



**AFT Washington
Retiree Chapter
Local 8045R**

Retiree Newsletter

A Union of Professionals

625 Andover Park West, Suite 111
Tukwila, WA 98188
1-866-992-3892

Vol. 4, No. 3
July/August, 2012

You don't need a law to do the right thing!

**By Ross Rieder
Chapter President**



What did public employees do before the right to bargain collectively was legislated?

Well, in one of our little towns, Bremerton, Washington, they bargained for a contract and had one. That was at least a decade before there was even a weak law covering something called "professional negotiations."

How did that happen? I wonder. I'm not sure, but recently in my role as a gatherer of union archives, I was given a box of materials that came from a late friend named **Florence Justin**. Florence taught in Bremerton in the 1940s to 1960s. She helped negotiate a contract for teachers there.

Now, maybe it was just because her husband was a honcho in the machinists' union that existed in the Bremerton Ship Yards. She was goaded into it by her hubby, riiiiigght! Or maybe it was because she didn't think she needed to wave in front of the school board a law that told them it was okay to bargain with teachers. It's okay to do the right thing even if the law doesn't say you can. (Remember, in Canada, collective bargaining is a human right.)

In the late 1960s, I was elected president of the Washington State Federation of Teachers. We had just chartered a local at the new Seattle Community College, Local 1789 (a good revolutionary year, please note).

Ross Rieder, President
Susan Levy, Vice President
Roger Carlstrom, Secretary
Mary Hale, Treasurer
John Guevarra, Director
Carol Hamilton, Director
Rachael Levine, Director
Robert L. Petersen, Director
Rosemary Thurston, Director

Roger Carlstrom, Editor

Merrilee Miron, AFTWA Staff
Liaison

In 1969, having been elected to represent SCC faculty, Local 1789, under the leadership of an ex-Boeing professional engineer named **John Barton** and a former Seattle School District teacher (I think) named **Lloyd Frissell**, the local negotiated a first contract, with a little help from a little friendly picketing.

Having seen that the union could do it (strike, that is), a reasonably friendly Board of Trustees reached agreement with the union for that first contract. A funny twist was that, since there was no law saying teachers could negotiate a "contract," the word "agreement" was substituted for "contract," and all was peaceful for the duration.

Inside this issue

Mary Hale on Pensioners
in Waiting & COPE

J.B. Hanna: Protecting our
Assets

Michael Kischner on the
Charter-Schools Initiative

Hal Green on Harry Reid
and the Filibuster

Roger Carlstrom
introduces Bill Faller



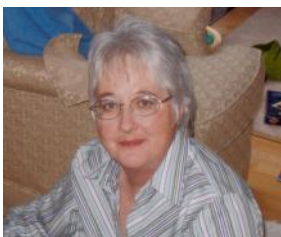


(continued from page 1)

I guess there are always practical solutions to non-problems, eh? You don't need a law to be practical. Now, in some areas that may make me an anarchist, but I always agreed with the late folk singer and story teller, **Utah Phillips**, when he said, "An anarchist is a fella who doesn't need a cop to tell him what is the right thing to do."

Pensioners still waiting, and our retirees contribute to COPE

**By Mary Hale
Chapter Treasurer**



TRS 1 and PERS 1 pensioners are still waiting to learn if their 2011 COLA will be restored. The June 28 court hearing to hear the lawsuit to reclaim COLA benefits that were denied to these two groups was bumped by criminal cases, as

were a number of other previously scheduled hearings. For up-to-date COLA lawsuit information, see the Retired Public Employees Council website: www.rpecwa.org. The lawsuit was filed late last fall by the Retired Public Employees Council, the Washington Education Association, and the Washington Federation of State Employees.

Campaign contributions, made possible by member contributions to AFT Washington's **Committee on Political Education (COPE)**, total \$33,200 thus far this 2012 election year. *Special thanks to retirees who contributed to the COPE fund at the Retiree Chapter's annual meeting in May.* To find out how you can become a COPE contributor, contact **Kristin Elia**, State Affiliate Political Organizer, at kelia@aftwa.org

State legislative primary election contributions from COPE ranged from \$500 to \$900. In addition, two state-wide candidates and the House Democratic Campaign Committee received COPE contributions: **Jay Inslee**, candidate for governor, \$1,800; **Bob Ferguson**, candidate for attorney general, \$1,800; and the **House Democratic Campaign Committee**, \$900.

Representatives from various AFT Washington locals (including our retiree chapter) make candidate endorsement and campaign contribution recommendations to the AFT Washington Executive Board. For more information, including a complete list of endorsed candidates, see the summer issue of the *Spotlight*.

All of us want to protect our hard-earned assets

By J.B. Hanna



When you retire and if you've been prudent, you've socked away some dough in your IRA, you have your Social Security, your house and car are paid for, and you may even have some cash in the bank.

You may have also consulted a lawyer and had proper wills drawn up, established a family trust so they don't need to go through probate, and made it so your heirs will receive your estate with no strings attached.

Now if, back when you could actually get it, you had the foresight to buy enough long-term-care insurance for you and your spouse, you really do have it made.

If, like most of us, however, you put the long-term-care insurance off until you started thinking you might need it, it was too late.

Now, if something comes along that will necessitate custodial or residence care, all that planning you did is pretty much worthless. The Department of Social and Health Services operates the Medicaid safety net to take care of your basic-care needs, but the net comes with conditions that at worst are a financial disaster and at best confusing, intimidating, and expensive.

To qualify for Medicaid Assistance, they will look at everything that you own. As long as you have assets you get to pay the tab yourself. How much? Eight or nine thousand a month is not unheard of. I don't care

(continued on page 3)



(continued from page 2)

how much you've saved, your money is going to be eaten up in a hurry.

They will let you keep your house, if you or your spouse is still living in it, and your car and some income; but most everything else has to be gone before they will provide you any assistance. That includes liquid assets, like bank accounts, stocks, bonds, and annuities; it also includes your IRA; and even that family trust account that you set up for your kids.

Can you protect those hard-earned assets? Yes! Get thee to a PRO. First, you don't want anyone who sells any kind of investment product. Also, you need a specialist, not someone who "also" does elder law. Even a firm that specializes in elder law may not have someone who specializes in, or even handles, DSHS law.

With a little luck and lots of assistance, perhaps you can get through the next few years without losing your shirt! That's what I'm hoping for for myself.

J.B. Hanna began teaching in the electronics program at Yakima Valley Community College in 1968 and was "rified" in 1975 – because of his union activities, he insists. The union went to bat for him and 4 others and was able to get all five of them reinstated. Upon his return to the college in 1977, he was assigned to teach adult basic education classes. He subsequently taught basic math and Algebra I and II in the mathematics department. He retired in 1995. He was very active in his local (1485) as a negotiator, organizer, treasurer, and president, and he served W(S)FT in many capacities, including treasurer. He now lives in Kennewick.

It's not just teachers who should oppose charter schools **By Michael Kischner**



By the time this article is published, Initiative 1240 will almost certainly have gathered enough signatures to be on the November ballot, putting charter schools before Washington voters for the fourth time. Proponents of charter schools stress that charter schools will be relieved of so-

called "burdensome regulations that limit other public schools" (Initiative 1240, Sec. 101 [g]).

It is not easy to learn which specific burdensome regulations the proponents are referring to. The language of the 39-page initiative stipulates that charter schools must comply only with "state statutes and rules made applicable to the charter school in the school's charter contract" (Sec. 204 [3]). This requires one to identify laws *not* made applicable in the contract!

Here is one that is "not made applicable": RCW HB 2428 Chapter 28A.405, "Certificated employees." It deals with such things as "hiring and discharge," "conditions and contracts of employment," and "criteria for the evaluation of certificated employees."

The *Seattle Times* is probably correct when it says that teachers' unions view charter schools "as a threat" (editorial, May 25, 2012). Unlike the *Times*, I do not view that as a point in favor of charter schools. Readers of this newsletter will not need persuading that professional teachers covered by negotiated bargaining agreements are good for American education.

Charters pose a threat to something much larger than teachers' unions. In a state whose Supreme Court has recently ruled that the state was not properly funding its public schools, money will be drawn from the same inadequate pot of money to fund a separate system governed by the unelected boards of private nonprofits. A politically appointed state commission can authorize a charter school within any school district. The elected directors of the local school district, who must notify all parents of the availability of the charter school, will have no jurisdiction over it; teachers at the charter will not be covered by the bargaining agreements covering all the other teachers in the district. Students who choose to go to these charters will bring their state funding with them, leaving the public schools to manage their programs, buildings, and staffing with even less money than they had before.

(continued on page 4)



(continued from page 3)

So yes, union members have good reason to view charters "as a threat." But so does any citizen who believes as I do that our public education system, for all its challenges and imperfections, remains an indispensable element of our democracy.

Michael Kischner taught English in the Seattle Community Colleges for 39 years and retired in 2006. His article about merit pay, "My Short Flirtation, and Its Happy Ending," appeared in the February 2011 issue of the Retiree Newsletter.

What can Harry Reid be thinking? By Hal Green



*Ed. note: Since December of 2009 on the eve of the final vote that was taken in the Senate on the Affordable Care Act, where 60 votes were required for passage, Hal Green and I have exchanged thoughts about the filibuster. In fact, in the December 2010 Retiree Newsletter I wrote about our exchanges in an article called "It's time for a new party of 'no'!" I said that "A friend of mine [that was Hal!] has been incensed by Senator **Harry Reid's** leadership in the senate, where, according to my friend, Reid 'has almost single handedly "enshrined" the so-called '60-vote rule' into our federal system as if a constitutional amendment had been accomplished to that effect."*

In May of this year, I read a Huffington Post article by Jennifer Benders, entitled "Harry Reid: Filibuster Rule Has 'Been Abused,' Needs Changing." I emailed the article to Hal, with the smart-assed subject line reading, "Now, Why Didn't You Think of That?"

What follows is Hal's response (in a form slightly edited, primarily for length).

Finally, he "gets it," sorta. I have been interested lately in listening to/reading of how the media deal with "filibusters." Routinely, anchors and pundits report that one vote or the other—substantive or procedural—was "filibustered," when they simply mean that McConnell had advised Reid that 41+ members of his

caucus would vote "no."

Even the meaning of what is to be voted on has gotten completely wacky, thanks to the ill-informed members of the media. The other day, even the *New York Times* reported that a matter in the Senate had failed to receive enough votes for debate to *commence*, and that isn't the first time I've seen that. The vote is supposed to be on a cloture motion that requires 60 votes to *end* debate. I'm not even sure at this point if Harry Reid understands the distinction.

I don't contribute to any Senate campaign and will not until there is an honest to goodness "filibuster" that reminds Americans what this is all about and provides a whiff of hope that Senate Democrats may be starting to see the possibilities that could accompany a slight stiffening of spines.

Reid doesn't need to wait to formally change the Senate rule to see improvement in Democratic "control" (!) of the Senate. All he needs to do when McConnell snickers that another Republican "filibuster" is going to occur, is to respond, "Fine, bring in the cots."

[Under Senate Rule 22] debate **must** continue (and therefore become a "filibuster") unless a cloture motion to **end debate** is voted upon and 60 members vote for the motion, thereby "enacting cloture." If cloture is enacted, a limited amount of additional debate is allowed, but no new amendments are allowed to the underlying bill, and the underlying bill must be submitted to a vote of the Senate ("up or down vote"); with a majority voting in favor, the measure is passed.

If cloture is not enacted (i.e., at least 60 Senators do not vote to **end** debate), debate, now known as a "filibuster," on the measure must continue until a new cloture motion receives at least 60 votes.

So, it is crystal clear that with a 41-42 vote Republicans can vote to **sustain a filibuster** -- to keep debate going -- but they must muster 60 votes to **end debate** ("enact cloture") on a measure!

What is there about this that Harry Reid still doesn't get?

(continued on page 5)



(continued from page 4)

Hal Green joined the MacDonald, Hoague & Bayless law firm in Seattle in 1969 and retired in May 2000 after 31 years of practice. During that time, he provided legal counsel to community college Locals 1789 (Seattle), 1485 (Yakima), and 1873 (Everett). He also served as attorney for the faculty union at Western Washington University and handled several matters for technical college Locals 4184 (Bates) and 3913 (Clover Park). In the 1970s, he represented a number of W(S)FT locals in Western Washington on behalf of "riffed" teachers.

I'd like you to meet Bill Faller

By Roger Carlstrom, Editor



In community-college baseball circles and beyond, **Bill Faller** (87) is a legend who started coaching at Yakima Junior College in 1961. In 26 years of coaching baseball there, his teams won 664 games, 11 conference championships, and 18 league and regional titles. The NWAACC Baseball Championship trophy is named **The Bill Faller Award**. He retired from Yakima Valley College in 1986.

He was a colleague of mine at the college, but my interactions with him had nothing to do with baseball. Rather, we started working together in the late 1970s when he became president of Local 1485, and I served as the local's chief negotiator. The two of us played primary roles in helping four minority counselors obtain faculty status and then defending them successfully when a grievance against the Board of Trustees was filed by 77 faculty members who didn't mind their doing counseling duties but greatly minded their being faculty members. The allegation was that they were not "qualified," but the reality was that the four of them were not quite white. It was a shameful time in the history of the faculty there, and the two of us felt very isolated, even from members of our own union. I shall never forget what he said to me then: "I'd rather be right and lose than be wrong and win." We won, and we were right!

After Bill retired, he became very active in Democratic Party politics, serving on the Yakima County Boundary Review Board for eight years and helping with successful campaigns in Yakima during the early 1990s. He was a prime mover in forming the local chapter of **Jesse Jackson's** Rainbow Coalition. He became fed up with the Democrats, however, in the mid 1990s when the state party dumped **Charles Rolland** as their chair just two years after having elected him to it. Now, he just sends checks here and there to worthy candidates and causes.

These days, he spends most of his time working with the **Parker Youth and Sports Foundation**, an organization he helped found in 2005; he has established an endowed scholarship in the name of his late wife, **Nancy**, as part of a Human Rights Scholarship program in Yakima; and he enjoys seeing his former ball-players, with whom he keeps in touch, and they keep in touch with him. Twenty of them showed up recently for a Foundation golf tournament. Their hero — and mine!



Bill Faller

*Ed. note: In the next issue of the Retiree Newsletter (October/November), I hope to explore Bill's notion that he'd rather be right and lose than be wrong and win in the context of (a) **Ralph Nader's** candidacy for president in 2000, and (b) the book I've almost finished by **Thomas E. Mann** and **Norman J. Ornstein** called *It's Even Worse Than it Looks* (2012), which addresses itself to the politics of extremism in the present day and its "collision" with our constitutional system of government. — RC*

For back issues of the Newsletter, go to <http://wa.aft.org> and click on "Retiree Members"