funds, gifts, and contributions to support the operations and the Long-Term Care Ombudsman Program of the office. This bill would require the Office to deposit those funds into the Long-Term Care Ombudsman Program Improvement Fund, and would continuously appropriate those funds for the purpose of supporting the operations and programs of the Office. This bill contains other related provisions and other existing laws.</td>
<td>Assembly Senate Third Reading File 10/3/2013 Chaptered</td>
<td>W-1</td>
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<td>SB-774 (Walters) R</td>
<td>Would require the Board of Administration of the Public Employees' Retirement System to develop a comprehensive plan, pursuant to specified criteria, to restructure health and other postretirement benefits, exclusive of pension benefits, for new state employees hired on or after January 1, 2015. Specified elements of the plan to be developed by the board include prefunding methods and contribution requirements, new employee vesting requirements, and employee benefit participation options.</td>
<td>Failed Deadline on 5/3. 2 year bill. 1/17/2014 DEAD</td>
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<td>SB-775 (Walters) R</td>
<td>Would require the Board of Administration of the Public Employees' Retirement System to develop a comprehensive plan, pursuant to specified criteria, to provide current state employees, with or without vested health care benefits, certain options to receive a buyout or transfer of promised postemployment health care benefits. Specified requirements for the plan to be developed by the board include the creation and administration of retiree health care savings accounts, the determination of the potential costs of the program, and development of actuarial methods to determine the present value of postretirement health care benefits.</td>
<td>Failed Deadline on 5/3. 2 year bill 1/17/2014 DEAD</td>
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<td>SBX1 3 (Hernandez) D</td>
<td>Current law, the federal Patient Protection and Affordable Care Act, requires each state to, by January 1, 2014, establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. This bill would declare the intent of the Legislature to enact legislation that would create a bridge option to allow low-cost health coverage to be provided to individuals within the California Health Benefit Exchange. This bill contains other current laws.</td>
<td>Chaptered on 7/11/2013</td>
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**LEGISLATIVE SUPPORT POSITIONS:** The following categories are used in your legislative summary reports:
- **SPONSOR** – This is a sponsored or co-sponsored bill.
- **SUPPORT 1 (S1)** – This is the highest priority support bill. We send a letter of support to the author, a letter of support to committee members considering the bill and undertake full lobbying to assure passage of the bill. We also closely monitor all amendments and constantly reevaluate our position.
- **SUPPORT 2 (S2)** – This level of support is moderate. A letter is sent to the author and committee considering the bill, but there is usually less lobbying or testifying before committee. We also closely monitor all amendments and constantly reevaluate our position.
- **SUPPORT 3 (S3)** – This is the lowest level of support. A letter of support is sent to the author. We closely monitor the bill for amendments.
- **OPPOSE (O)** – Only those bills which are judged to be detrimental are given an oppose position. Such bills require aggressive opposition lobbying, often accompanied by efforts to gain amendments, in an effort to make the bill acceptable to RPEA, and therefore to remove our opposition.
- **WATCH 1 (W1)** – This is a bill of more than casual interest. We actively monitor such bills and often communicate with the author, the author’s staff, the legislative committee members and staff. We frequently seek clarifying amendments to bills in this category.
- **WATCH 2 (W2)** – This is a bill of interest or concern on which we keep close tabs. It appears in the summary report.
- ? – This is a bill that will show up in our screening from time to time. It is important that we discuss the bill so that we are able to remove the question mark by either deleting the bill or by assigning one of the above positions.
By Aaron Read & Pat Moran, Legislative Advocates

PENSION REFORM INITIATIVE

As you may know, San Jose Mayor Chuck Reed filed a lawsuit against the Attorney General over the title and summary she issued on his pension reform initiative. Specifically, he is opposed to the language saying that it “eliminates constitutional protections for vested pension and retiree healthcare benefits.” He objects to the word “eliminates.”

The attorneys we work with are unanimous that the initiative does in fact eliminate those constitutionally protected, vested rights. However, at the end of the day the courts will have to make a decision on that.

In response to the court filing, the National Conference on Public Employee Retirement System (NCPERS), the nation’s largest association representing public pension systems, filed an amicus brief in the Sacramento County Superior Court in support of state Attorney General Kamala Harris and her title and summary for San Jose Mayor Chuck Reed’s ballot initiative designed to eliminate constitutional protections for California’s public employee retirement benefits.

In their brief, they state, “What Reed and his fellow petitioners are attempting to do in their lawsuit against Harris “is to propose a significant change to our state constitution, then shield the voters from knowing the truth about what (Reed and his fellow petitioners) seek to accomplish,” NCPERS asserts in its amicus brief. “Petitioners’ objections...are merely an effort to hide the truth about the initiative from voters.”

NCPERS went on to say that they believe Harris’s title and summary for Reed’s proposal “accurately and fairly informs voters that the Initiative would eliminate existing state constitutional protections that the California Supreme Court has long held apply to state and local employees. Under the Court’s prior decisions, current employees possess a ‘vested’ right to accrue retirement benefits for future work based on the benefits promised at the time they commenced employment – a right the Court has held is protected from impairment by the Contract Clause of the California Constitution. This is commonly referred to as the ‘California Rule.’

Reed’s objections center around the following language in Harris’s description of what his initiative would do:

“Eliminates constitutional protections for vested pension and retiree health care benefits for current public employees, including teachers, nurses, and peace officers, for future work performed.”

His lawsuit targets the words and phrases “eliminates constitutional protections,” “vested” and “teachers, nurses and peace officers.”

NCPERS’ brief points out that while Reed and fellow petitioner Pacific Grove Mayor William Kampe object to that language now, they have used it publicly themselves to describe the purpose of the ballot initiative – most notably in an online opinion piece in Fox and Hounds Daily, in which they argue that “government leaders have their hands tied by the ‘California Rule’ on vested rights. To eliminate these roadblocks to reform, we have authored a ballot initiative that would empower state and local leaders to negotiate changes to employees’ future retirement accruals.”

Now that California voters have reacted negatively to the very language they used themselves to promote the ballot measure, Reed and Kampe are crying foul.

“Having previously used the word “eliminates” to tout this very aspect of the initiative to their constituency, Petitioners now apparently fear that the voters at large will not embrace such a dramatic elimination of constitutional protections,” NCPERS argues in its brief. “That fear does not, however, justify this Court’s intervention to replace a perfectly accurate word, here, “eliminates.” With regard to Reed’s objection to the term “teachers, nurses, and peace officers,” NCPERS points out that half of California’s approximately 2.1 million public employees fall into those categories. “Given this, it is entirely reasonable – and appropriate – for the Attorney General to specifically mention these groups so that voters are aware which professions constitute the largest sub-groups of “public employees” who will be affected by the Initiative.”

“Petitioners are free to disagree with the California Rule and, as they have done with the Initiative, propose constitutional amendments that would eliminate the California Rule,” NCPERS concludes in its brief. “What Petitioners are not free to do is to propose such a significant change to our state constitution, then shield the voters from knowing the truth about what it is that the Petitioners seek to accomplish.”

Reed did not ask for an expedited hearing, so it could be weeks before the challenge is settled. It is now unlikely that the initiative will qualify for the November 2014 ballot, however, if Reed continues to pursue the issue, it is something we may see on November 2016 ballot.

We will continue to monitor this important issue and keep you apprised along the way.
Controller John Chiang reported unfunded health benefits for current and future retirees will cost an estimated $64.6 billion over the next 30 years, which has grown by $730 million from the previous year. Therefore, he has proposed a five-year plan that would fully pay the costs of retiree benefits as active employees earn them. The proposal would add higher payments on top of what the state pays to cover current bills: $220 million in the coming fiscal year incrementally growing to $1.37 billion in 2018-19.

The state has $1.8 billion budgeted this year for retiree health benefits, but the money only pays for medical and dental bills as they come due. With nothing set aside for future obligations, the long-term costs increase. Fully prefunding retiree healthcare liabilities would save the most money long-term, but immediate costs would soar. In the current fiscal year for example, paying both current bills and prefunding 100 percent of future obligations would have doubled the state’s retiree health care budget to $3.6 billion, according to the Controller’s estimates.

We will continue to actively monitor the situation and keep you apprised as information progresses.

CALPERS’ SEARCHABLE DATABASE

Some good news to report, CalPERS has decided to forego their plan to post on its website the names and pension amounts of the 550,000 CalPERS retirees. RPEA took the lead in stopping this.

Once RPEA learned of CalPERS’ plans, RPEA lobbyists set a meeting with legislative leaders to voice concern and opposition. A meeting was set with Assemblymember Bonta, chair of the Assembly Public Employees, Retirement and Social Security Committee. During the meeting, we discussed our concerns and requested that an informational hearing be scheduled to discuss the issue in depth.

Allowing retiree information to be readily searchable through an all-access database would subject this vulnerable population to solicitors and scam artists looking to make a “quick buck” off of the information. In the end, and as a direct result of RPEA’s heavy lifting, our arguments flourished and CalPERS decided not to post the information on-line for all to see. Keep in mind, that doesn’t mean the information is unavailable. The courts have opined that the information (which does not include home addresses and phone numbers) must be provided per the California Public Records Act; however, to obtain the information, one must specifically request it from CalPERS.

CalPERS heard RPEA and released the following statement in early January; “After many discussions with our stakeholders and partners, we have come to better understand their concerns about posting this public information in a secure database on the CalPERS website. Next month CalPERS staff will report that we no longer believe the intended benefits of posting the database on our website outweigh the risks and concerns to our members and that we should not move forward with our previous plans.” They added, “While CalPERS will still comply with [public record requests] as currently required by law, we recognize the concerns of our members and will always strive to protect them and their personal information.”

As a result, the Assembly and Senate PERS Committees announced they were postponing their hearing regarding the legalities and issues surrounding pension privacy. If they seek to move forward at some future time, RPEA will again engage the Legislature and ask for a hearing on the matter. In the meantime, we are continuing to look for a remedy to releasing the names of the retirees to the public. It serves no purpose other than to open the door for those that wish to prey on retirees for their own gain.

LEGISLATION

The bill introduction deadline has come and gone and we, along with RPEA’s Legislative Committee, are reviewing the more than 4,400 bills that have been introduced thus far. We will provide a complete update as bills of interest to RPEA are identified.
Some Good News Might Be Waiting For You in the Form of Extra Cash.

Since 2007, State Controller John Chiang has returned $2.9 billion in lost and forgotten cash – in addition to 230 million stock shares – to their rightful owners, and he wants to make sure that the Retired Public Employees’ Association members are claiming every dollar owed to them of the $7.1 billion available.

California’s Unclaimed Property Law was passed in 1959 to protect consumers by preventing businesses from keeping unclaimed property, using it as business income, losing it through mergers or bankruptcies, or drawing it down by fees. After losing contact with an owner for at least three years, businesses are required to send unclaimed or abandoned property to the State for safekeeping until the owner or heirs can be found and the property claimed.

The most common types of unclaimed property include cash or assets abandoned in bank accounts, terminated insurance policies, forgotten utility deposits, and stocks and bonds. Other types of unclaimed property include precious valuables or collector’s items found abandoned in safe deposit boxes.

Most recently, Controller Chiang has reached settlements with 18 life insurers after his audits revealed an industry-wide practice of companies failing to pay death benefits to beneficiaries. Often, companies would draw down the cash value of the life insurance policy to continue paying premiums, even when the policy holder had died and the beneficiaries should be paid. The companies that have settled with the Controller have agreed to restore the full value of old policies worth an estimated $267 million to California beneficiaries so that it can be returned as unclaimed property.

The average amount claimed is more than $700, and you may have money waiting for you. To make the claiming process even easier, the Controller’s Office now allows more than 18 million accounts worth less than $500 to be claimed online through electronic filing, with payments generally issued within 14 days.

The Controller also wants to get the word out on how to make sure that your property isn’t sent to the state in the first place. Here are some simple steps you can follow:
- Cash your dividend, interest or refund checks promptly.
- Keep accurate records of all financial accounts and review them at least once a year.
- Maintain annual activity on accounts.
- Provide financial institutions with a primary contact, secondary contact, or beneficiary contact name.
- Remain aware of your accounts.
- Respond promptly to notifications from the business or the State Controller’s Office that your property may be transferred to the state if you do not contact the business within the stated time period.

You can search for and claim what rightfully belongs to you and your family – for free – on the Controller’s website at www.claimit.ca.gov, or by calling the Controller’s Unclaimed Property Division toll free at 1 (800) 992-4647.

Retirees: You’re In Demand!

Temporary Positions – City governments need you! Franchise opportunity – Own/operate a MuniTemps Branch. Share your Career Experiences – Get paid for it.

John Herrera, CPA, MPA
President/CEO
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Toll Free (866) 406-6864
www.munitemps.com
RPEA Chapter Activities
Chapter 065 – EAST SAN DIEGO COUNTY Holiday Party

Chapter 065 – EAST SAN DIEGO COUNTY Holiday Party

Stuffed cuddle toys for nursing home patients. Christmas project

Food donations for the Crisis House in El Cajon. We collect these at every meeting. May Stanford, Hospitality chair and Eugenia Jordan (in blue), Treasurer.

RPEA General Assembly 2014

Working For Our Future

General Assembly 2014 Update
By Julie Van Etten, Chair, General Assembly 2014 Planning Committee

By now, you’re probably aware that General Assembly 2014 is scheduled for June 17 – 20, 2014 at the Westin LAX Hotel in Los Angeles. The General Assembly Planning Committee (Julie Van Etten, Chair; Norma Rose; Sandy Seigler and Nancy Santos) and the RPEA Headquarters staff are working hard to make this Assembly the best ever!

One of the new events this year will be the RPEA Company Store. Items from past Assemblies will be sold at 50% off the online store prices. The banquet entertainer this year will be a comedian, Patrick Hanifin. The Committee also has a few other surprises to look forward to, so make your best effort to attend.

We look forward to reconnecting with all of our Delegates, Alternates, visitors, guests and friends, and we’re positive that you’ll have an informative and enjoyable time.

Dolores Laughead, Past Pres. (for many, many years) and the backbone of our chapter; her driver, Van Tran and Margaret Nichols, Sunshine Chair.
If you’re older than 50, or pushing it, chances are you’ve had this sort of thing happen to you. You’re lying in bed, thinking about what’s on the agenda for the day. You make a mental note to grab your laptop, because you’ll need it for work. You shower, dress and head downstairs. Without the laptop. You start back upstairs, but just then the dog starts barking, and you look out to see the neighbor’s cat grooming itself, which reminds you that you need to make an appointment to have the dog groomed.

You call the groomers and celebrate the lucky set of circumstances that triggered the memory. Then you drive off to work. Without the laptop.

This happens to me, in various scenarios, at least three times a day. I get up to turn off the heat and instead grab the unfinished crossword puzzle. I make a mental note of the three things I need from the grocery store then wander the aisles unable to remember the third thing.

I used to have a terrific memory, but now it is a distant one.

There was a time when the realization that my memory was failing would have sent me screaming to my doctor, convinced I had early symptoms of Alzheimer’s. Or a brain tumor. I’m not picky.

But then my mom was diagnosed with the dreaded disease.

My mom, who died two years ago at the age of 88, had a phenomenal memory, especially when it came to birthdays and anniversaries, but suddenly, it seemed, she couldn’t remember the way to her bedroom.

Shortly after the doctor gave us the terrible news, we were sent to a Kaiser memory class where doctors and nurses explained about Alzheimer’s and what we could expect.

As the neurologist handed out the cold hard facts, I’m pretty sure everyone in the room started wondering if our troubles remembering things were an omen of things to come.

But the doctor managed to put us at ease on that issue. We didn’t have a memory storage problem; we had a memory retrievable problem. He explained it this way. Think of your memory as a large office with a file cabinet and a little man who files away all of those memories. When you’re young, you don’t have a lot of things in the cabinet.

When you meet someone new, the little man creates a folder with the person’s name on it, adds a sheet of paper with the particulars on it, and drops the folder into the file.

A week or even months later when you see your new acquaintance approaching, the little man reaches into the nearby cabinet, grabs the file and all of the information is now available to you.

A few decades later, the memory room is now crammed with dozens of file cabinets, each one stuffed with thick folders. Now when you bump in to a new friend, the little man has to climb over cabinets and boxes piled to the ceiling, dig through the packed drawer and fight to pull out the folder. That’s why, five minutes after your new friend walks away, you suddenly remember his name and how you know him.

The doctor advised us not to worry about it and to stop trying to remember things. Anyone who is over 50 and doesn’t have a note pad at the ready is just asking for trouble, he said. I didn’t want any more trouble, so I started writing things down. Then I couldn’t remember where I put the list.

Now I keep everything in my iPhone and hope the little man living inside it doesn’t start stumbling over the cabinets.

It’s unlikely I’ll ever make a killing on “Jeopardy!” these days,” but given enough time, I can access all those 1970s music lyrics, the names of all of my former teachers, and the combination of my junior high locker.

Maybe the only thing we really need to remember is to cut ourselves some slack.
RPEA Membership Benefits

Automobile/Home Insurance - Liberty Mutual Insurance Co.
Dental Plans - MetLife (all States) | New Dental Choice (all States)
Delta Care (California only)
Atriba Discount Network
Cancer Care Supplement
Family Legal Plan - Hyatt Legal Plan
- Legal Club of America (all States)
Hearing Plan - EPIC (all States)
Long Term Care - John Hancock (most States) Genworth
LifeLine Alert System (all States)
Health Proponent
Medicare HMO or Supplement Plan (A-J)
Humana Senior Advantage HMO/PPO
Medicare Supplement Plan A-N Transamerica (all States)
Prescription Drug Discount Plan - Outlook Rx
Travel Accident Plan - The Hartford (most States)
Group Final Expense Life Insurance - The Hartford
Vision Plan - Vision Service Plan (VSP) (all States)

Discounts On:
Alpine Club/Palm Springs Tram
Aquarium of the Pacific
California Academy of Sciences
Gilroy Gardens
Great America
Knott’s Berry Farm
Legoland California
Madame Tussauds of Hollywood

Join RPEA for a More Secure Retirement
All information is confidential. Please Print

Applicant Name:
Male ___ Female ___ Date of Birth ___/___/______
Additional Applicant Name:
(If additional applicant is also a CalPERS retiree, please use separate application)
Male ___ Female ___ Date of Birth ___/___/______
Mailing Address:
City, State & Zip Code:
Area Code and Phone Number:
Email Address:
CalPERS Agency Retired From:
Retirement Date:
RPEA Chapter Number or Chapter Name (if known):

Member Services Application

Membership Categories
(Select one per applicant.)
- RETIREE: CalPERS annuitant
- BENEFICIARY: Beneficiary of a CalPERS retiree
- AFFILIATE: Current CalPERS agency employee
- ASSOCIATE MEMBER: Supporter of RPEA goals (for those not eligible for other categories of membership)

I want to join RPEA and support retirement security for all CalPERS members.

Select a method of dues payment below.
- MONTHLY CALPERS DEDUCTION: I authorize the California Public Employees Retirement System (CalPERS) to deduct for each applicant on this form $4.50 per month from my retirement allowance until revoked by me in writing. Only available if one applicant is receiving a CalPERS retirement payment.
- Social Security Number or CalPERS ID + Last 4 of SSN

(Required only for Dues Deductions)
- CHECK OR MONEY ORDER: As payment for the first year’s dues, I have attached a check or money order for $54.00 ($27.00 for affiliate membership) for each applicant on this form. I will be billed annually for subsequent renewals.
- CREDIT CARD AUTHORIZATION: As payment for the first year’s dues, I authorize $54.00 ($27.00 for affiliate membership) to be charged on my credit card. I will be billed annually for subsequent renewals.

Credit Card Number:
VISA _______ MASTERCARD _______
Expiration Date: _______________________
Credit Card Security Code (CVV): ________
(Applicant Signature: I authorize all membership applications, credit card authorizations and monthly deductions)

Date: ____________________________

For a Membership application call RPEA headquarters:
800 443-7732
Or visit our website:
www.RPEA.com

To request information on:
- Insurance Plans
- Certificates for Discounts on See’s Candy
- Discounts on Amusement & Entertainment Admission Prices

Your Member Services Committee is constantly seeking new and improved discount benefit offerings.
# RPEA Board of Directors

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<tr>
<th>Name</th>
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# HEADQUARTERS OFFICE

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