

# The Professionals Guild of Ohio



## PGO UNION NEWS

June/July 2009

### **PGO Officers:**

**President**

Kay Cox

**Vice President**

Eric Kanthak

**Secretary**

Dan Ehle

**Treasurer**

Jenny Gardner

**Executive Director**

Chauncey M. Mason

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Published by  
Professionals Guild  
of Ohio

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Columbus, Ohio 43205

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*Produced and printed in-  
house by members of UFCW  
1059*

### **Workers at Warren County Children Ser- vices and Clark MRDD Seek to Join PGO**

PGO is assisting employees in both Clark County and Warren County with organizing their unions. A majority of Warren County Children Services employees have come together and expressed their desire for a meaningful voice in their workplace by signing PGO membership cards. They are excited and committed to positive change in their workplace, and will be great to work with.

On their behalf PGO recently requested that the State Employment Relations Board conduct a union election. The election soon will be scheduled. Most of the bargaining unit will consist of Caseworkers.

PGO also is assisting employees of Clark County MRDD with their organizing campaign. Like employees at Warren County Children Services, Clark County MRDD employees are excited about having a meaningful voice in their workplace and have been terrific to work with.

PGO requested a union election for Clark County MRDD employees shortly after requesting the election for Warren County employees. In the next few weeks an election should be scheduled. The new bar-

gaining unit of Clark County MRDD employees will consist of Registered Service Worker 1's. PGO already has a bargaining unit of Nurses at Clark County MRDD.

### **PGO Elects Officers**

The PGO has elected its officers for the next two years. Kay Cox and Eric Kanthak of PGO Council 12 (Montgomery County Children Services) were reelected to the office of President and Vice-President, respectively.

Two new executive board officers have been elected this year. Dan Ehle of PGO Council 15 (Lucas County Correctional Treatment Facility) has been elected as the new PGO Secretary, replacing Joyce Ranson (Council 13, Lucas County Children Services). Jenny Gardner of PGO Council 12, has been elected as the new PGO Treasurer, replacing Donna Andrews (PGO Council 5, At Large).

Dan and Jenny will assume their offices on June 20th and they and the other officers will serve two year terms through June 19, 2011.

Congratulations to all newly elected officers and thanks to Joyce and Donna for jobs well-done.

## **PGO Fights for New Contracts**

The worst economic downturn since the Great Depression has created a terrible climate for negotiating collective bargaining agreements. Sadly, workers have had to absorb most of the pain caused by negligent politicians and greedy businessmen. Even employers that are not suffering financially are trying to wrap themselves in the crisis by demanding employee concessions while they simultaneously reward executives and top managers with lucrative pay raises and bonuses.

The PGO has been fighting hard for its members during this economic crisis. Several PGO councils are struggling to negotiate new contracts.

PGO Council 10, representing Child Welfare Caseworkers employed by Greene County Children Services, has been in negotiations since last November. The Union and the children services board reached a tentative agreement in February that was unanimously accepted by Union and board members. However, this agreement was rejected a month later by the county commissioners.

Following rejection of the tentative agreement, the State Employment Relations Board held a fact-finding hearing and made recommendations to settle negotiations. PGO members unanimously accepted the fact-finders recommendations; the county commissioners unanimously rejected the recommendations.

Greene County Commissioners are insisting that PGO members take a pay freeze despite the fact that all non-union staff at the agency received a three percent raise last January and pay raises for all employees were included in the budget already approved by the county commissioners. The PGO and children services bargaining teams are working to try to avert a strike.

A similar scenario has recently played out at Butler County MRDD. PGO Council 7, representing paraprofessionals at the MRDD, reached a tentative agreement with the board that was subsequently rejected by the county commissioners. Once again, the commissioners are denying Union members a pay raise that was provided for in the budget, previously approved by these same commissioners, and given to

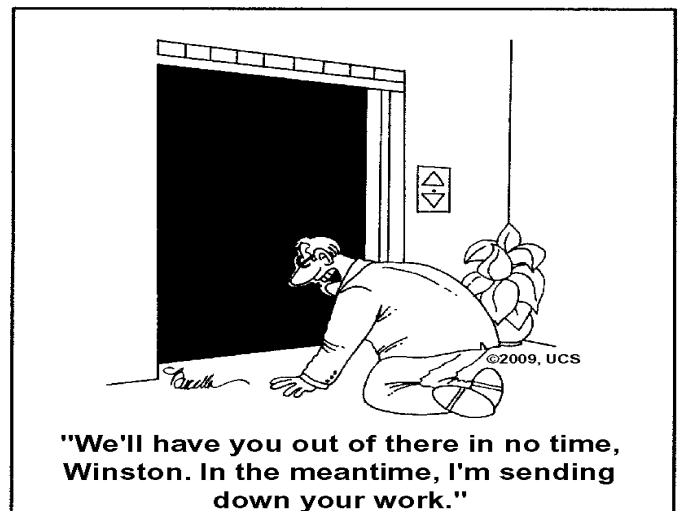
other board employees. It appears likely that the Union and board will be forced to submit to an unnecessary and expensive SERB fact-finding so these politicians can beat their chests and proclaim that they have held the financial line against greedy workers.

PGO members in Council 13 and the Lucas County Children Services Board had a fact-finding hearing on June 10<sup>th</sup>. The children services board in this county is not struggling financially (it has a substantial cash balance and voters approved a levy to support the agency last Fall). Unlike Greene and Butler Counties, this dispute was not created by the county commissioners. The conflict in these negotiations is being created by the employer's desire to take advantage of the economic crisis by forcing Union members to make unnecessary concessions.

In all of these negotiations, PGO leaders and members have determined that they will not accept unreasonable concessions without a fight. In every case, the Union is being forced to fight for the same consideration that has already been given to non-union employees. In every case, Union concessions are unnecessary. In no case would Union concessions save the job of a fellow worker or improve public services. Without a doubt these are difficult times, but under such circumstances the Union has no choice but to fight!

*In solidarity,*

*Chauncey Mason, PGO Executive Director*



## **Unions Help Younger Workers**

A new report by the Center for Economic and Policy Research (CEPR) documents a large wage and benefit advantage for young workers in unions relative to their non-union counterparts. The report also finds that younger workers are earning about 10 percent less than their counterparts did in 1979, despite impressive gains in young workers' educational attainment over the same time period.

"Even though they've done everything right - finished high school and college at higher rates than in the past, young workers have been the hardest hit by stagnant and declining wages over the last 30 years" said John Schmitt, a Senior Economist at CEPR and the author of the study.

The report, "Unions and Upward Mobility for Young Workers," found that young unionized workers - those age 18 to 29 - earned, on average, 12.4 percent more than their non-union peers. In addition, young workers in unions were much more likely to have health insurance benefits and a pension plan.

The report, which analyzed data from the Census Bureau's Current Population Survey (CPS), found that unionization raises the pay of young workers by about \$1.75 per hour. According to the report, young workers in unions were also 17 percentage points more likely to have employer-provided health insurance and 24 percentage points more likely to have an employer-provided pension plan than young workers who were not in unions.

"Unions make a big difference for younger workers," said Schmitt. "There is no economic theory that says young people have to be poorly paid or go without benefits."

According to the study, unionization also strongly benefited young workers in typically low-wage occupations. Among young workers in the 15 lowest-paying occupations, union members earned 10.2 percent more than those workers who were not in unions. In the same low-wage occupations, unionized young people were 27 percentage points more likely to have employer-provided health insurance and 26 percentage points more likely to have a pension plan than their non-union counterparts.

## **Liability Insurance**

*By John Campbell-Orde, Esq., PGO Field Representative*

Many local-government employees perform work that involves some risk of legal liability. Fortunately state law provides employees of political subdivisions with some protection against legal liability. As you will see below, state law provides two different types of protection. Depending on circumstances, an employee may qualify for one type of protection but not for the other, or an employee may qualify for both types of protection. The two types of potential protection are (1) legal defense, and (2) liability coverage.

Ohio Revised Code § 2744.07 requires that political subdivisions pay for the legal defense of an employee who is sued over workplace conduct, if the employee was acting in "good faith" and was not acting "manifestly outside the scope of employment." Thus, if the employee did not have an unseemly, ulterior motive and was not *obviously* acting outside the scope of his or her employment, the employer must pay for the employee's legal defense.

Ohio Revised Code § 2744.07 requires that political subdivisions pay any judgment entered against the employee if the employee was found liable for conduct in the scope of employment. The employer need not pay any judgment for punitive damages, however. Punitive damages generally are awarded only for egregious misconduct.

Thus, the standard for requiring an employer to pay a judgment entered against an employee is harder to satisfy than the standard for requiring an employer to pay for a legal defense. However, the employer must pay any judgment (excluding punitive damages) entered against the employee, if the employee's conduct was not outside the scope of employment (note the absence of the word "obviously").

*Author's note: The law discussed above is very complex and the preceding article is an incomplete explanation. The information contained in this article does not constitute legal advice.*

## **State & Local Budget Shortfalls to Blunt Effect of ARRA**

The latest housing and GDP numbers leave little doubt that the nation is now in the grip of the deepest recession in more than half a century. Earlier this year, the President and Congress attempted to address the economic crisis with a stimulus package aimed at giving a much-needed boost to the economy. A new report from Center for Economic and Policy Research (CEPR), however, shows that due to budget shortfalls for state and local governments, the full impact of the 2009 American Recovery and Reinvestment Act of 2009 (ARRA) will be significantly less than is generally recognized.

The report, "The State and Local Drag on the Stimulus," shows that the \$787 billion included in the 2009 ARRA will not have as much of an immediate effect on the economy as initially anticipated.

"The severity of the downturn has led to budget shortfalls for state and local governments," said Dean Baker, CEPR Co-Director and an author of the report. "Since many states are required by their charters or constitutions to balance their budgets, states will end up using federal stimulus dollars to offset these shortfalls."

The authors of the paper note that after subtracting the annual AMT patch and accounting for state level spending and tax cuts, the full effect of federal stimulus will equal a little more than 1 percent of GDP a year, falling far short of what is needed to reignite the economy. Previous CEPR research demonstrates the impact of a worse than anticipated housing crash as well.

"The nation is still contending with the demand shortfall caused by the deflation of an \$8 trillion dollar housing bubble and most economic indicators are currently much worse than projected at the time of the passage of the ARRA. This being the case, Congress would do well to consider an additional recovery package to address the depth of the recession," said Baker.

While the 2009 recovery act was a vital first step towards restoring the nation's economic foundation, this paper puts some perspective on the immediate effects of the stimulus.

## **More Council Election News**

Three more PGO Councils have recently held elections for local officers:

**Council 17—Clark County MRDD** has elected Gregg Fry as president, Frank Raynor as vice president, Carolyn Oliver as secretary-treasurer, Mary Bussard and Kim Buckner as stewards and Gregg Fry as the PGO delegate.

**Council 15—Lucas County Correctional Treatment Facility** has elected Dan Ehle as president, Lott Smith as vice president, Henry King as secretary-treasurer, Josh Helton as steward and Juan Hernandez as the PGO delegate.

**Hamilton County Educational Service Center** has elected Debbie Clyde as chief steward and Terri Densford as the PGO delegate.

Congratulations to each of you and thank you for being willing to serve your members and your Union.

## **Going Through Changes? Let Us Know**

Has your name changed? Have you moved? Do you have a new telephone number? If so, please let our office know. Help us maintain accurate membership files by contacting the PGO office to update your personal contact information. Keeping us informed will allow us to serve you better.

