

## 2011 ABMEI, AFSCME (CEO-MEF), IBEW, OE-3 COALITION – CITY OF SAN JOSE NEGOTIATIONS

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### UNION PROPOSAL

#### *Rationale:*

The proposal made by the non-management, rank-and-file union coalition addresses the issue of retirement. It is made in good faith and is in response to the City's proposals concerning changes to retirement benefits.

Our offer is an attempt to pull together all of the issues we have been working on related to retirement benefits and the fiscal situation of the City of San Jose. We are aware that some provisions will need to be approved by voters and others would require amending the city charter. We have submitted offers changing retirement benefits and verbally agreed to other concepts that still need to be finalized. Those prior offers and concepts are either incorporated in the offer below or otherwise included.

Recently, we proposed an opt-in tier of benefits for current workers, but the city and all its unions struggled to find an appropriate incentive that would not cost the city additional funds. This offer also aims to solve that outstanding issue.

Lastly, our proposal exhibits that we are truly committed to finding solutions that work for all of San Jose and we are striving to reach an agreement to prevent taxpayers from footing the bill for an unnecessary special election and the city's costly legal fees. Our retirement proposal is the best solution for San Jose because it saves taxpayers billions of dollars, is legal and puts the city's budget on a sustainable course for the future.

**Non-Management, Rank-and-File Unions Grand Bargain Proposal:  
Shared Sacrifice to Restore Vital Services and Put San Jose Back to Work**

**Outline of Grand Bargain Proposal**

- 1) We agree to have the city add a new health insurance plan that costs 85% of the value of the current plan (upon which retiree health care benefits are currently based), provided the city does its best to maximize the value of the benefits under such a plan. This would have a flow-through effect of changing the cost of the retiree health care benefit, putting the new benefit at the same level as city workers' health benefits.  
  
The new retiree health care benefit would be the greater of:
  - 1) 85% of the cost of the current baseline plan, and
  - 2) 100% of the cost of the new baseline plan.
- 2) Opt-In Incentive for the Non-Management, Rank-and-File pension proposal: Retiree health care benefit increased to current levels.  
  
This may seem to eliminate a portion of the savings under 1) above, but OPEB costs would still be reduced from current levels for those opting-in due to later retirement dates inherent in the opt-in tier.
- 3) New hires: New hires enter tier previously proposed by the Non-Management, Rank-and-File coalition of unions.
- 4) Political reform: If the Non-Management, Rank-and-File new hire and opt-in tiers are agreed to: We would support amending the city charter to allow only prospective changes to pension benefits so any future modifications are fully funded from day one.
- 5) The Supplemental Retiree Benefit Reserve program would be eliminated immediately. (Tentatively agreed to in prior negotiations.) Existing funds and future savings would revert to the pension plan to bolster funding levels.
- 6) As we have previously expressed, we are also willing to have Medicare-eligible retirees pay the difference in cost if they refuse to enroll in Medicare, assuming we can agree to a reasonable method of determining that cost. The retiree health offer above may reduce the need for such a provision, but we remain open to the idea if the city remains interested.
- 7) We know the city has expressed interest in passing a ¼ cent sales tax increase, this package would be tied to the sales tax measure in order to help the city generate the necessary support for the measure.

The sales tax would be used as collateral to lower borrowing costs on \$600 million in bonds which would be used to fund past retiree health costs that stem from a legacy of pay-go funding. This would commit the city to pre-funding, and prevent future decisions to give up on pre-funding retiree health care when this issue loses visibility over time.

**- The retiree health plan would be 99.3% funded (at 7.5% discount rate), as we'll show on the attached worksheet.**

## **Non-Management, Rank-and-File Unions Grand Bargain Proposal: Shared Sacrifice to Restore Vital Services and Put San Jose Back to Work**

### **Effect of Grand Bargain on Workers and Retirees**

In total, everyone (retirees, current workers, and new hires) would see reduced benefits. The savings would come from reduced benefits and delayed retirement eligibility, and these savings would make bonding past liabilities a much safer proposition. Since the cuts are balanced over all parties, city workers should be able to live with dignity following their career of service to the community. The impact on your current, former and future workers are as follows:

**1) Retirees:** Retiree health benefit would be cut by 15%. Retirees could either pay 15% of the premium for the current plan that the city currently pays 100% of the premium, or enroll in the new lower cost plan and pay nothing.

On a cost basis, this has roughly the impact of eliminating two-to-three COLA increases for the average retiree. The retiree health benefit cut would be phased-in over two years.

**2) Current workers:** City workers will have a choice to make: Either they can accept the retiree health benefit cuts above, or work under the provisions of the opt-in plan we proposed earlier (which are similar to the plan provisions in effect previously, with a later retirement date). The choices would be to:

*A) Do Nothing*      Accept cut in retiree health care, with premium support equal to that of retirees above.

*B) Opt-In*              Pension accruals are defined by opt-in proposal.

*Opt-In Provisions:* 2% multiplier and 3-year highest average pay used for future service  
COLA is equal to CPI (capped at 3%) on future service  
Retirement Age: Age 60 and 5 years of service, or 30 years of service

**3) New Hires:** New hires would work under the pension tier we previously proposed, designed to reduce both costs and volatility.

The new tier lowers costs by changing the following provisions to include:

- Later retirement age: Age 60 and 5 years of service
- Pension based upon: 3-year Highest Average Pay, and a
- Compensation cap on pensionable earnings to reduce costs.

It also includes provisions to reduce volatility, such as:

- Forfeited cola's when the funding ratio falls below 75% (max 5 cola's skipped),
- Increased contributions when the plan funding ratio falls below 75%, and a
- Prohibition against contributions holidays.

## Non-Management, Rank-and-File Unions Grand Bargain Proposal: Shared Sacrifice to Restore Vital Services and Put San Jose Back to Work

<b>Financial Impacts of Grand Bargain on City and Workers</b>										
<b>Budget Improved Substantially from the Non-Management, Rank-and-File Union Coalition Plan (\$'s in Millions):</b>										
	<b>2013*</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	
<b>100% Opt-In Rate</b>										
Excess Revenue (above bond costs)	\$ 3.5	\$ 5.2	\$ 7.0	\$ 8.9	\$ 10.9	\$ 12.9	\$ 17.3	\$ 30.1	\$ 46.1	
City OPEB Savings	12.0	25.1	26.1	27.1	28.2	29.3	31.7	38.5	50.7	
City Pension Savings	25.5	32.6	33.8	35.1	36.4	37.7	40.5	48.5	53.3	
<b>Total Budget Improvement for City</b>	<b>\$ 41.0</b>	<b>\$ 63.0</b>	<b>\$ 67.0</b>	<b>\$ 71.2</b>	<b>\$ 75.5</b>	<b>\$ 80.0</b>	<b>\$ 89.6</b>	<b>\$ 117.2</b>	<b>\$ 150.0</b>	
<b>Budget Improvement as a % of Pay</b>	17%	25%	25%	26%	26%	27%	28%	30%	32%	
<b>50% Opt-In Rate</b>										
Excess Revenue (above bond costs)	\$ 3.5	\$ 5.2	\$ 7.0	\$ 8.9	\$ 10.9	\$ 12.9	\$ 17.3	\$ 30.1	\$ 46.1	
City OPEB Savings	12.0	25.1	26.1	27.1	28.2	29.3	31.7	38.5	50.7	
City Pension Savings	16.4	21.1	22.1	23.1	24.1	25.2	27.5	34.1	37.5	
<b>Total Budget Improvement for City</b>	<b>\$ 31.9</b>	<b>\$ 51.5</b>	<b>\$ 55.2</b>	<b>\$ 59.1</b>	<b>\$ 63.2</b>	<b>\$ 67.4</b>	<b>\$ 76.5</b>	<b>\$ 102.7</b>	<b>\$ 134.3</b>	
<b>Budget Improvement as a % of Pay</b>	13%	20%	21%	21%	22%	23%	24%	26%	28%	
<b>0% Opt-In Rate</b>										
Excess Revenue (above bond costs)	\$ 3.5	\$ 5.2	\$ 7.0	\$ 8.9	\$ 10.9	\$ 12.9	\$ 17.3	\$ 30.1	\$ 46.1	
City OPEB Savings	12.0	25.1	26.1	27.1	28.2	29.3	31.7	38.5	50.7	
City Pension Savings	7.3	9.6	10.3	11.1	11.8	12.6	14.4	19.7	21.7	
<b>Total Budget Improvement for City</b>	<b>\$ 22.8</b>	<b>\$ 40.0</b>	<b>\$ 43.5</b>	<b>\$ 47.1</b>	<b>\$ 50.9</b>	<b>\$ 54.9</b>	<b>\$ 63.4</b>	<b>\$ 88.3</b>	<b>\$ 118.5</b>	
<b>Budget Improvement as a % of Pay</b>	9%	16%	16%	17%	18%	18%	20%	23%	25%	
* Savings in 2013 are lower than other years because the city will not be fully ramped up to pay the ARC for retiree health care. Savings ignore \$22 million contribution shortfall (less than ARC). Under our plan, the plan will be fully funded via benefit cuts and bond revenues. Thus, the cost comparison is not on an apples-to-apples basis until 2014.										
Assumptions:										
- Salary Scale: 3.9%										
- Discount Rate: 7.95% for pensions, 6.71% for OPEB pre-deal, 7.95% for OPEB post-deal										
- Sales Tax Growth: 4.5%										
- Bond discount rate: 4.0%										

**With this offer, it was our intention work within the constraints of current law as courts have interpreted vested rights. We believe that we have succeeded in this effort, but would be happy to discuss the matter further if the city has concerns.**

## **Non-Management, Rank-and-File Unions Grand Bargain Proposal: Shared Sacrifice to Restore Vital Services and Put San Jose Back to Work**

### **Retiree Health Care Plan 99.3% Funded**

The 2010 Federated Retiree Health Care valuation report showed an actuarial accrued liability of \$926 million for retiree health care (at 6.71% discount rate), with assets of \$108 million. The funding ratio was 12%, which is the result of utilizing pay-go funding in the past.

Our proposal has the following outcomes:

Liabilities: \$926 million on 6/30/2010

- Cut benefit by 15%: \$139 million
- Change discount rate to 7.5%: \$74 million\*

**New Liability: \$713 million**

Assets: \$108 million on 6/30/2010

- Bond \$600 million

**New Assets: \$708 million**

**New Funding Ratio: 99.3%**

\* As the Cheiron report notes: *"If an employer is not contributing the full ARC to the Plan, GASB requires the use of a discount rate that blends the expected return on plan assets (7.95%) with the expected return on employer assets (4.5%). For the 2010-11 fiscal year, the full ARC was 9.99% of pay, but under the phase-in, the city is only contributing 6.41% of pay, or 64% of the ARC. Consequently, following the method previously employed, we have calculated a blended discount rate of 6.71% for this valuation."* Our offer basically reaches full funding at a 7.5% discount rate, not the 7.95% mentioned above (from the last valuation report).

