

# THE APC BULLETIN

*Representing Bargaining Unit 4 – Ensuring a Quality CSU Education with Expertise, Support and Compassion*

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ACADEMIC PROFESSIONALS OF CALIFORNIA

May 2017



## IN THE NEWS

### APC Executive Board

**Patrick Choi, *President***

**Dagoberto Argueta, *Vice President***

**Christine McCarthy, *Treasurer***

**Rose Duran, *Recording Secretary***

**Mario Baeza, *Council Member at Large***

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### *APC Bargaining Update*

The APC and CSU Bargaining Teams met on Monday May 1, 2017. The CSU Chief Negotiator reiterated that the CSU was not prepared to exchange any proposals, which were deemed as a cost to the CSU until after the California Budget May Revise. This would include proposals on salary, pension, and benefits.

The next Bargaining meeting will be June 1 & 2, 2017 in Long Beach.

### *Story ideas or comments?*

*We want to hear from you!*

*We reserve the right to edit or reject submissions for length, clarity and verification of information. All submissions become the property of APC. Deadline for the September Newsletter is August 18, 2017.*

*Email: Rose Duran at [roduran@apc1002.org](mailto:roduran@apc1002.org)*

## President's Message

### *From the desk of Patrick Choi*

Congratulations on another successful year. I hope all of you will have an opportunity to take some well-deserved vacation this summer. A lot has occurred this spring that will affect Unit 4 employees either directly or indirectly. We need to pay attention to all current events that impact working and living conditions for all hard-working people around California, the nation, and the world.

While we wait for the final State of California Budget to be approved this summer, the resulting Support Budget for the CSU impacts both APC and the CSU with our successor contract bargaining.

Newly appointed Supreme Court Justice Neil Gorsuch will have a definite impact on cases the higher court reviews, especially any union related cases, this fall term. The CSU Board of Trustees voted in March to increase student tuition. The Transportation Funding bill, SB 1, increases taxes by 12 cents per gallon starting November 1, 2017, and increases vehicle license fees between \$25-\$175 starting January 1, 2018. We await the potential appeal of the Affordable Care Act (Obamacare) on health care benefits in California. CalPERS will announce 2017 rates this summer. In another potential impact on workers' rights, HR 1180, Working Families Flexibility Act of 2017, will amend the FLSA to provide compensatory time for private sector employees in lieu of overtime pay.

APC will continue to update you on current news and activities. As a reminder, there will be a 2.0% General Salary Increase (GSI) on June 30, 2017.



*Patrick Choi*

## On the Road with Dagoberto Argueta - *International Politics Markets, CalPERS & Our Benefits*

The relationship between global markets, political instability abroad and their ultimate impact on our lives were on full display at the last meeting of the CalPERS board in Sacramento. In fact, when carefully observed and followed, the deliberations of this body are nothing short of a bellwether signaling change.



*Dagoberto Argueta*

As all Unit 4 employees know, CALPERS is a superfund, which manages pension, and health care benefits for thousands of public employees and our families. The fund is made up of monthly contributions from employers and employees alike and carefully managed investments in the US and overseas. These investments are crucial for the financial health of the fund and must yield enough of a return to cover future pension and health benefits costs.

At its April meeting the CalPERS Board discussed that the worsening political conflicts abroad have had a negative effect on the international earnings of the fund and that overall earnings are expected to remain flat for the immediate future. The possible repeal of the Affordable Care Act (ACA) was also discussed as a factor in the instability of health insurance costs and as a major source of expenditure for the fund. The Investment Committee went so far as to issue yet another warning that in the 2018-19 cycle, the US economy would probably be entering another recessionary period with all its concomitant problems. The testimony at the Board meeting had an unrelenting theme: employer and employee contributions would have to be raised at some point.

Obviously, the CSU was listening and a few weeks after these comments, the CSU let APC's bargaining team that "difficult" conversations would have to take place in the future about our pension and benefits. The purpose of this article is to point out that, in a globalized economy, no major political event in the US, and abroad happens without ramifications, good and bad, to the benefits we, as state workers, have for long thought to be a guarantee.

We will have to very attuned to the vagaries of international politics, international markets and most specifically to the predictions of CalPERS.

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## COMMITTEE UPDATES

### *External Relations Committee*

APC Unit 4 attended Lobby Day May 5 in Sacramento. Elaina McReynolds from the committee visited with the staff of Assembly Member James Gallaher District 3 with faculty and students from Chico State. She also visited the staff of Senator Nielsen District 4 with some Chico State students. Elaina will be bringing ideas to council about actions each union steward can do and ask their members to take part in civic engagement to improve working conditions on their campuses. The students were powerful. We all learned a lot about working with our congressional representatives staff.



*Elaina McReynolds*

On the horizon, HR 785 National Right-to-Work Act GOP Congressman Steve King of Iowa and Joe Wilson of Iowa reintroduced the [National Right To Work Act, H.R. 785](#), at the 115th Congress.

### *Education Committee*

The Education Committee administered a survey to Stewards who attended the February Council meeting in order to determine their training priorities. The committee received 27 surveys, compiled the results, and had a March 9, 2017 phone conference to formulate a plan to implement the survey results. The Education Committee presented the training survey results at the May 2017 Council meeting.

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## Campus News

### San Jose State

The San Jose Chapter won the 2017 annual membership drive. A plaque was presented to Irene Ho at the May 2017 Council Meeting.

## LABOR RELATIONS COLUMN

### PUBLIC RECORDS ACT

California Supreme Court Holds that When Public Employees Communicate on Their Personal Accounts About the Conduct of Public Business, the Writings May Be Subject to Disclosure under the California Public Records Act.

The California Public Records Act (CPRA), generally makes any “public record” subject to disclosure upon request. A “public record” is defined as “any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.”

On March 2, 2017, a unanimous California Supreme Court held in *San Jose v. Superior Court*, that “when a [public] employee uses a personal account to communicate about the conduct of public business, the writings may be subject to disclosure under the . . . CPRA . . . .” This holding covers text and e-mail messages and other communications written by public employees on their privately-owned accounts and devices such as cell phones and computers.

In order to become subject to disclosure, the communications must be “about the conduct of public business.” The Court admitted, “whether a writing is sufficiently related to public business [to become subject to disclosure] will not always be clear.” For example, “depending on the context, an email to a spouse complaining ‘my coworker is an idiot’ would likely not be a public record,” but conversely, “an e-mail to a supervisor reporting the coworker’s mismanagement of an agency project might well be.” The Court clarified that “communications that are primarily personal, containing no more than incidental mentions of agency business, generally will not constitute public records.”

The Court’s clarification unfortunately does not provide much clarity. The San Francisco Deputy City Attorney, however, offered a helpful analysis of the Court’s decision in a memorandum to that city’s Mayor and other city officials dated March 24, 2017, that is more successful in this regard. Most importantly for us, the Deputy City Attorney stated in that memorandum:

“An employee who is a union representative may prepare and receive communications on a [personally owned device] in that role. Though many of these writings will pertain to City business, they do not involve the conduct of City business; rather, they involve the conduct of union business. Therefore, they would generally not be public records.”

It remains to be seen whether courts will agree with this analysis. In the meantime, we offer the following advice to our stewards and members:

- Don’t send APC messages from CSU accounts
- If at all possible, send APC messages to non-CSU accounts
- Don’t mix APC business with CSU business in one message
- When sending APC messages, sign as APC steward, not as CSU employee
- Use APC logos instead of CSU logos etc.

