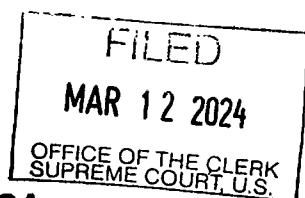


24 - 5201

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA



REBECCA WU, PETITIONER

v.

California State Teachers  
Retirement System (CALSTRS)

Respondent;

California Supreme Court  
Case S282626  
Denied Petition for Review  
12-13-2023

**TWO Extension Letter 5/28/24**  
60 DAYS to 7/27/24

Order Denied Petition in Third  
Court of Appeal C095632

Order Denied: 09/28/2023

Superior Court of Sacramento  
34-2020-80003303-CU-WM-GS

Trial Court Judge: Earl, Laurie  
Trial Court Judgment  
Date: 1-04-2022

Order Denied Rehearing in Third  
Court of Appeals 10/17/2023

**On Petition for Writ of Certiorari to the United States Court  
of Appeals for the Third Court of Appeals, California.** After a  
Decision by the Court of Appeal, California Third Appellate District, (No. ) C095632 On September 28, 2023 *Rebecca Wu v. Cal. State Teachers' Ret. Sys.*, No. C095632 (Cal. Ct. App. Sep. 28, 2023) **PETITION FOR WRIT OF CERTIORARI**

Rebecca Wu PO BOX 543, APPLEGATE CA 95703 916-308-2190  
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CALSTRS Ryan Sellness, Diane Sweeney (650)-233-4046 2550 Hanover  
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**To: Clerk, Supreme Court of the United States, One First Street, NE,  
Washington, D. C. 20543** Constitutional Issues

## QUESTIONS FOR REVIEW

1. Is it required, mandated or an abuse of Discretion, for California State Teachers Retirement System to do a Review, Make a determination on the proper Contributions and Credits based on a recognized [by courts and or by the employee] misclassification where the credits and contributions would be different based on a Collective Bargaining Agreement that a probationary employee would be under but not an hourly paid misclassified Substitute under the California Constitution requiring adjustment and putting the member First and duty to the member above all else , EDC 22206 b, CCR 27100-27102, US Constitution 14th Amendment to Due Process and Equal Protection Clause.
2. CAN STRS CHERRY PICK ITS RIGHT TO AUDIT ONLY WHAT IT CHOOSES IN OVERPAYMENTS THAT ALLOWS THEM TO COLLECT THE OVERPAYMENT OF EMPLOYER AND THUS OVERPAYMENT TO THE MEMBER OF STRS THROUGH ITS audit and force the corrections and makes adjustments on Errors when to much or overpayment is done BUT NOT WHEN IT IS AN UNDERPAYMENT THAT HURTS THE MEMBER BUT NOT THE SYSTEM thus putting itself first over the member in violation of the California Constitution and FIDUCIARY DUTIES AND A PLAN ADMINISTRATOR AND IS IT AN ABUSE OF DISCRETION OR MANDATORY DUTY OR BOTH?
3. DOES CalSTRS have to follow the similar laws under the federal law ERISA which covers private retirement systems in states that are not public ones and requires review audit and correction of errors for inaccurate reporting of a Class of employee and or one under a Collective Bargaining Agreement and thus also not having equal protection of the laws under the 14th Amendment when public laws all support having similar laws as ERISA?

4. Should the United States Supreme Court review for weather a public retirement system should take a the first step in making a determination especially when it must be done for a CalSTRS administrative review process [ CCR 27100-27102] to obtain the right to a hearing on the merits and make CalSTRS do Declaratory Relief as requested in the Original Writ in Superior court and argued in appeal, rehearing and in State Supreme Court?
  
5. Do all State Teacher Retirement systems and or Public retirement systems have a Vested right to correct payments and corrections of inaccurate

#### QUESTIONS FOR REVIEW

6. reporting based on a Class of employee regardless if they are under the CBA
  
7. Does the CBA give rise to Wu's property rights because she was an employee with contributions to STRS but they were improper based on her Class of Employee under STRS rights to review. **THUS CONCLUDE BECAUSE ONE HAS THIS RIGHT TO HER PROPERTY EVEN IF IT HAS NOT BEEN ENTERED INTO THE SYSTEM DUE TO SINISTER OR MISTAKE OF EMPLOYER?**
  
8. Can CALSTRS Choose to only reviewing when there is **Overpayment** based on improper reporting or "spiked", "spiking" a classification of an employee and not when there is **Underpayment**, especially intentionally and this is the violation of equal Protection and or in violation of the California State Constitution as well as at least abuse of Discretion which would compel the agency to review and audit and make or enforce corrections as regularly done for **Overpayment**? Would this self interest of STRS to not have to pay out as much yet have the money for investment be unfair when California and retirement laws in the United States require to put members first even if it harms the systems?

9. Should All State Public Retirement Systems do a transparent response, per Wu Declaratory relief request to issue a review or at least a response to a member complaint on credits and contributions in a timely manner so a member can take the next steps or file in superior court, and would that be just and proper under federal laws, Government Administrative Acts, sound public policy, and at least be an abuse of discretion not to have any formal Timely response until Wu filed a claim with General services after years of asking for a review ?
10. Because Wu is vested, No statute of Limitations, and rights to prompt delivery under the California Constitution Title 5 Section 17 then does she have property rights as a court of appeal order she was Misclassified and a probationary teacher with vast difference in credits per the 5 periods a day not 9 a day for a Day of credit over 10 years. Should she have common law rights? Right to be under the same Class of Employees under California Retirement Law?
11. Is it considered an adequate remedy at law against Wu employment for the STRS contributions and credits in her Misclassification case and that it stalls or does not allow a Writ of Mandate which like Federal laws require it only when there is no other speedy adequate remedy?
12. Is issues like the exponential loss to a sound retirement system not adequate for the public issue, does the agency have an obligation under its responsibilities to its members, What if a member cashes out is that not Prompt rights to retirement money and thus not adequate, or not prompt delivery per the California Constitution? [Issues brought up at all stages of court) ?

13. Should STRS change Wu credits and contributions and require the district to do the changes now that STRS recognized the Ruling in the Court of Appeal in Wu main case she was Misclassified and did Wu argue that at all levels?

## **LIST OF PARTIES**

All parties appear in the caption of the case on the cover page.

## **RELATED CASES**

**Case S279230** Rebecca Wu vs Twin Rivers Unified School District  
Petition for Review Denied In the California State Supreme Court  
US Supreme Court. No. 23-5367 Third Court of Appeal C088570  
Sacramento Superior Court 34-2015-80002234.

## **CORPORATE DISCLOSURE STATEMENT**

**There is no parent or publicly held company owning 10% or more of a corporation's stock the disclosure of which is required under Rule 29.6. I do not own.**

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## STATUTES AND CASE AUTHORITY

### ***United States Constitution Fourteenth Amendment***

My 14th AMENDMENT Due process rights (Purdy v. Teachers' Retirement Board (1980) 113 Cal. App. 3d 942, 949 [170 Cal. Rptr. 360]

Administrative procedures Act,

Government Code beginning with section 11340.

*California Code of Regulations Title 5. Education Division 3. Teachers' Retirement System Chapter 1. Teachers' Retirement System Article 16. Penalties and Interest for Late Remittances and Late and Unacceptable Reporting by Employers*

California Teachers Association Vs GOVERNING BOARD OF THE YOSEMITE COMMUNITY COLLEGE DISTRICT et al. and [respondent] State Teachers Retirement System. 1985. 169 Cal. App. 3d 39 a

. 5 CCR 27100-27101 b. 5 CCC 27100-27104 c.

EDC 22010 d. EDC 22021 e.

STRS LAW 5CCR 27100-27103 f. ED CODE 20520 g.

.Information must be furnished under Ed code 22456, 22010 h. Under STRS law Ed code 22106.5 base hours

### ***United States Constitution First Amendment to petition the Government for a redress of grievance***

362, 374, (1990). Gov't Code § 3541.3(i);

Cal. Code Regs., tit. 8, § 32602

California Ed code 45025, Service Credits in STRS 22700–03, Government Code 3547.5 Audit for fiscal sound. California Ed code 41020 Annual Audits for vacancies and misassignments

Ed code 22138.5 there cannot be a longer or shorter day. j. Additionally under CCR/gov code 11700 k.

THE State Constitution Extract Article XVI of the California Constitution: Section 17 I. Government Code

EERA Law 3545 b.1 m. EDC 26200-26216 Plan Administration. N

EDC 27100. MEMBERS RIGHT TO REVIEW AND DETERMINATION SEPARATE FROM A REGULAR AUDIT

6868. EDC 26605 Additional Learning Credit.

EDC 26700 Vested Right to Benefits. E q. DC 26701 RIGHT NOT TO SUBJECT TO EXECUTION OR ASSIGNME

*Section Ed code 27300, Class of employee 22112.5, Creditable compensation 27400, Ed code 22119.5, EDC 26113, EDC 22112.5, Correction of errors 22308, 22215,*

*Ed code 22206 requires an Audit. STRS law 45025*

*general authority to audit school districts found in section STRS law 22206 “EDC 22112.6 DAYS OF SERVICE CREDIT FOR CLASS OF EMPLOYEES. EDC 22119.2 EXTRA DUTY CREDIT AND PAY. EDC 22119.5 Creditable SERVICE. EDC 22502 PART TIME. EDC 22503 Substitutes get Credits*

*California Constitution ART XVI at 17 Ed code 22301, rights and under 27100-27103*

29 U.S.C. 1001 ERISA Employment Retirement Security Investment Act IF the agency will not review it then it is reviewable in Superior court. **5 U.S.C. § 704**  
**Section 704 - Actions reviewable** Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 392.

24616.5, 22008, 24617 and 22326 (a)

*Ed code 27300, Class of employee 22112.5, Creditable compensation 27400, Ed code 22119.5, EDC 26113, EDC 22112.5, Correction of errors 22308, 22215, CTA vs Governing Board/STRS 1985, EDC 22719, 22700-3, 24000, EDC 45025, Abbott Vs city of Los Angeles 1985) (California Supreme court Petition)*

UNDERPAYMENTS EDC 22213, EDC 22308 (APPENDIX F) 22214

Blazer vs CalSTRS 37 Cal App 5th 349 (2019) (**Blaser v. State Teachers' Retirement System (2019)** 37 Cal.App.5th 349, 356.)

*County of Orange v. Assn. of Orange County Deputy Sheriffs (2011) 192 Cal.App.4th 21, 41-42.) Pension benefits are an “element of compensation” and a “vested contractual right” that cannot be removed “without impairing a contractual obligation of the employing public entity.” (Betts, *supra*, at 863-64.)*

**Under Aranda v. Teachers' Retirement Board of State of California, No. D051803 (Cal. Ct. App. Dec. 5, 2008)** A board does have a duty to review credits and compensation and fix it.

Crumpler vs Board of Administration 32 Cal App. 3rd 567 (1973) INternational Association of FireFighters vs City of San Diego 34 Cal 3rd 292 (1983)

Administrative Procedures Act. California Constitution,

### **California Education Code 24616.5**

*In re Snellbaker, 414 N.J.Super. 26, 34, 997 A. 2d 288 (App.Div.2010*

*In re I/M/O Town of Harrison & Fraternal Order of Police, Lodge No. 116*  
*440 N.J. Super. 268 (App. Div. 2015)*

*Code of Laws of South Carolina, 1976, § 9-1-1670. Simmons v. South Carolina State Ports Authority, 495 F. Supp. 1239 (D.S.C. 1980)*

**OHIO**      Ohio Laws (.gov) Section 3307.01 - Ohio Revised Code  
<https://codes.ohio.gov> › section-3307 In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

Cannavo v. NYC Dep't of Hous. Pres. & Dev.

66 N.Y.S.3d 652 (N.Y. Civ. Ct. 2017)...

*Universal Maritime Service Corp.*, 525 U.S. 70 (1998). *Fuentes v. Shevin*, 407 U.S. 67, 95 (1972) “

[*Lippman v. Bd. of Educ. of the Sewanhaka Central. High School District*, 66 N.Y.2d 313 (1985)

[*Internat'l Ass'n of Firefighters v. City of San Diego*, 34 Cal. 3d 292 (1983)] and it can also review for member reclassification [*Crumpler v. Board of Administration*, 32 Cal. App. 3d 567 (1973)].

Rusk v. Cort, 369 U. S. 367, 379-380. Pp. 139-141.

## **CCR 5 T5 11700 HOURS OF INDEPENDENT STUDY TEACHER**

27400-27401 *Salary*. *EDC 27601 STRS will limit? If it determines inconsistencies-27601. EDC 24619- 24620. EDC 22958 ACTION CHALLENGING. EDC 22957 Challenge. EDC 22800 Claims for Creditable Service. EDC 22905-Contributions to be credited to defined benefit supplemental account, EDC 22909 Payment of Contribution by Employer. EDC 22950 Monthly contributions. EDC 22955.5 Creditable Compensation. EDC 22951 CONTRIBUTION PERCENTAGE of members monthly salary. EDC 23000 Mandatory Deductions of payment. EDC 23003. EDC 22950.6 DEFINED BENEFIT. EDC 23008 -Adjustment / penalty. EDC 23010 Appeal. EDC 24616-Authority of Overpayment collection. EDC 24616.5 Report of erroneous Reporting of Information of Employer. EDC 24617 Collection of Overpayment. EDC 24618 Collection of Overpayment/Underpayment. EDC 24500 Right of Recovery from Third Person or Entity. EDC 24502 Action permissible. EDC 22503 substitutes get credit. EDC 24505 limited time to fix an action. EDC 22351 Legislative Intent. EDC 24000 Service credit. EDC 22354. EDC 22350 Investments. EDC 22303 Employment of Retired Public Employees. EDC 22300 Chief Executive Officer. EDC 22254 – Breach of Fiduciary Duty. EDC 22250 Fiduciary Duty. EDC 22217 Annual Audit. EDC 22215 Fixing STRS – FIXING STRS. EDC 224d. EDC 22502 Part time. EDC 22503 Substitute. EDC 22504 Hourly. EDC 22719 –EDC 14502.1 EDC 22719 –EDC 14502.1 Fiscal Audits for STRS credit and contributions and for vacancies of assignments. The Administration Procedures Act 3.5 (11340) Par 1 of Division 3, of Title 2 of Government Code.*

### **Model Act**

**ALABAMA POWER CO. v. DAVIS, 431 U.S. 581 (1977)**

**United Mine Workers of America Health & Retirement Funds v. Robinson  
455 U.S. 562 (1982)**

**472 U.S. 565-568 and ERISA and these also would support the right of a member to audit a claimed inaccurate reporting. Central States Pension Fund v. Central Transp., 472 U.S. 559 (1985)**

**5 U.S.C. § 704 Section 704 - Actions reviewable** Pub. L. 89-554,

**Retirement system can review a Collective Bargaining Agreement in terms of contributions and credits.** In re Appl. of McGarrigle v. N.Y.004 N.Y. Slip Op. 50652 (N.Y. Sup. Ct. 2004)

**Galanthay v. New York State Teachers' Retirement System 50 N.Y.2d 984 (N.Y. 1980)**

CCR 27100-27103

**U.S. Supreme Court in NLRB v. AMAX 453 U.S. at 331 [p.53]**

From PEW " ERISA § 1104(a) (1), UMPERSA § 7(1), and comments citing NLRB v. Amax Coal Co., 453 U.S. 322 (1981) and City of Sacramento v. Public Employees Retirement Sys, 280 Cal. Rptr. 847 (Cal. Ct. App. 1991)

*Betts v. Board of Administration (1978) 21 Cal.3d 859, 864; Kern v. City of Long Beach (1947) 29 Cal.2d 848, 853; Miller v. State of California (1977) 18 Cal.3d 808, 817; Carman v. Alvord (1982) 31 Cal.3d 318, 325.)*

## **25.FEDERAL ERISA 29 U. S. C. §1132(a)(1)(B)**

29 U.S.C. Chapt. 18 Employee Retirement Income Security Act (ERISA)

**Title 5-GOVERNMENT ORGANIZATION AND EMPLOYEES. CHAPTER 7-JUDICIAL REVIEW 5 USC §704. Actions reviewable**

California Education Code 22308 in its discretion to do Correction of Errors or Omissions in (APPENDIX F )EDUCATION code 22206 a and b.

ENFORCEMENT CIVIL ACTIONS SEC. 4301. 1451(a)(1)

**IN THE SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI**

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below and rule in Wu's favor or overturn the decision of the issuing opinion.

**OPINIONS BELOW**

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is [x] reported as Denial for the Writ of Mandate. 9/28/2023 The opinion of the THIRD COURT OF APPEALS CALIFORNIA court appears at Appendix A the petition and is [ x ] reported at Not Published — No Similar decision made, -Case Rebecca Wu vs State Teachers Retirement System case C095632, State Supreme Court Denied Petition for Review 12/13/23 - Appendix A.1

Sacramento Superior Court Case Wu vs STRS 34-2020-80003303 Judgment on the Pleadings and Denied the Writ of Mandate is in Appendix B Judgement Order and Opinion of the Superior Court on tentative Judgment on the Pleadings on December 17, 2022 And Judgment on the Pleadings is January 4th 2023, Notice of Judgement on the Pleading On January 5th 2022 is in Appendix B

**Sacramento Superior Court Case Wu vs STRS 34-2020-80003303 Motion for Protective Order and Motion for Protective ORder Tentative Ruling October 15, 2021 is in Appendix B**

Denied Petition for Review in State Supreme Court of California on 12/13/2023 Appendix A.1 and C Rebecca Wu vs California State Teachers Retirement System Case S282626 Appendix C

**LISTING OF ALL PROCEEDINGS**

Denied Petition for Review in State Supreme Court of California on 12/13/2023 Appendix A1 and C Rebecca Wu vs California State Teachers Retirement System Case S282626 Appendix C

Appellant's **Petition for Rehearing in the Court of Appeal** in the State of California in the Third Appellate District for Case Wu vs CalSTRS **C095632 on 10/17/2023** is in Appendix D

**Denial for the Writ of Mandate. 9/28/2023** The opinion of the in THIRD COURT OF APPEALS CALIFORNIA **C095632 Appendix A** NOT Published.

Sacramento Superior Court Case Wu vs STRS 34-2020-80003303 Judgment on the Pleadings and Denied the Writ of Mandate is in Appendix B Judgement Order and Opinion of the Superior Court on tentative Judgment on the Pleadings on December 17, 2022 And Judgment on the Pleadings is January 4th 2023, Notice of Judgement on the Pleading On January 5th 2022 is in Appendix B

**Sacramento Superior Court Case Wu vs STRS 34-2020-80003303 Motion for Protective Order and**

**Motion for Protective ORder Tentative Ruling October 15, 2021 is in Appendix B**

**On January 17 2020** Wu filed a Declaratory Writ Of Mandate under CCP 1085 to do a review to get on the path to the Administrative hearing.

**JURISDICTION OF UNITED STATES SUPREME COURT**

The jurisdiction of the U.S. Supreme Court is invoked under **28 U. S. C. §1257(a)**

**The date of the Denied Petition for Review was on 12/13/2023 in the State Supreme Court.**

**Denial of Petition for Review Dated 12/13/2023\_ (Extension to May 18 Weekend. )**

**The copy of this Disposition in the Dockets is at Appendix A.**

Appellant's Petition for Rehearing in the Court of Appeal in the State of California in the Third Appellate District for Case Wu vs CalSTRS C095632 on 10/17/2023 is in Appendix D There was no hearing, nor review or decision on the requested review and thus a Declaratory Writ Of Mandate under CCP 1085 to do a review to get on the path to the Administrative hearing.

The date on which the highest state court decided with an Opinion my case with an opinion was the Third Court of Appeals C095632 Order Denied: 09/28/2023 In the Court of Appeal of the State of California , Third Appellate District (Sacramento) is in Appendix B . Not published.

An extension of time of 60 days to file the petition for a writ of certiorari was granted on dated March 19th Letter and on May 28, 2024 Due July 27, 2024

**STATUTORY PROVISIONS FOR THE US SUPREME COURT TO REVIEW**

STRS Law CCR 27100-27103 Required determination or review to be done, EDC 22206, a, b. 14th Amendment, Due process, Applying ERISA Law to Public Retirement Systems requirement to review for credits and Class of Employee Cal. Administrative Procedures Act, California Constitution, California Education Code 24616.5. United States Constitution 14th Amendment Equal Protection of The Laws. MODEL ACT, Chevron Doctrine in California. CALIFORNIA CONSTITUTION Article XVI Section 17(a) , CCR 27300m Ed code 22010 , Gov code 3545 b1 ERISA § 1104(a) (1), UMPERSA § 7(1), 29 U.S.C. 1132(a)(1)(B), 29 U.S.C. 1056(d) and H (1) C

Bill Text: CA AB 1667 | 2021-2022 | Regular Session | Amended California Assembly Bill 1667 , Cal Gov CODE § 20160. UNDERPAYOUTS EDC 22213, EDC 22308 (APPENDIX F) EDC 22214 Ed code 22456, 22010) Under STRS law Ed code 22106.5 base hours, and Ed code 22138.5 CCR/gov code 11700 CCR 4680 Responsibility of Governing Boards. EDC 14502.1 Fiscal and intent of the legislature to LOOK FOR VACANCIES and MISALIGNMENTS. § 41020 EDC 54480 FTEn EDC 22112.6 CCR 27009 RIGHT TO AN ADMINISTRATIVE HEARING. CCR 27300- Class

*of Employees. CCR 27301 PROHIBITED CLASS OF EMPLOYEES. Education Code 24616.5 5 USC §704. Actions reviewable,*

**EDC Education code 22119.2 (a) -(f)**

## **STATEMENT OF THE CASE**

Wu Requested a review based on the reportings of STRS to Wu of her credits and contributions by the Compensation Review Unit top person Manager Jody Cozad. Wu asked for a review based on her position as teacher and a CBA although she was singing Substitute timesheets yet advertised on the website as a teacher. Cozad agreed there was an issue but never did a Review or Decision which would lead to an internal Administrative hearing under CCR 27100-27103. Wu filed for a Writ in Superior court to compel the review/Decision based on a CBA and the hours which are defined as a day of around five teaching hours. Wu was teaching Eight a day on average with no lunch or prep and not a substitute.

**The 3rd Court Ruled that in a related case Wu WAS A PROBATIONARY TEACHER** but not a tenure nor substitute but did not order damages. U.S. Supreme Court Case No. 23-5367, AND No. 24-5121 *Wu v. Twin Rivers Unified Sch. Dist., No. C088570 (Cal. Ct. App. Mar. 2, 2023)* This case recognized it. The Superior court ruled STRS has no duty to audit for classification. The 3rd court recognizes Wu's argument that Wu is only claiming the right to audit for credits and contributions. Contrarily to Ruling in This case Wu does claim a probationary teacher is under a CBA and thus is different in credits and contributions to STRS legally owed to her. The third court Ruled “*contends CalSTRS has a duty to investigate her proper*

*classification for the purpose of calculating her service credits and retirement contributions. We disagree and affirm” ALSO Wu asked for Declaratory relief STRS must do a review to the pathway to a administrative hearing and the agency and their internal audits showed they are not doing this nor transparent in giving the People this pathway per CCR 27100-3 **as per Wu’s rehearing** A private retirement system under ERISA is mandated to review for a CBA so should a public system.*

## **REASONS FOR GRANTING THE PETITION –ARGUMENTS**

**1. There are many reasons why a STATE TEACHERS RETIREMENT SYSTEM would be Mandated or Abuse of Discretion if they Choose NOT to do an Audit or Review for a decision on the retirement credits and contributions from an employer based on their classification of as described in a Collective Bargaining Agreement. Public retirement systems have and will do this regularly for when they see an Overpayment or spiking of an employee but does not want to for Underpayments. Laws must be in harmony and a public system should be held to the same equal or higher standards as Private Retirement law in ERISA**

A public retirement system should be held to higher standards than a private system because it represents a transparent government agency and it is clear that intent is shown in the requirement that a government attorney is held to a higher standard because these are public concerns. The issues are clearly divided in the states with some states having more protective laws or case law for state retirement systems with many shown in this brief. SEE STATE DIFFERENCES IN THIS BRIEF. A private retirement system under ERISA is mandated to review for a CBA if a complaint is made that an employer is not

reporting correctly or misclassified and when that was created there was a review of public retirement systems that created a **Model Act** for public systems.

*“Private sector retirement plans must follow federal standards set under ERISA, but the rules covering public sector plans are far less consistent. The provisions in the Model Act were intended to provide guidance for pension plans for local and state workers.”*  
<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/11/basic-legal-protections-vary-widely-for-participants-in-public-retirement-plans>

Public Retirement Systems, like CALSTRS in the U.S.A should have Fiduciary Duties to its members. There is the duty of impartiality, or be impartial to either a group or member, solely in the interest standard, - to administer the plan in the interest of the members and exclusive benefit rule to administer the plan for the members. Only 35 states, which includes California, **have in their laws or in their constitution like California**, require the Exclusively for the benefit. Yet, none of that is in Harmony with the ruling of this case that CalSTRS does not have to do an audit that they can choose to do on the employee complaint of misclassification based on a CBA.

#### **1.a. FIDUCIARY duty is clearly established for pursuing overpayments and would APPLY to Underpayments IN BOTH PRIVATE AND PUBLIC SYSTEM LAW**

29 U.S.C. 1056(d) and H(1) C Current through P.L. 118-40 (published on www.congress.gov on 03/01/2024) any fiduciary of the plan, other than a fiduciary (including a plan sponsor or contributing employer acting in a fiduciary capacity) whose breach of its fiduciary duties resulted in such overpayment, provided that if the plan has established prudent procedures to prevent and minimize overpayment of benefits and the relevant plan fiduciaries have followed such procedures, an inadvertent benefit overpayment will not give rise to a breach of fiduciary duty.

29 U.S.C. 1132(a)(1)(B), empowered to bring a civil action. The Public Pension Coordinating Council (PPCC) is a coalition of three national associations and it represents public retirement systems and administrators from three national groups. : National Association of State Retirement Administrators (NASRA), the

National Council on Teacher Retirement (NCTR) and the National Conference on Public Employee Retirement Systems (NCPERS). With no or little Social Security it is Necessary just action to do a review. Many states like California have their Social Security final amount cut determined for payments decreased or not allowed when they have a public retirement system.<https://www.urban.org/policy-centers/cross-center-initiatives/state-and-local-finance-initiative/projects/state-and-local-backgrounder/state-and-local-government-pensions>

This Petition addresses the need to allow a hearing in CalSTRS for Underpayments because of the circumventing of this right and at least to a hearing in superior court if it is Complained that one is having underfunding and thus should have similar adjudication with similar rights (*Blaser v. State Teachers' Retirement System* (Cal. Ct. App., July 19, 2019, No. H045071) 2019 WL 3002865.)

**2. THERE MUST BE DECLARATORY RELIEF** requiring CALSTRS to take the first step in the process for a member to get an internal review and path to a hearing on a complaint like Wu did which she still has never gotten. The Writ of Mandate asked for Declaratory Relief from this and was in all briefs and the Appeal Rehearing so the argument is still Viable and is of most importance for Government Transparency. Not aligned with APA.

This is not Violation of Due process under the 14th Amendment. It isNot aligned with Administrative Procedures Acts and Public Transparency Internal audits on CALSTRS show failure and not doing the Reviews nor any timeline or where they are and thus lost in the system with no process for years or decades for many of us and who knows how many? This issue was not addressed but potentially the most important as it was filed as a Writ of Mandate and in Superior court it was clearly asking, as all briefs were, for DECLARATORY RELIEF that the agency must follow their own internal audits and must make a decision on a members complaint so they can move up in the Due process rights to a hearing and challenge decisions. CCR 27100-27103.

**3. There are many reasons why CALSTRS should be required to review based on a CBA and why it would be an abuse of Discretion or in violation of Mandatory duty to take a first step in the process or pathway to get an internal hearing with a judge when complaints are not being reviewed, put into a database AND THIS MUST BE A DECLARATORY RELIEF.**

The ruling rejects that there is a Fiduciary Duty and obligation to the Member first by the constitution and case law in California. Internal audits on CalSTRS confirm they are not transparent nor processing complaints to whistleblower hotlines or by members. CALSTRS proposes laws to include the CBA but also try to move away from its fiduciary duties. Passed 2022. See Wu APPENDIX E,F,G.

*The bill would authorize an employer or an exclusive representative of public school employees to submit to STRS items of compensation that are contained or proposed for inclusion in a **collective bargaining agreement**, as specified, **for review by the system for consistency with law governing creditable compensation and with system regulations**. Bill Text: CA AB 1667 | 2021-2022 | Regular Session | Amended California Assembly Bill 1667*

**4. CONTRARY TO THIRD COURT ORDER – THAT CCR 27100-3 DOES MANDATE A REVIEW FOR A STEP TO A HEARING AND IS NOT JUST DEFINITIONS YET LEGISLATIVE INTENT WAS DUE PROCESS, NOR SHOULD THE COURT DEFER TO THE AGENCY AS EXPERT WHEN THEY PUBLICIZE THE OPPOSITE OR THIS IS A PATH TO A HEARING. WU CITED IN A REHEARING AND IN ALL TRIAL AND APPEAL BRIEFS**

**PAGE 5 [https://www.calstrs.com/files/5f39d4621/internal\\_appeal\\_tab\\_a.pdf](https://www.calstrs.com/files/5f39d4621/internal_appeal_tab_a.pdf) (p.5)**  
**<https://www.calstrs.com/member-s-right-to-internal-informal-appeal-of-a-determination-by-calstrs-staff-of-a-right-to-a-benefit-or-obligation> (notice of proposed rulemaking)**

*“The proposed regulations provide guidelines for a member, former member, participant, former participant, beneficiary, or entity to exhaust CalSTRS administrative remedies ...*

*Proposed Sections [Calif Code of Regulations] 27100 through 27103 describe and implement procedures for a **member**, former member, participant, former participant, beneficiary, or entity to follow when making a request or disputing a decision. The regulations also articulate what information is required to move the informal process forward to the next internal level which provides transparency and predictability.”- Notice of Proposed Rulemaking*

**4.aThe court claims on the opinion that there is no ministerial duty of STRS and that STRS would be reclassifying an employee but this is inaccurate**

**5. The issues of corruption and nowhere to turn is a common thread.**

Where vacancies exist but are not reported because of hidden student numbers assigned to teachers similar but different to Wu's situation and nowhere to turn to. California Department of Education does not review as the State Auditor points to CDE and County office of Education and CDE does not concur with findings. The Office of Controller also chairs the STRSAudits. Before she left office, Elaine Howle, did a review of Counties, and CDE. Yet CDE does not concur. The California Williams Act requires notices put in the classroom that students cannot have a series of substitutes. I cashed out my STRS retirement with intent to pay back and use part of it to pay for litigation of the losses in retirement but somehow a 0 dollar check was sent so I did not get it until after Discovery and was pro per for most all Discovery.

News Channel Abc10 "**Wild Wild West of Education.**" Nowhere to go: A lack of oversight by local and state agencies. Update: CA legislators call for audit And Profits over student success?

<https://www.abc10.com/article/news/local/abc10-originals/wild-west-of-education-an-investigation-into-highlands-community-charter-and-technical-schools/103-9cf5ca57-9441-4f0c-853a-6e3061989d46> by: Andie Judson, Mike Bunnell, Rachel Kim, Sabrina T. Sanchez, Gonzalo Magaña, Vanessa Bozzuto, Tyler Horst

The State Auditor Elaine Howle claimed the UC president's office "*inappropriately screened" the campuses' responses and altered statements and ratings that were initially critical of the office, the audit said.*" in KCRA 3 <https://www.kcra.com/article/lawmakers-to-question-university-of-california-president/9595700>

In the DavisVanguard.org some independent articles not representative of the organization are "*Twin Rivers in a Capital Town: Local Control and Ultimate Power.*" Article on CalSTRS, "*Murky Waters of Public Retirement Systems: No transparency in the complaints, processing a first step in the path to a hearing, and accountability.*

<https://www.davisvanguard.org/2024/05/twin-rivers-in-a-capital-town-local-control-and-ultimate-power/>

## **6. THE LAWS, CASE AUTHORITY AND THE INTENT OF CONGRESS HAS BEEN TO MAKE PUBLIC RETIREMENT SYSTEMS ALIGNED TO ERISA IN THE PRIVATE SECTOR AND THUS REQUIRE, MANDATE STRS TO DO A REVIEW THEY CAN DO BUT NOT REQUIRED BECAUSE IF THEY DO IT WILL COST THEM MORE**

A MODEL ACT was created by experts around the U.S.A on public retirement when ERISA was created for the private sector.

*“Following the shift in the 1990s toward more complex pension investments, legal experts from all 50 states drafted several model laws, including the Uniform Management of Public Employee Retirement Systems Act of 1997 (Model Act). In 1997, the National Conference of Commissioners on Uniform State Laws recommended that every state adopt these measures. Some states followed the guidance, but many have proved slow to act.”*

**Basic Legal Protections Vary Widely for Participants in Public Retirement Plans** States take differing approaches to setting core fiduciary standards  
ISSUE BRIEF November 21, 2017 PEW  
<https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/11/basic-legal-protections-vary-widely-for-participants-in-public-retirement-plans>

*“Pew identified eight key fiduciary duties and standards included in the **Model Act** that are particularly important to state and local pension plans. The six core duties spelled out in the act require trustees or other fiduciaries to discharge their responsibilities with respect to a retirement system (bolding is added for emphasis)”*

## **7. MODEL ACT RECOMMENDATIONS ARE SIMILAR TO California's CONSTITUTION of clearly takes after this Model Act AND THUS IF PRIVATE INDUSTRY HAS RIGHTS THEN WU AND OTHER PUBLIC EMPLOYEES SHOULD AS WELL BECAUSE PUBLIC SYSTEMS SHOULD BE HELD TO A HIGHER STANDARD AS GOVERNMENT AGENCIES, AND UNDERPAYMENT COMPLAINTS LIKE WU's TO CALSTRS SHOULD BE ALLOWED TO HAVE A REVIEW BASED ON THE CBA OR IT WOULD BE VIOLATING THE FIDUCIARY DUTY OF THE RETIREMENT SYSTEM**

MODEL ACT (1) *solely in the interest of [retirement system] participants and beneficiaries;*(2) *for the exclusive purpose of providing benefits to participants and beneficiaries and paying reasonable expenses [for] administering the system;*(3) *with the care, skill, and caution under the circumstances then prevailing which a prudent person acting in a like capacity*

*and familiar with those matters would use in the conduct of an activity of like character and purpose;(4) **impartially**, taking into account any different interests of participants and beneficiaries;(5) incurring only **costs that are appropriate and reasonable**; and(6) in accordance with a **good-faith interpretation of the law** governing the retirement program and system."*

A plan must be carried out impartially and must be impartial in its *Fiduciary Duty of Loyalty*. Therefore, the overall plan or cost to the system is not more important than a Member who has been misreported like Wu.

*U.S. Supreme Court in NLRB v. AMAX 453 U.S. at 331 [p.53] From PEW "ERISA § 1104(a) (1), UMPERSA § 7(1), and comments citing NLRB v. Amex Coal Co., 453 U.S. 322 (1981) and City of Sacramento v. Public Employees Retirement Sys, 280 Cal. Rptr. 847 (Cal. Ct. App. 1991).*

[https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/11/basic-legal-protections-vary-widely-for-participants-in-public-retirement-plans.](https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2017/11/basic-legal-protections-vary-widely-for-participants-in-public-retirement-plans)

Uniform Law Commission, "Uniform Management of Public Employee Retirement Systems Act (UMPERSA)" (1997), §7, [http://www.uniformlaws.org/shared/docs/management\\_public\\_employee\\_retirement\\_systems/mpersa\\_final\\_97.pdf](http://www.uniformlaws.org/shared/docs/management_public_employee_retirement_systems/mpersa_final_97.pdf).

<https://www.ncpers.org/pension-awards-recognition>

<https://nctr.org/about-nctr/governing-documents/principles-and-positions/>

While Wu had this case she was ruled for misclassification as a probationary teacher [Opinion 3rd court p. 2] but no damages for probationary even though she asked for that at all levels. [OPINION p. 3]

Wu Claimed Wu had rights to a proper salary schedule, credits, and pay.

Matching the district to CalSTRS {OPINION p. 3] Wu requested CALSTRS to review, correct credits and contributions for all years. Review the Day of a regular teacher or substitute and CALSTRS to enforce or collect the amount. The court claims Wu had an adequate remedy in her Case against her employer but Wu claims the California Constitution claims it must be PRompt delivery of the funds, which includes cashing it out, that it is bad

public policy to then years or decade later obtain a judgment when the Exponential loss in hundreds of thousands of investment funds are lost and that is how they pay their members when they retired and thus harms the system. IT is not legal to contribute to the cause of the Decrease or Increase under EDC 22010 and the overall laws would point to that an Administrative hearing or suit in court on STRS is justified with no plan speedy remedy. [Opinion p. 3 3rd court Ruling]

Wu argues clearly that her right to have discovery is from a CCP 1085 and no hearing was done. Discovery could have produced a clear showing of abuse of Discretion.{OPIN.p.4-5}

Wu does agree STRS cannot change her classification to Tenure nor Probationary but it has under STRS LAW the right to review the Collective Bargaining AGreement THAT PROBATIONARY WOULD BE UNDER AND A MISCLASSIFIED SUBSTITUTE IS NOT and the Class of Employee and thus SHOULD DO SO or MANDATES IT DOES to make the system whole and the employee. [OPIN.6] Wu claims she was not a member of the CBA because of the misclassification and status as an hourly employee. [OPIN. p.6] And as the court explained that Credits for a day is inaccurate [p.2-4 OPIN] as explained above. Wu claims a Review for a STRS law “Class of Employee” is not the same thing as actually reclassifying her in the District or districts HR books. She cannot ask STRS nor has she ever claimed STRS must reclassify her for the District.

Wu claims in the Writ, and all briefs she is not in the proper Credits or Contributions because she is not on the Salary Schedule. [ Writ Superior court p. 2-7] Yet the Opinion claims Wu Reply Brief [ her Opening Brief did for much of the entire brief of 50 pages]

**claimed she did not argue the Contributions or service credit change in her classification from Substitute to Probationary [ OPINION p. 6] that the 3rd court Ruled Wu was probationary. That is that the district nor STRS did not change it but it would be different based on a Probationary Salary schedule not hourly pay and Yet this contradicts that the court own ruling knew Wu was arguing credits and hours and pay {Opinion p. 2-3]**

[Opinion p. 6 ] *"She maintains her right to an increase in her retirement benefits derived from a Collective Bargaining Agreement ..which she was not a member- According to Wu because of her misclassification and status as an hourly employee."* [p.6] Wu claims CALSTRS has a duty to audit the classification for purposes of her retirement calculations. [As Mentioned in the Writ originally filed it is for credits and Salary]

**[opinion p. 6] But to do what Wu asks CalSTRS to do would effectively result in a Reclassification of Wu position with the district ...and only the district has the right to classify. [Wu does not ask for reclassification by a district in Wu vs STRS but only she argues for credit and salary/matching contribution purposes]**

However, Wu argues that CALSTRS has been doing that for many decades and still does but only on those it will get money from or basically not have to pay out as much because it is an Overpayment [ that they can invest in and exponential gain like a bank] and only payback the small amount of overpayment in a "Spike" where someone has an improper classification. Most cases on spike are for Overpayment as explained also in ORAL ARGUMENT and in all BRIEFS. CALSTRS instead, chooses to ignore all the UNDERPAYMENTS like Wu on classification and other things.

Overpayments at the fault of an employer or employer approved illegal position have horrified members resulting in media focus and recent legislative changes. The overpayment collections are good for CALSTRS but not for members. IN the news more recently were the city workers who were independent contractors after retirement doing the same work and not contracted. Wu was an employee so that was a little different. One owed hundreds of thousands for ten times less or around what they put into the system. New laws have merged. Members who have Overpayment never had rights to that money because they max a 1.0 full time or other reasons, but a member who has like me Underpayment is legally owed money and thus matching and credits up to 1.0 service per year which I did not get the 1.0 based on my year EQUAL in a CBA or to all other teachers which is why the union agreed I was full time 1.0 for the years under oath in a deposition.

[https://www.calpers.ca.gov/docs/board-agendas/202209/full/item8a7-attacha\\_a.pdf](https://www.calpers.ca.gov/docs/board-agendas/202209/full/item8a7-attacha_a.pdf),  
[https://www.calpers.ca.gov/docs/board-agendas/202209/full/item8a7-attacha\\_a.pdf](https://www.calpers.ca.gov/docs/board-agendas/202209/full/item8a7-attacha_a.pdf),

<https://www.aalrr.com/newsroom-alerts-3564>

The [OPIN.p. 7] claims Wu cites EDC 22206 (a) which only gives the board it may audit but it does not have minstrel duty to do it. Yet Wu cites in all her briefs that **22206 b (APPENDIX F)** claims it is MANDATORY AND CANNOT ignore the finding but ONLY under certain circumstances including it must not be after 2002, and Mine was. It must be in an Audit which would give Wu a challenge path under CCR 27100-27103 but Wu was NEVER IN AN AUDIT as claimed in the Writ of Mandate in superior court nor any evidence to show otherwise as it is required to provide information about it to the member. **(APPENDIX G) AND the OPIN. p. 7 Recognizes that Wu cited 27100-27103 and claims it is the Process to the Admin review. [This is in APPENDIX E and is**

also filed in all briefs and Superior court in the Opposition for Motion for Protective Order and cited to in the Opposition to Judgment on the Pleading]

In the Intent of the law it clearly shows the member can request a review on credits or compensation. [APPENDIX E)

*"Wu does not allege the district inaccurately reported information to variables to her employment contract"* (Opin. 8) but this is inaccurate. Wu has continuously at all levels of court claimed the reporting of the hours and pay amount is correct but that is not what even a normal substitute would get for the credits nor per my legally declared misclassification and that of a Probationary Teacher who would be under a CBA or Salary schedule that is DRAMATICALLY DIFFERENT {OPIN . 2-3) and does not include Sick leave substitute do not get but Public Employees as Probationary do get and they can be used in STRS credit and contributions.

(OPIN. 7-8) claims Wu cited CCR 27100, 24202.5, and bottom of page 8 EDC 22112.5.

**"Override the determination by an employer as to whether or not a group or individual constitutes a CLASS OF EMPLOYEE"** within the meaning of this section..."Number of employees considered as a group because they are employed to perform similar duties are employed in the same type of program or share similar related to the nature of the work being performed."

**7A.THE THIRD COURT OF APPEAL DID NOT ADDRESS the DECLARATORY RELIEF REQUESTED in her original Writ to do a Review in a Timely manner per CCR 27100-27102 and this violates due process and equal protection of the law.**

**OVERPAYMENTS** are also misclassifications and STRS has traditionally ALWAYS reviewed for a Class of Employee but only wants to go after the OVERPAYMENTS SO

they literally shuffle and hide the Request for reviews especially on UNDER PAYMENTS. These UNDERPAYMENTS like Wu are not equal protection of the laws. All cases support Wu contentions on these Overpayments are done and class of employee and the NATIONAL IMPORTANCE IS NEEDED IN REVIEW The Constitution of California, The other laws in STRS all support Wu contention. There are other STATES around the Country and they vary on what they do. Some states spell it out more clearly than others imply it. Some states do not allow review of UNDERPAYMENTS. The law is spelled out very clearly in ERISA and that is for the private retirement funds and systems and THEY MUST look at a CBA and is required by law in an Audit or COMPLAINT. IN NLRA and PERB laws are similar and a public employee should have the same rights as the National Laws for private Funds. We the People should have a strong,. Transparent.,[EDC 22010 cannot contribute to an increase or a decrease or it's a crime as the system must be true]

**8. BY CLAIMING STRS DOES NOT HAVE A MINISTERIAL DUTY TO DO THE AUDIT OF THE CBA FOR CREDITS AND CALCULATIONS IS IN GROSS VIOLATION OF DUE PROCESS— property rights because unlike overpayments to STRS Wu's Underpayments are her property all ready just not in the system and warrant more fiduciary duty. EQUAL ACCESS TO THE LAWS IN THE 14th AMENDMENT AND THE FIDUCIARY DUTY IN CALIFORNIA CONSTITUTIONAL RIGHTS REQUIRE A MEMBER COME FIRST AND THUS THEY TAKE PRECEDENCE AND IT'S A FIDUCIARY DUTY FOR THE AGENCY TO ACT AND DO THE AUDIT BASED ON THE CBA LIKE ERISA DOES. California Constitution Article XVI - Public Finance Section 17**

Ultimately the California Constitution does not allow for the disregard for the CBA that is allowed to be reviewed per a class of employees without actually changing the classification .This disregards the sanctity of our public retirement systems. IT allows

for correct and PROMPT DELIVERY AND IT allows for the actions to be done FOR THE MEMBER FIRST not the system, not the district, not anything else.

**CALIFORNIA CONSTITUTION Article XVI Section 17(a)** *The retirement board of a public pension or retirement system shall have the sole and exclusive fiduciary responsibility over the assets of the public pension or retirement system. The retirement board shall also have sole and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits and related services to the participants and their beneficiaries. The assets of a public pension or retirement system are trust funds and shall be held for the exclusive purposes of providing benefits to participants in the pension or retirement system and their beneficiaries and defraying reasonable expenses of administering the system.*

*(b) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries, minimizing employer contributions thereto, and defraying reasonable expenses of administering the system. A retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty. [The people come FIRST]*

*(c) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.*

#### **8.aSTRS WAS AWARE WU WAS CLAIMED MISCLASSIFIED BY THE COURT AND MUST CHANGE HER CREDITS AND CONTRIBUTIONS**

Wu has maintained with her Motion and granted in Appeal for the acceptance of her Misclassification as a probationary teacher she needs to have STRS fix the credits and contributions on this and does not need them to make a determination of her classification. The court simply refused to do it. [ **OPINION** p. 2 3rd court recognized STRS knew Wu had been determined misclassified and still does not rule in just and proper that Wu should have her credits and contributions changed]

#### **9.WU HAS RIGHTS TO OBTAIN A REVIEW TO GET ON THE ADMINISTRATIVE PATH AND HAVE IT REVIEWED FOR HER CLASS OF EMPLOYEE AND INCLUDE THE Collective Bargaining AGreement and is at most Abuse of Discretion.**

The original Writ mentions the Probationary status has more than substitute status and asks for STRS and backpay. The CBA allows for alternative longer schedules and shorter days but does not mention a three day set up. The California Constitution requires Prompt delivery of STRS and that would include cashing it out anytime. It claims that a members rights come before anything else in the California Constitution for public retirement systems which STRS falls under like PERS and other public employee retirement systems and are generally uniform but have variations. STRS makes its own laws and has jurisdiction to do so. STRS has two divisions that do audits or Review Members credits and or compensations for accurcies. Those two divisions are the **Audits division and the CRU or Compensation and Review Unit. The Audits division** will do audits of school districts and take samples of various teachers or administrators. I have always claimed no sample was taken of me nor was I around during the time period they claimed was a district wide audit. Regardless, I provided evidence in all levels of courts that the audits of TRUSD show misreporting of hours and "extra credit" hours and Compensation which had I been placed as a regular teacher (Probationary status that falls under Gov code 3545 b1 thus in a contract with a uniform salary which is much higher pay than what I had) School districts, unhappy with an Audits division audit, can be challenged in an administrative process up to a hearing with an administrative law judge and further challenged in courts. Thus a lawsuit must be heard on

STRS and cannot wait, as that harms the system and the member including the exponential loss from investments into stocks.

The CRU or Compensation and Review Unit is more for Members to make a complaint or whistleblowing of a situation, or a complaint of a district. The top person is called the program manager [ also called program executive as spelled out in CCR 27100] of the division and that has been for decades Jody Cozad and the person I met with and communicated with for years. When he finally opened the audit with a request for information he informed her that the districts always jump and give the information as they are required to by law. It is also a misdemeanor if they do not when asked for information by STRS under ED code 22010. A District and or individuals has the rights to a hearing with an ALJ in the STRS internal process to challenge a STRS audit or a complaint that they do not agree with a Decision or Review finding. (CCP 27100-27103) I have that right to PROMPT Delivery not years from another suit. **It must be prompt, and that the agency must put the Member first over other obligations.** STRS HAS always monitored position classifications and changed it when districts get it wrong intentionally, unethically or by accident.

Under 24616.5, 22008, 24617 and 22326 (a) on the CBA STRS must be reviewed. *"IN STRS law - STRS law does not allow two salary schedules for the same position. STRS law requires part time work to have the same Credits and STRS contributions. [Wu is not asking for reclassification] only her corrected credits and contributions as well as Declaratory request [Writ Petition p. 2,3,9] they must do the first step in a determination in CCR 27100-27103 as per the Intent of the legislation in her court records. Audits that show findings cannot be ignored unless it does not affect the*

system. Under Ed code 22010 anything that is intentionally affecting the system by 13 14 any member or person is guilty of a Misdemeanor and STRS employees cannot affect the system. The auditor Cozad sent Wu emails and spoke over the phone that there was a discrepancy as the payroll director claimed her Days of service credit were based on 7 hours of instruction. The Technician in charge of Substitute services, Colleen Mulligan sent Wu a form that showed it was based on Six hours of instruction to equal a day. Regardless, most days Wu worked over 7 hours. The CBA claims five standard periods can equal any number of periods in an alternative schedule but a "DAY" for credit is still 5 standard periods of instruction" [REPLY Appeals court p. 13-14]

"Wu's Writ stated Declaratory and CALSTRS must Declare that they have a responsibility to the public members they have a duty to investigate and do the first step in the administrative hearing process as per STRS LAW 5 CCR 27100-27103 [5 CCR Education]/[INTENT of 5 CCR 27100-27104 CT ROJN of Wu CT Volume 2 EXhibit K, and G on Pages . 931, 930 because the intent of the legislation stated that is what it is for, harmony with all other laws on public transparency, government responsibility, and laws. IT must be easy and accessible to learn and process a request for a Decision. [RESPONDENTS BRIEF p. 10,12, 17-18] a. As stated in the AOB – "WU WAS ASKING FOR DECLARATORY RELIEF IN HER PETITION, Prayer for Relief (CT.V1.p.19) AND IN THE OPPOSITION WITH THE OPTION OF AMENDMENT (CT V4p. 902)' - REHEARING p. 7 APPELLATE REPLY BReif p.7

**The opinion contradicts itself because it claims it can audit for credits and contributions as all Retirement Systems can do in the United States or SHOULD.**

issues pertaining to calculations of retirement benefits. (See *id.*, § 27100, subd. (a) [an "applicant" is defined as a CalSTRS member "requesting review or appealing with respect to payment of allowances, benefits or refunds, or with respect to crediting service, or correction of records pursuant to [the State Teachers' Retirement System]" [OPP p.7]

"STRS can, according to Wu, change or demand a district to change past errors on Contributions and Credits per STRS LAW. My 14th AMENDMENT Due process rights taken away by a state are unconstitutional to the US Constitution. Arbitrary classification reporting of credits and contributions to a state retirement system is not legal and a public agency has a responsibility to act and provide the path to challenge. My rights to an administrative hearing in 5 CCR 27100-27103- are circumvented and unconstitutional. [INTENT of 5 CCR 27100-27104 CT ROJN of Wu CT Volume 2 EXhibit K, and G on Pages . 931, 930 Public Policy of government] agencies is in conflict with the RB arguments. Intent is for a member to have due process and get a hearing and

*make a complaint so they get a Decision. The California Constitution supports both a Decision must be made and promptly or now. [RESPONDENTS BRIEF p. 10,12, 17-18] a. Board HAS the RIGHT to OVERRIDE and must do so. [CT vol.2 5 line 23-28] [Exhibit E p. 910 Vol. 2] Right to Override the Employer for Class of Employees [not force the employer to change classification but for the employer to report it to STRS for credits and compensation correctly] 5 CCR 27100-27101 claim the INTENT is for members to Challenge get a DECISION by STRS in PROPOSED RULE 8 9 MAKING -INTENT OF THE LEGISLATURE [STRS makes its own] [CT VOLUME 2 PAGE 913 CT Records INTENT OF LAW] b. UNDER ED CODE 20520 STRS is EMPOWERED to correct a members record".-- REHEARING p. 6-8, APPELLATE REPLY BRIEF p. 15*

STRS cannot ignore my request[ REPLY p. 9] because not all the following conditions are not met under EDC 22206 if there are changes to the system and EDC 22010 Cannot increase or decrease funds. EDC 22206 (a) "as often as the board determines necessary it may audit or cause to be audited the records of any public agency. (b) the board may excuse any audit finding provided All the following conditions are met"

It would be in the interest of public policy for transparency. It must meet requirements to have Discretion and because my credits and contributions were actual violations and not allowed and would change the system thus harm it. Harming it is increasing or decreasing the contributions or funds.

GOVERNMENT CODE § 20160. Criteria for Correction (a) Subject to subdivisions (c) and (d), the board may, in its discretion and upon any terms it deems just, correct the errors or omissions of any active or retired member,...

Regardless, it is justice to correct a member's funds and credits which is what STRS does in Administrative hearings and all case law. It's an abuse and Extensive loss of property and violation of due process of in the 14th Amendment

9aUnder the 1st Amendment I have a right to Petition the Government for Redress.

**10. THE WHOLE OF ALL THE LAWS AND CASE AUTHORITY MUST BE LOOKED AT**  
**The Whole of all the laws must be looked at to Support all of Wu arguments.**

My 14th AMENDMENT Due process rights (Purdy v. Teachers' Retirement Board (1980) 113 Cal. App. 3d 942, 949 [170 Cal. Rptr. 360] Administrative procedures Act, Government Code beginning with section 11340.

In CTA VS GOVERNING BOARD AND CALSTRS This case shows that RECLASSIFIED or misclassified TEACHERS like WU do obtain back fixed Retirement. They paid into STRS but it was very improper and did not include like Wu the sick leave, proper salary Schedule and they too were Probationary not substitutes Just like Wu. STRS must make the changes and there are NO STATUTE of Limitations. I can just say that I am not retired. ***California Teachers Association Vs GOVERNING BOARD OF THE YOSEMITE COMMUNITY COLLEGE DISTRICT et al. and [respondent] State Teachers Retirement System. 1985. 169 Cal. App. 3d 39 Wu cites CTA vs STRS/Governing Board in her Writ of Mandate in Superior court in p. 2-9 and in all Briefs in Appeal.)***

*CTA vs Governing Board on the Hourly paid teachers right to fixed retirement and it determined there was no statute of limitations and the Hourly paid teachers requested DECLARATORY RELIEF and Sick leave credits. "The effect of District underpaying teachers by paying them on an hourly basis as opposed to a pro rata basis had a dramatic impact on their retirement benefits that they will receive" and "We begin our discussion by noting that a teacher has a fundamental vested right in the retirement fund of the STRS to which he or she is entitled by law. (Purdy v. Teachers' Retirement Board (1980) 113 Cal. App. 3d 942, 949 [170 Cal. Rptr. 360].)" 15 16 q. CTA vs Governing Board - "...Section 45025 provides as follows: "Any person employed by a district in a position requiring certification qualifications who serves less than the minimum school*

*day as defined in Sections 46112 to 46116, inclusive, or 46141 may specifically contract to serve as a part-time employee. – Appellant's Reply Brief p. 15-16*

*In fixing the compensation of part-time employees, governing boards shall provide an amount which bears the same ratio to the amount provided full-time employees as the time actually served by such part-time employees bears to the time actually served by full-time employees of the same grade or assignment.” r. Ed code 22206 requires an Audit. STRS law 45025 requires a percentage of time in a full time position for a part time position to equal the same credit of days. There cannot be a prohibited class of employees. CCR 27301 (a) 4 and 15286. 4. In CONTRADICTION to the RB Wu has no adequate remedy when filing a case against STRS for Credits and Contributions from a improper classification [RB P.10, P.17] because it is not speedy and prompt as required to be if one cashes out or retires in the California Constitution on th 17 as cases can take years, –Appellant's Reply Brief p. 15-16*

*“According to the words of Jody Cozad Compensation Review Unit STRS can override a judgment in a court because the credit/compensations/and payment are all statutory and constitutional with no statute of limitations [CTA vs Gov Board/STRS 1985] which harmonize with Ed code 24503. c. EDC 22456, EDC 22010 INFORMATION TO BE FURNISHED BY EMPLOYER. EDC 22010 Crime to contribute to the cause of decrease or increase of STRS. EDC 26200-26216 Plan Administration. EDC 27100. MEMBERS RIGHT TO REVIEW AND DETERMINATION SEPARATE FROM A REGULAR AUDIT 6868. EDC 26605 Additional Learning Credit. EDC 26700 Vested Right to Benefits. EDC 26701 RIGHT NOT TO SUBJECT TO EXECUTION OR ASSIGNMENT.”...REPLY BRIEF Appellant p. 17*

*crime under EDC 22021 to contribute to the increase or decrease of STRS which it is doing each day it takes no action..REPLY BRIEF Appellant p. 17*

**This is an ROJN by STRS and counsel filed it. This is on Vo. 2 Page 544, 542 Exhibit B Wu vs TRUSD 2015-80002234 and was accepted in lower court. 18-19 b.**

**COLLECTIVE BARGAINING UNIT [Clerks Transcripts V.2 Page 933 EXHIBIT R Volume 2][TIMESHEETS Exhibit P Wu ROJN p. 932 Vol.2] - ARB p. 18-19**

*Wu’s RB “claims that Wu had an Audit and it was done by her. It was not for 2017-2019 and Wu didn’t work there during this time of audit for a two year span. Regardless it claims in the board notes these Audit types are random for a few in a district and are notified - not for a complaint. Indeed the Compensation review unit already saw the discrepancy but did not do a review/Determination in 5 CCR 27100-27104. Audit of*

*TRUSD [ CT Vol. 2 Page 921 not on wu 2019 Exhibit ] Appeal RERecords . a. HOWEVER, in the Audits and Risk Management determined TRUSD was out of compliance [CT. Vol. 2 p. 910 ] [APPENDIX G this Petition in US Supreme Court] that TRUSD was not doing the proper credits for extra duty and Wu worked over a regular day but then it is teaching hours that equal a day in the CBA with alternative schedules. The intent of the Leteslaute claims under 5 CCR 117100 that Independent study teachers are equal to their full time teachers based on the same part time hours or time of teaching hours in a percentage. Therefore, Under Wu timesheets she is full time. [ TIMESHEETS Exhibit P in Wu ROJN p. 932 Vol.2] .*

**This Petition to US Supreme Court APPENDIX G** “ *Internal Audit Summary shows the Compensation and Review Unit that makes the Decision to get into the First step in the administrative hearing process in 5 CCR 27100-27104 SHOWS that STRS is failing in completing the complaints to CRU like Wu and ignoring them. They have no TRANSPARENT process NO timeframe for sitting complaints to review one's credits and contribution. THIS 19 20 MUST BE IN THE DECLARATION! - [Internal Audit on CRU not processing the complaints or issuing Decisions Wu ROJN Opposition to Motion P. 928 EXHIBIT C volume 2 CT REPLY Appellate Brief p.19- 20 (found in opposition to demur. Records in Sacramento Superior court free to look at)*

*The Timesheets claimed substituting for a PAF form, in total violation of the written directives on the timesheets, In the PAF form there is a list of teachers including Wu as the teacher. The PAF form says “not for use with Substitutes” on it. The Vacancies were hidden and did not exist in the system but the position was paid for by the PAF forms. (CT V.1 p. 11 in her Petition Wu explains the PAF forms) { Appellants BRIEF p. 27]*

**11. THE COURT OF APPEAL DOES NOT ADDRESS the DECLARATORY RELIEF REQUESTED in her original Writ to do a Review in a Timely manner per CCR 27100-27102 WU RAISES DUE PROCESS ISSUES AND TRANSPARENCY OF A GOVERNMENT AGENCY**

*[OPIN p. 2-7] that they must do what the INTERNAL AUDIT of STRS determined that there is showing of what is happening to the Request for review to get on the ADministrative path and Due Process that the Constitution allows and the Equal Protection of the laws. FOR DECLARATORY RELIEF IN HER PETITION, Prayer for Relief (CT.V1.p.19) AND IN THE OPPOSITION WITH THE OPTION OF AMENDMENT (CT V4p. 902)’ - REHEARING p. 7 APP REPLY Brief p.7*

**12.OPINION p. 8 THE RULING CLAIMS STRS HAS NO RIGHT TO CHANGE CREDITS OR CONTRIBUTIONS FOR A MISCLASSIFIED PUBLIC EMPLOYEE BASED ON A COLLECTIVE BARGAINING AGREEMENT HOWEVER, WU ARGUED THAT HER PROBATIONARY STATUS BY LAW SHOULD REQUIRE STRS TO PERFORM AN AUDIT IN HER FIRST STEP OF THE INTERNAL PATH TO A HEARING AND ALJ, WHOM THE TOP MANAGER FOR AUDITS FOR THE COMPENSATION AND REVIEW DIVISION (FOR INDIVIDUAL COMPLAINTS) AGREED ON HER MISCLASSIFICATION. NOT ADDRESSED.**

*In her opening brief, Wu asserts she should have been classified as a tenured/permanent teacher, as her lawsuit against the District alleged, or separately that rights prescribed in a collective bargaining agreement between the District and substitutes at secondary schools should extend to her... PAGE 6*

*"THE OPINION CLAIMS WU ONLY ARGUED 22206 a but FAILS T ADDRESS b. WU ARGUED BOTH IN HER REPLY BRIEF AND IN ORAL ARGUMENT THAT STRS ARGUMENT THAT STRESS HAS DISCRETION not ministerial duty TO AUDIT UNDER 22206 ONLY IS THE FIRST PART OF THE LAW AND THE OTHER PART OF THE LAW CLAIMS THEY ONLY HAVE THAT RIGHT TO THAT DISCRETION UNDER CERTAIN CIRCUMSTANCES THAT WERE NOT IN WU'S CASE AND THEREFORE THEY HAD A MINISTERIAL DUTY. THIS IS NOT ADDRESSED. Wu cities to CalSTRS's general authority to audit school districts found in section STRS law 22206 "EDC 22112.6 DAYS OF SERVICE CREDIT FOR CLASS OF EMPLOYEES. EDC 22119.2 EXTRA DUTY CREDIT AND PAY. EDC 22119.5 Creditable SERVICE. EDC 22502 PART TIME. EDC 22503 Substitutes get Credits." [Appellate Brief p. 30]*

*..... " EDC 22206 (a) "as often as the board determines necessary it may audit or cause to be audited the records of any public agency.(b) the board may excuse any audit finding provided All the following conditions are met" [ otherwise it cannot excuse a finding] this includes any finding prior to 7-1-2002, and not having an adverse effect on the integrity of the retirement fund.' [Appellate Brief PAGE 30] Appellants REHEARING BRIEF p. 17-20*

*..... " EDC 22206 (a) "as often as the board determines necessary it may audit or cause to be audited the records of any public agency.(b) the board may excuse any audit finding provided All the following conditions are met" [ otherwise it cannot excuse a finding] this includes any finding prior to 7-1-2002, and not having an adverse effect on the integrity of the retirement fund.' [Appellate Brief PAGE 30] Appellants REHEARING BRIEF p. 17-20 ( California Supreme court Petition)*

*Changing the credits and contributions is required, not allowed to be waved in a settlement or null and void, constitutionally protected by California's Constitution, and must be done when a misclassified teacher is Hourly paid and is a really regular teacher. This is all under [CTA vs GOVERNING BOARD /AND STRS] California Teachers Association Vs GOVERNING 14 15 BOARD OF THE YOSEMITE COMMUNITY COLLEGE DISTRICT et al. and [respondent] State Teachers Retirement System. 1985. 169 Cal. App. 3d 39 This case is of Hourly teachers who filed their Writ over three years but declared by the court that the defendant STARS must make the changes. - Appellant Reply Brief p. 14-15*

**13. THE BENEFITS SHOULD BE PAID OUT PROMPTLY AND CANNOT WAIT UNTIL A LAWSUIT AND MUST BE ACCURATE GIVING THE RIGHT TO FIX AND AUDIT PROPERLY. THE COURTS SHOULD NOT DEFER TO STRS FOR STATE AGENCIES JUST LIKE FEDERAL. CONSTITUTIONAL RIGHTS TO PROPERTY AND FUNDS EXIST BECAUSE OF EXPONENTIAL GROWTH OVER YEARS OR DECADE A CASE WOULD TAKE THAT IS LOST AND HARMS THE SYSTEM WHICH AN ADMINISTRATOR OF THE SYSTEM CANNOT DO.**

*State Constitution Extract Article XVI of the California Constitution: Section 17 [STRS LAW in PUBLIC RETIREMENT LAW] a) ...The retirement board shall also have sole and exclusive responsibility to administer the system in a manner that will assure prompt delivery of benefits .. i. (b) The members of the retirement board of a public pension or retirement system shall discharge their duties with respect to the system solely in the interest of, and for the exclusive purposes of providing benefits to, participants and their beneficiaries,.. A retirement board's duty to its participants and their beneficiaries shall take precedence over any other duty... (California Supreme court Petition by Wu )*

*"Under Government Code EERA Law 3545 b.1 Wu would be placed in the local union CBA which has a Salary Schedule and she would not be Hourly paid. The difference is dramatic because she would be paid based on her" -REPLY brief..*

*"Substitutes are regularly paid for Half-Day for around \$70 or Full day at \$135. Wu commented in the Petition (CT v1. P. 10) Wu was paid Hourly as a substitute in a totally*

*different PayScale and the law does not allow two different pay scales for the same position if Wu really was a substitute. Perhaps Wu should have been paid less than the system was overpaid and would be paying Wu a far greater retirement and the California constitution and statutes do not allow that. Right to STRS fix is only three years after retirement and Wu is not retired. If STRS waits until after a ruling on her misclassification it harms STRS, which they cannot harm themselves under EDC 22010 nor Wu per her right to prompt delivery under the Cal constitution. STRS can fix it if Wu was also in an improper Class of Employees. Wu was improperly credited her years of service credit for her position and loss of credit and pay from denied sick leave; (incorporating for both situations Section Ed code 27300, Class of employee 22112.5, Creditable compensation 27400, Ed code 22119.5, EDC 26113, EDC 22112.5, Correction of errors 22308, 22215, CTA vs Governing Board/STRS/ 1985, EDC 22719, 22700-3, 24000, EDC 45025, Abbott Vs city of Los Angeles 1985)...." (California Supreme court Petition) Wu cashed out her retirement to pay for legal with intent to pay back but it came oddly after discovery period because HR filed a 0 dollar check.*

**STATE AGENCIES SHOULD BE HELD LIKE FEDERAL Held:** *The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; Chevron is overruled. Pp. 7-35. 22-451 Loper Bright Enterprises v. Raimondo (06/28/2024)*

STRS must recreate the duties of the employer and correct based on the Class of Employee in Overpayments and in UNDERPAYMENTS EDC 22213, EDC 22308  
**(APPENDIX F)** EDC 22214 Correction of inaccurate reporting per the CBA in overpayments or underpayments. **Blazer vs CalSTRS 37 Cal App 5th 349 (2019)**

Crumpler vs Board of Administration 32 Cal App. 3rd 567 (1973) INternational Association of FireFighters vs City of San Diego 34 Cal 3rd 292 (1983)

*If Wu was just a substitute, and not misclassified, she had rights from SUPERIOR COURT to REQUEST STRS TO FIX for improper reporting and or request STRS do a Determination so she can move up in the intended path to get a hearing.*

*WU claimed in the AB 3rd court – “ARGUED THIS IN HER PETITION and in her Opposition. (CT V4 p. 902) (CT vol 1, Petition p. 10-11) ( The credit was calculated at 7 hours for a “day” of service credit per Eli Winter email that the base Day was 7 hours of instructional time. Yet, Wu claims the day is 4.5 hours, five- regular- periods of direct instruction for as that is what all teachers in SECONDARY class of teachers (as described in CBA) She holds the argues it in the Petition but explains it better in the Opp (CT V.1 p. 10 Petition “..Therefore, as all substitutes work six hours a week and five classroom direct instruction hours for Secondary H.S to equal one day of credit then Wu should have the same” (CT V1 p. 10 line 12-18) (CT.V1p.11 lines 19-22 “salary schedule outside of long-term or Daily schedule as well as not one of the regular teachers” and CT V.1p.10 – “Nonetheless, as a substitute, Wu have had to be paid /credited [contributions paid to STRS and Credits to STRS] the service time in the retirement system the same as a long term position for one of the classroom she had been assigned to for almost a decade..” ) including alternative education. Substitutes who sub for SECONDARY class of teachers or VACANCY who are under the Collective Bargaining Agreement would have the Same Day that all other substitutes in the district would also have (CT v. 3 p. 890-894) However, Wu was not given the Same “day” of credit for all other Substitutes substituting for Secondary Teachers in the district.*

*Wu claims that a day is defined as Five periods which are 55 minutes each. Colleen Mulligan, who oversees Substitute Services, sent Wu a signed certificate for her years of service based on 6 hours to equal a day in contradiction to Eli Winters calculation (Winter Vol. 3 CT p. 867and 897) (CT. Vol.1 p 13line1-7) and (Mulligan CT V.3 p. 872) Wu claims in her declarations top STRS Manager of STRS agreed there was a discrepancy and it needed to be looked at. (Information must be furnished under Ed code 22456, 22010) Under STRS law Ed code 22106.5 base hours, and Ed code 22138.5 there cannot be a longer or shorter day. Additionally under CCR/gov code 11700 independent studies requiring a service credit or percentage of part-time is defined by the Hours of direct instruction. Wu timesheets show she worked 1.0 or full time most years but that is sinisterly not reported by the district to STRS. Additionally, some years she worked over 1.0 and that is Extra Credit not reported. - **APPELLANT'S OPENING BRIEF** page 25 and page 26 ( California Supreme court Petition)*

*Wu was Only asking that the employer reclassify her as STRS is not her employer. She cannot be under a prohibited class of employees – STRS law CCR 27301 It was stated by the HR manager; The Timesheets claimed substituting for a PAF form, in total violation of the written directives on the timesheets, In the PAF form there is a list of teachers including Wu as the teacher. The PAF form says “not for use with Substitutes” on it. The Vacancies were hidden and did not exist in the system but the position was paid for by the PAF forms. (CT V.1 p. 11 in her Petition Wu explains the PAF forms) ---{ Appellants OPENING BRIEF p. 27} [Supreme court Petition]*

**14. IT WAS DURING THE APPEAL OF THIS CASE THE THIRD COURT OF APPEAL RULED WU WAS MISCLASSIFIED AND NOT A SUBSTITUTE BUT DID NOT ADDRESS OR DENIED LOSSES WHICH WU ORIGINAL PETITION IN WU VS TRUSD DID ASK FOR IT.**

Wu argued the following in all briefs in lower and in appeals court: "All laws should go in harmony and the PUBLIC does not want misclassified teachers. [Monitoring under EDC 44258.9. CCR 4680-4687 (Williams Complaint). CCR 4684 – posting in classrooms, CCR 4685 Investigation and Superintendents investigation, CCR 468 Responsibility of Governing Boards. **EDC 14502.1**] Article 4.5 Ed code 52059.5, *Monitoring under EDC 44258.9. CCR 4680-4687 (Williams Complaint). CCR 4684 – posting in classrooms, CCR 4685 Investigation and Superintendents investigation, CCR 4680 Responsibility of Governing Boards. EDC 14502.1 Fiscal and intent of the legislature to LOOK FOR VACANCIES and MISALIGNMENTS. § 41020* It is the intent of the Legislature to encourage sound fiscal....practices.. and effective use of public funds for the education of children...**EDC 54480 FTE**

**EDC 22112.6 DAYS OF SERVICE CREDIT FOR CLASS OF EMPLOYEES.** EDC 22119.2 **EXTRA DUTY CREDIT AND PAY.** EDC 22119.5 **Creditable SERVICE.** EDC 22502 **PART TIME.** EDC 22503 **Substitutes get Credits.** EDC 22206 (a) "as often as the board determines necessary it may audit or cause to be audited the records of any public agency.(b) the board may excuse any audit finding provided All the following conditions are met" this includes any finding prior to 7-1-2002, and not having an adverse effect on the integrity of the retirement fund. (*California Supreme court Petition*)

**EDC 45025** requires pay (credits) on a pro rata basis to full time employment for part time. CCR 27301( a) 4. Prohibited classes of Employees for Longer or shorter days, More or fewer days. Edc 15286 audits. EDC 27009. EDC 22701 Computation of Service to be credited. EDC 22206 a-c Audits. Only ability to ignore a complaint if the it does not affect integrity #3 external audits like Wu. EDC 26127 Full time Equivalent or FTE in a position and credit. FTE=1.0. EDC 26113 Creditable service. EDC 26139-26139.5 Salary EDC 26210 Investment fund. EDC 26301 Reports /Penalties. EDC 26305 Documents from Employer to be provided upon request. EDC 36600 Contributions. EDC 27303 Erroneous Reports. EDC 44002, and EDC 44006 credentials are issued to substitutes **CCR California Administrative Code title 5 20520.** **CCR 27400-27401 Creditable compensation.** **CCR 27401 In Addition to Salary or Additional pay CCR 27601 CCR 20539 Full time can go to part time under conditions.** **CCR 20559-20560 -repelled Calculation of substitutes CCR California Administrative Code title 5 20520.** **CCR 27400-27401 Creditable compensation.** **CCR 27401 In Addition to Salary or Additional pay CCR 27601 CCR 20539 Full time can go part time under conditions.** **CCR 20559-20560 -repelled Calculation of substitutes**

*CCR 27009 RIGHT TO AN ADMINISTRATIVE HEARING. CCR 27300- Class of Employees. CCR 27301 PROHIBITED CLASS OF EMPLOYEES. CCR 4680-4687 (Williams Complaint). CCR 4684 – posting in classrooms, CCR 4685 Investigation and Superintendents investigation, CCR 4686 Responsibility of Governing Boards. Complaints 35186. CCP 1859 Narrow interpretation overrides broader contradictions. EDC EDC 52059.5, EDC 44258.9 TEACHER ASSIGNMENTS AND MONITORING BY CDE AND CCTC EDC 44852 ( California Supreme court Petition)*

**15.CALSTRS LAWS CANNOT BE ONLY FOR THE OVERPAYMENT BECAUSE EVEN UNDER EDC 22010 IT IS A CRIME TO CONTRIBUTE TO THE INCREASE OR DECREASE OF STRS. IF YOU WAIT OR DO NOT AUDIT AND FIX IT AS ALLOWED THEN IT IS CONTRIBUTING TO A FUTURE DECREASE BECAUSE OF THE EXPONENTIAL GAIN.**

*EDC 44920. Ed code 27008 Substitutes. Creditable compensation CCR/EDC 27400-27401 Salary. EDC 27601 STRS will limit? If it determines inconsistencies- 27601. EDC 24619- 24620. EDC 22958 ACTION CHALLENGING. EDC 22957 Challenge. EDC 22800 Claims for Creditable Service. EDC 22905-Contributions to be credited to defined benefit supplemental account, EDC 22909 Payment of Contribution by Employer. EDC 22950 Monthly contributions. EDC 22955.5 Creditable Compensation. EDC 22951 CONTRIBUTION PERCENTAGE of members monthly salary. EDC 23000 Mandatory Deductions of payment. EDC 23003. EDC 22950.6 DEFINED BENEFIT. EDC 23008 -Adjustment / penalty. EDC 23010 Appeal. EDC 24616-Authority of Overpayment collection. EDC 24616.5 Report of erroneous Reporting of Information of Employer. EDC 24617 Collection of Overpayment. EDC 24618 Collection of Overpayment/Underpayment. EDC 24500 Right of Recovery from Third Person or Entity. EDC 24502 Action permissible. EDC 22503 substitutes get credit. EDC 24505 limited time to fix an action. EDC 22351 Legislative Intent. EDC 24000 Service credit. EDC 22354. EDC 22350 Investments. EDC 22303 Employment of Retired Public Employees. EDC 22300 Chief Executive Officer. EDC 22254 – Breach of Fiduciary Duty. EDC 22250 Fiduciary Duty. EDC 22217 Annual Audit. EDC 22215 Fixing STRS – FIXING STRS. EDC 224d. EDC 22502 Part time. EDC 22503 Substitute. EDC 22504 Hourly. EDC 22719 –**EDC 14502.1** EDC 22719 –**EDC 14502.1** Fiscal Audits for STRS credit and contributions and for vacancies of assignments. The Administration Procedures Act 3.5 (11340) Par 1 of Division 3, of Title 2 of Government Code. ( California Supreme court Petition)*

**California Education Code 24616.5. If an employer reports erroneous information, the system shall calculate the actuarial present value of the expected payments from the member, the former member, or beneficiary pursuant to Sections 22008 and 24617. The employer shall pay the difference between the total amount of the overpayment and the calculation of the actuarial present value of expected payments. CCR 5 T5 11700**

**16. THE AGENCY ACTION THAT IS UNDER APA AND THE REQUIRED ACTION NOT TAKEN BY STARS AND WOULD THUS BE UNDER A CONSTITUTIONAL RIGHT INCLUDES A FAILURE TO ACT AND CAN BE INTERPRETED FOR NOT ALLOWING TO GO DOWN THE ADMINISTRATIVE PROCESS BY CIRCUMVENTING IT BY NOT DOING THE REVIEW IN THE FIRST PLACE WHICH WOULD REQUIRE RIGHT TO A DETERMINATION AND RIGHT TO A ADMINISTRATIVE HEARING WITH A JUDGE.**

*“Agency actions [under APA] include both rulemakings and adjudications—such as the award or denial of a license, sanction, or other form of relief—as well as an agency’s failure to act.” — “Judicial Review Under the Administrative Procedure Act (APA) December 8, 2020” CRS Legal Sidebar Prepared for Members and Committees of Congress Congressional Research Service <https://crsreports.congress.gov/LSB10558> The courts should restrict access to judicial review only upon a showing of “clear and convincing evidence” of a contrary legislative intent. Rusk v. Cort, 369 U. S. 367, 379-380. Pp. 139-141. [Abbot Laboratories v Gardner]*

**5 USC §704. Actions reviewable**

The California Constitution allows for the Planetary power and Fiduciary Duty to oversee the plan in STRS as a public retirement system. It also mandates it must do so first to the Members who come first. This provides for the right to have a review and determination to get on the pathway to a hearing and my due process for my property rights. To not allow this path by circumventing the path this is STRS right and obligation to make an investigation into the plan.

The California Supreme Court and courts of appeal allows for changes [*Internat'l Ass'n of Firefighters v. City of San Diego, 34 Cal. 3d 292 (1983)*] and it can also review for member reclassification [*Crumpler v. Board of Administration, 32 Cal. App. 3d 567 (1973)*]. Full-time educators typically earn one year of service

credit for teaching one school year. For part-time educators, service credit for one school year is the hours or days actually taught compared to the full-time equivalent, or what would be required if employed full time in that position.

<https://www.calstrs.com/service-credit#:~:text=Full%2Dtime%20educators%20typically%20learn,full%20time%20in%20that%20position>.

**17. THE ORDER IN THIS CASE AND CPU UNIT IS OUT OF ALIGNMENT WITH THE INTERPRETATION OF THE MEMBERS RIGHT TO INTERNAL REVIEW LEADING TO AN ADMINISTRATIVE HEARING. CCR 27100-27103 AND COMBINED WITH EDC Education code 22119.2 (a), (b), (d) and (e) AND IS MANDATORY OR AT LEAST AN ABUSE OF DISCRETION IN THEIR FIDUCIARY DUTIES TO NOT DO A REVIEW FOR INACCURATE REPORTING BASED ON CLASS OF EMPLOYEES  
ESPECIALLY WHEN THEY RECOGNIZE WU WAS MISCLASSIFIED FOR YEARS  
UNDER A CBA**

<https://www.calstrs.com/member-s-right-to-internal-informal-appeal-of-a-determination-by-calstrs-staff-of-a-right-to-a-benefit-or-obligation>

[https://www.calstrs.com/files/5f39d4621/internal\\_appeal\\_tab\\_a.pdf](https://www.calstrs.com/files/5f39d4621/internal_appeal_tab_a.pdf)

*There are penalties and interest for improper reporting. California Code of Regulations Title 5. Education Division 3. Teachers' Retirement System Chapter 1. Teachers' Retirement System Article 16. Penalties and Interest for Late Remittances and Late and Unacceptable Reporting by Employers*

**18. Wu SHOULD HAVE HAD AN OPPORTUNITY TO REVIEW THE INACCURACIES IN SUPERIOR COURT FOR A DECISION ON WHAT WU RETIREMENT IS AND HER CLAIM TO INACCURACIES BECAUSE STRS DENIED HER THE RIGHT TO HER FIRST STEP IN OBTAINING A INTERNAL REVIEW BY NOT PROVIDING THE DETERMINATION BY THE COMPENSATION REVIEW UNIT AS REQUIRED BY LAW**

IF STRS Refuses to do its Duty and Review THEN it is reviewable in Superior court. 5 U.S.C. § 704 Section 704 - Actions reviewable Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 392. Although Central does give the right to review or audit it

cites the generally conformity of auditing standards in 472 U.S. 565-568 and ERISA and these also would support the right of a member to audit a claimed inaccurate reporting. *Central States Pension Fund v. Central Transp.*, 472 U.S. 559 (1985)

<https://supreme.justia.com/cases/federal/us/472/559/>

*"Held: Respondents must allow petitioners to conduct the requested audit. Pp. 472 U. S. 565-581. (a) Various provisions of the trust agreements granting the*

*trustees power to enable them to administer the trusts properly, including a provision granting power to demand and examine pertinent employer records, support the right to audit claims by petitioners. Moreover, petitioners' assertion that the requested audit is highly relevant to the trust agreements' legitimate interests fully conforms to generally accepted auditing standards." Pp. 472 U. S. 565-568.*

(b) Petitioners' trustees' interpretation of the trust agreements as authorizing the requested audit is not inconsistent with ERISA, and indeed, is entirely reasonable in light of ERISA's policies

**19. In United this case the retirement system can audit by looking at the CBA United Mine Workers of America Health & Retirement Funds v. Robinson 455 U.S. 562 (1982)**

**20. ALL OTHER STATES HAVE VARIOUS DIFFERENT LAWS ON RIGHTS OF A MEMBER TO HAVE A AUDIT BASED ON THE COLLECTIVE BARGAINING AGREEMENT OR CLASS OF EMPLOYEE AND THE PROPER REPORTING. SOME FOLLOW ERISA AND OTHERS DO NOT**

**Alabama** member had rights to have credits review of union ALABAMA POWER CO. v. DAVIS, 431 U.S. 581 (1977) *And no practice of employers or agreements between employers and unions can cut down the service adjustment benefits which [431 U.S. 581, 585]* **NEW YORK** In Calanthay in New York the system is Required to correct errors. This is the same in California but it is not being correctly interpreted. *Galanthay v. New York State Teachers' Retirement System 50 N.Y.2d 984 (N.Y. 1980)* Under section 525 of the Education Law the retirement board is **mandated to correct any errors in the computation of benefit entitlement** on the part of the members of the system. In *Matter of McGarrigle v City of New York and NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM* 2004 NY Slip Op 50652(U) 2004 State Supreme Court the court determined that the Retirement system can review a Collective Bargaining Agreement in terms of contributions and credits. *In re Appl. of McGarrigle v. N.Y.004 N.Y. Slip Op. 50652 (N.Y. Sup. Ct. 2004)* The Court claims " *There is no doubt that a union's waiver in a CBA of statutory and constitutional rights must be "clear" and "unmistakable". Wright v. Universal Maritime Service Corp., 525 U.S. 70 (1998). Fuentes v. Shevin, 407 U.S. 67, 95 (1972) "She testified that NYCERS reviews the relevant CBA in order to determine whether longevity payments are pensionable."...." Under section 525 of the Education Law the retirement board is mandated to correct any errors in the computation of benefit entitlement on the part of the members of the system. Thus, while the preliminary evaluation of petitioner's pension rights may have indicated sufficient service credit to entitle her to a retirement benefit, the board, on*

*receipt of additional information indicating insufficient service credit for a pension, was obligated to correct the error and seek repayment of the funds already received (Matter of Newcomb v New York State Teachers' Retirement System, 43 AD2d 353, affd 36 N.Y.2d 953). <https://nystrs.org/Contact/Report-Fraud>*

*NYSTRS' Internal Audit staff will conduct a preliminary assessment with one of the following..."A review or audit will be conducted. The Internal Audit staff will thoroughly research the allegation and determine the nature of the action that should be taken to satisfactorily resolve the complaint. This includes adjustment of salary and/or service credit, cancellation of membership, adjustment of benefits, and, if warranted, referral to the Office of the State Comptroller and/or the NYS Attorney General for criminal prosecution;*

*In Cannavo v. NYC Dep't of Hous. Pres. & Dev. Requires like CalSTRS to provide right to due process when calculations are changed based from an audit and reduced. The problem is when a member complains they should be more based on the same investigations but the member did not spike it. Regardless- The Member has a common law right to the property and right to due process for a review, decision and steps in obtaining a hearing.*

*66 N.Y.S.3d 652 (N.Y. Civ. Ct. 2017)... benefits of which shall not be diminished or impaired. Not only is claimant's relationship with NYCERS a contractual one, it also is a fiduciary relationship. Both give rise to a cause of action for an accounting.*

***Claimant has a common law right to have how his pension benefits were calculated and to have a detailed explanation as to why they were modified.** A contract cause of action exists for claims that benefits existing under a pension or retirement have been diminished or impaired [ Lippman v. Bd. of Educ. of the Sewanhaka Central. High School District, 66 N.Y.2d 313 (1985)*

**WISCONSIN** It is clear in Wisconsin that one can appeal the Determination of an Employer and thus request an audit or review of the reporting of an employer as asked by Wu in California. **Wisconsin like California has no statute of limitations UNTIL one is retired or calculations are done. I want my Calculations.** <https://etf.wi.gov/publications/et1127/download?inline=>

**Wisconsin Retirement System Administration Manual 404 Statute of Limitations for Corrections to Service, Earnings and Contributions that Impact WRS Disability and Retirement Benefit Payments** In some circumstances, the Wisconsin Court of Appeals has held

*that the period of limitation under Wis. Stat. §40.08 (10) within which errors may be corrected may not begin until ETF calculates a participant's benefits.*

**SOUTH CAROLINA** *Retirement System Board is under a statutory obligation to correct errors in the records of employee members or beneficiaries. Code of Laws of South Carolina, 1976, § 9-1-1670. Simmons v. South Carolina State Ports Authority, 495 F. Supp. 1239 (D.S.C. 1980)*

**OHIO** Ohio Laws (.gov) Section 3307.01 - Ohio Revised Code  
<https://codes.ohio.gov> › section-3307 In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

NEW JERSEY NJ IS LOOKING AT OVERCOMPENSATION WHICH GETS ONE A LARGER RETIREMENT OVER MANY DECADES BUT IT IS LIKE CALIFORNIA AND NOT LOOKING AT UNDERCOMPENSATION AND VIOLATING THE 14TH MANEDMENT EQUAL TREATMENTCredit can be determined and looked at by STRS.

In re I/M/O Town of Harrison & Fraternal Order of Police, Lodge No. 116  
440 N.J. Super. 268 (App. Div. 2015) PFRS Board of Trustees is empowered to conduct investigations of "increases in compensation reported for credit which exceed reasonably anticipated annual compensation increases for members of the retirement system." *In re Snellbaker*, 414 N.J.Super. 26, 34, 997 A. 2d 288 (App.Div.2010)

**TEXAS** Title 34 Part 3 Chapter 25 Subchapter c

**21.ALL OF CALIFORNIA CASE LAW IS CONSISTENT WITH THIS RULING AND FAR FROM FAIR, JUST OR REASONABLE DEDUCTED ANALYSIS OF THE THIRD COURT. THIS CASE IS INCONSISTENT WITH OTHER COURT OF APPEALS.**

**CALIFORNIA** *County of Orange v. Assn. of Orange County Deputy Sheriffs* (2011) 192 Cal.App.4th 21, 41-42.) Pension benefits are an "**element of compensation**" and a "**vested contractual right**" that **cannot be removed** "without impairing a contractual obligation of the employing public entity." (*Betts, supra*, at 863-64.)

**Under Aranda v. Teachers' Retirement Board of State of California, No. D051803 (Cal. Ct. App. Dec. 5, 2008)** A board does have a duty to review credits and compensation and fix it.

*The decision recognized the Board "has a duty to ensure that the amounts reported as creditable compensation and used to determine members' lifetime retirement benefits are consistent with sound funding principles in order to support the integrity of the Teachers' Retirement Fund." It further recognized the issue was not whether appellants deserved the reclassification of their positions and/or the increased salaries, but rather whether the "retroactive salary increases and reclassifications were done for the principal purpose of enhancing [appellants'] retirement benefits, otherwise known as 'spiking.' "* (Aranda 2008)

Under Blaser and STRS LAW CalSTRS must do a review and make the contributions or enforce an employer to Make those changes based on a CBA.

*[CalSTRS]" is the state agency responsible for managing contributions made by employees and member school districts to the State Teachers' Retirement Fund.*

**(Blaser v. State Teachers' Retirement System (2019) 37 Cal.App.5th 349, 356.)**n nb

The California Supreme Court and courts of appeal allows for changes to be done and made from a review *[Internat'l Ass'n of Firefighters v. City of San Diego, 34 Cal. 3d 292 (1983)]*

## **22. UNDER CRUMPLER V BOARD OF ADMINISTRATION A PUBLIC RETIREMENT SYSTEM CAN AND SHOULD REVIEW FOR A MEMBERS RECLASSIFICATION Crumpler v. Board of Administration, 32 Cal. App. 3d 567 (1973)**

The California Constitution allows for the Planetary power and Fiduciary Duty to oversee the plan in STRS as a public retirement system. It also mandates it must do so first to the Members who come first. This provides for the right to have a review and determination to get on the pathway to a hearing and my due process for my property rights. To not allow this path by circumventing the path and this is STRS right and obligation to make an investigation into the plan.

Wu is a public employee and has a vested right to any additional retirement benefits established during her employment . Because this is a vested right, a fundamental right of the Membership which Wu is paying for then It would be a Fiduciary Duty as Wu has always claimed. IT would be a ministerial duty or at

least a Discretionary duty to 1. Have a decision made and right to the next step and internal hearing 2. Right to have CalSTRS do the audit and review the CBA to her position under STRS law on class of employee. (*County of Orange v. Assn. of Orange County Deputy Sheriffs* (2011) 192 Cal.App.4th 21, 41-42.)

**23. CTA VS GOVERNING BOARD et.al. ( CTA VS CALSTRS ) REQUIRES STRS TO MAKE CHANGES FOR CONTRIBUTIONS AND CREDITS FOR MISCLASSIFIED SUBSTITUTES WHO ARE REALLY TEACHERS**

Court of Appeal ruled that CALSTRS argument was not justified they should not have to fix a inaccurate reporting of SUBSTITUTE Teachers who were determined LIKE WU to be MISCLASSIFIED because it would cost the system money and if they don't want to do it they do not have to even if they do it otherwise when they want to like over reporting. Wu cites CTA vs STRS/Governing Board in her Writ of Mandate in Superior court in p. 2-9 and in all Briefs in Court of Appeal and Oppositions in Superior. STRS lost in the ruling and MUST make the changes to the retirement credits from Misclassified Substitutes who were Really Teachers. SAME AS WU.

**California Teachers Association Vs GOVERNING BOARD OF THE YOSEMITE COMMUNITY COLLEGE DISTRICT et al. and [respondent] State Teachers Retirement System. 1985. 169 Cal. App. 3d 39**

**24. IT SHOULD BE HELD THAT ALL STRS IN THE COUNTRY SHOULD BE REQUIRED (NOT OPTIONAL) TO REVIEW A COMPLAINT OF MISCLASSIFICATION BASED ON A CBA BECAUSE IF IT IS DONE IN EIRSA THAN A GOVERNMENT ENTITY SHOULD BE BECAUSE A PUBLIC ENTITY SHOULD BE HELD TO A**

**HIGHER STANDARD LIKE A GOVERNMENT LAWYER – NOT TO A LESS STANDARD.**

**IN PRIVATE RETIREMENT SYSTEMS A PERSON CAN GO TO PRISON FOR FALSIFYING EXTRA DUTY OR OVERTIME PAY, INTENTIONALLY DEFRAUDING THE RETIREMENT SYSTEMS AND NOT CHANGING SALARY SCHEDULES BASED ON REAL SET HOURS.** Same issue as Wu but far less sinister as they got union, benefits, lunches, and I did not. He went to prison for defrauding the retirement system . THIS IS TRUE FOR CALSTRS BUT NOT ENFORCED FOR PUBLIC SYSTEMS. SEE THIS BRIEF APPENDIX G Franklin Drywall

<https://www.dol.gov/sites/dolgov/files/ebsa/about-ebsa/our-activities/newsroom/criminal-releases/09-08-2010.pdf>

<https://www.dol.gov/sites/dolgov/files/ebsa/about-ebsa/our-activities/newsroom/criminal-releases/01-04-2011.pdf>

**24a.PROPERTY RIGHTS TO RETIREMENT IN THE CBA MUST BE ALLOWED TO BE REVIEWED FOR CREDITS AND COMPENSATION AND STRS CAN AND MUST DO SO FOR CLASSIFICATION OF EMPLOYEES AS A CLASS OF EMPLOYEE**

*Pension benefits are deferred compensation. (Thorning v. Hollister School Dist. (1992) 11 Cal.App.4th 1598, 1606-7.) Public employees obtain a vested contractual right to earn retirement benefits upon accepting employment. (Betts v. Board of Administration (1978) 21 Cal.3d 859, 864; Kern v. City of Long Beach (1947) 29 Cal.2d 848, 853; Miller v. State of California (1977) 18 Cal.3d 808, 817; Carman v. Alvord (1982) 31 Cal.3d 318, 325.)*

*They are entitled to continue earning additional retirement benefits through continued service under the terms originally promised by the employer. (See Legislature v. Eu (1991) 54 Cal.3d 492, 530; Pasadena Police Officers Assn. v. City of Pasadena ("Pasadena") (1983) 147 Cal.App.3d 695.) Public employees also have a vested right to any additional retirement benefits established during their employment.*

**EDC Education code 22119.2 (a)** "Creditable compensation" means remuneration that is paid in cash by an employer to all persons in the same class of employees for performing creditable service in that position. Creditable compensation shall include:

- (1) Salary or wages paid in accordance with a publicly available written contractual agreement, including, but not limited to, a salary schedule or employment agreement. [CBA] ...
- (d) An employer or individual who knowingly or willfully reports compensation in a manner inconsistent with subdivision (a) or (c) may be

subject to prosecution for fraud, theft, or embezzlement in accordance with the Penal Code. The system may establish procedures to ensure that compensation reported by an employer is in compliance with this section.....(e) ... (f) This definition of "creditable compensation"....., consistent treatment of compensation throughout a member's career, consistent treatment of compensation among an entire class of employees. consistent treatment of compensation for the position, preventing adverse selection,....The system shall determine the appropriate crediting of contributions

California EDC 22119.2 (f) The system[STRS] shall determine the appropriate crediting of contributions

**25. THERE NEEDS TO BE UNIFORMITY IN ALL RETIREMENT PLANS AND NO PRIVATE MANDATORY DUTY SHOULD BE OVER A PUBLIC REQUIREMENT. OR ITS UNEQUAL PROTECTION OF THE LAWS OF THE LAND. RIGHT NOW PRIVATE PLANS FOLLOW A STRICTER LAW REGARDLESS- REQUIREMENTS ARE BASICALLY ALREADY ESTABLISHED AS MANDATORY OR ABUSE OF DISCRETION IF A PUBLIC RETIREMENT SYSTEM DOES NOT FOLLOW THE PATH TO REVIEW IN CCR**

Federal law for private retirement systems mandates a review of a CBA when a member complains but this is not written into the law in the public sector retirement systems but it is written in partially to many states and should be. Citizens like Wu should have equal protection of the laws as a public employee and taxpayer dollar and have a mandatory duty to review and audit.

**25.a. FEDERAL ERISA 29 U. S. C. §1132(a)(1)(B) SHOULD APPLY TO PUBLIC EMPLOYMENT RETIREMENT SYSTEMS WHICH WOULD REQUIRE**

**25b. An AUDIT OF THE CBA AS THE CRU UNIT AGREED THERE WAS AN ISSUE AND WANTED TO DO THE AUDIT. STARTED IT AND STOPPED IT AFTER BEING INFORMED THE PAYROLL WILL NOT TALK TO THE AUDITOR. 29 U.S.C.1001 ERISA Employment Retirement Income Security A**

**PART 6—ENFORCEMENT CIVIL ACTIONS SEC. 4301. 1451(a)(1) A plan fiduciary, employer, plan participant, or beneficiary. [ MEMBER ] who is adversely affected by**

the act or omission of any party under this subtitle with respect to a multiemployer plan, or an employee organization which represents such a plan participant or beneficiary for purposes of collective bargaining, may bring an action for appropriate legal or equitable relief, or both. ....(b) In any action under this section to compel an employer to pay withdrawal liability, any failure of the employer to make any withdrawal liability payment within the time prescribed shall be treated in the same manner as a delinquent contribution (within the meaning of section 515).

**29 U.S.C. Chapt. 18 Employee Retirement Income Security Act (ERISA)Title 5-GOVERNMENT ORGANIZATION AND EMPLOYEES. CHAPTER 7-JUDICIAL REVIEW 5 USC §704. Actions are reviewable** Agency action is made reviewable by statute and so should this case and not be Demurred to. The Chevron Doctrine was Just overturned.

**26.STRS ALLOWS FOR MEMBERS TO HAVE A PROCESS TO DETERMINATION SO THEY CAN TAKE IT TO AN ADMINISTRATIVE HEARING. WU ASKED FOR THIS IN DECLARATORY RELIEF AND IN ALL STAGES OF THE APPEAL SHE DID NOT GET TO PROVE DISCRETIONARY ABUSE. Evidence is below.**

The Notice of Proposed Rulemaking for CCR 27100-27103 with the intent of the legislature or CalSTRS in Title 5, Division 3 Teachers Retirement System Article 16 ‘MEMBERS RIGHT TO INTERNAL APPEAL OF A DETERMINATION BY CALSTRS

STAFF OF A RIGHT TO A BENEFIT OR OBLIGATION

*“When a [member] making a request..” and “guidelines..to exhaust CALSTRS administrative remedies When disputing how CALSTRS is administering a benefit..” Informative Digest/POLICY STATEMENT OVERVIEW California Constitution ART XVI at 17 Ed code 22301, rights and under CCR 27100-27103 “for a member ... or Entity to exhaust CALSTRS Administrative remedies..” and “describes and implements procedures for a member ..or tentity to follow when making a request or disputing a decision. The regulations also articulate what information is required to move the informal process forward to the next internal level which provides transparency and predictability ..” and “CALSTRS has made the following .as required by the Cal Administrative PRocedures Act and Office of Administrative Law is in (Appendix E.)*

INITIAL STATEMENT OF REASONS by CALSTRS (Appendix E)

Title 5, Division 3, Chapter 1, Article 16 “EDC 22207 authorizes the board to perform any acts Opposition to Motion for protective and in Opposition to judgment on pleadings and all briefs , rehearing, CCR 27100-27103 “Section 27101..Applies to any request..” Program Director [manager] makes a Decision then Program Executive decides if it goes up to an Administrative hearing right away or a Determination. However, unlike Wu request for a review 27102 applies to an Audit Finding. Then Section 27103 applies to the Administrative process for

hearing for both. If no review or Decision is done then one cannot move up in the internal process.  
California Education Code 22308 in its discretion to do Correction of Errors or Omissions  
in (APPENDIX F )EDUCATION code 22206 (as cited to inaccurately in the 3rd court of appeal Ruling )  
( b) the board may excuse any audit finding provided all of the following conditions are met.  
Was prior to July 1, 2002 (4 )was included in an audit [ Wu was not in audit finding or audit]  
(APPENDIX F)

**27. WU ARGUED IN ALL BRIEFS INCLUDING REHEARING AND SUPREME COURT THAT SHE SHOULD HAVE HAD HER OPPOSITION TO THE MOTION APPROVED TO SHOW ABUSE OF DISCRETION AND AS THERE WAS NO HEARING THEN WU HAS TYPICAL RIGE TO DISCOVERY UNDER CCP 1085.**

News Release President of drywall company indicted under ERISA. Used "Other Pay" as was done in Wu Case (see Wu vs TRUSD in US Supreme Court) Used paperwork to hide overtime. In Wu case worse With no overtime pay or Salary per a Probationary Salary Schedule as per a CBA. (APPENDIX F)

**BOARD SUMMARY REPORT AUDITS AND RISK MANAGEMENT COMMITTEE**

**Compensation and Review Unit was not processing or any records of the Request for Review or Determination.** CRU [ top manager Jody Cozad but not his fault he told me he was afraid of those above} Recommended database and standard measurements. "Room for improvement in processing the CRU In time and adequately." page 4 September 15, 2016 (APPENDIX G, and Motion for protective order Sacramento Superior Court Exhibit ) (APPENDIX G)

**TEACHERS RETIREMENT BOARD –Audits and Risk Management Committee. Fiscal year 2017-2018**  
**misclassified teacher at KHS school but paid as a Substitute.** Wu was NOT IN THIS Audit.

In 2017 Wu worked again as a substitute when everyone else was Reclassified But Wu and she had only a lawsuit filed in 2015 that ended Dec 2023 denied Petition.

This shows there were issues Wu presented in her Wu vs TRUSD case, Extra Duty was system issue and Wu did not use Overtime or Extra Duty paychecks and pay same for all hours even though it is to Be used after 5 periods for All teachers in the district. Wu filed this in her Opposition to MOTION for protective Order. In Wu vs STRS in this case in Sacramento Superior court and cited in her Opp to the Pleadings and Referenced in all Appeal Briefs and rehearing and state Supreme Court. (APPENDIX H)

**28. OTHER STATES IN THE UNITED STATES HAVE State Teacher Retirement systems and THEY allow for a Review of the CBA and does not make STRS change or effect District classification and they Must make a Determination/Review to then obtain the internal hearing.** There cannot be a different states that do things differently, especially when it is clear that under ERISA that everything is uniform for private systems. They uniform must Then also be for Public systems in all STATES. **29. Wu requests an Attorney Representation under 28 U.S. Code § 1915 e (1) for this court. requests before were ignored CONCLUSION** The petition for a writ of certiorari should be granted.

Respectfully, Date - July-27-2024 Rebecca Wu

