

The Professionals Guild of Ohio



PGO UNION NEWS

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Clark County DD: PGO Prevails Before Admin- istrative Law Judge

Several months ago RSW 1s working for Clark County Board of Developmental Disabilities expressed an interest in organizing a union. PGO's assistance was requested, and ultimately the majority of these employees supported joining PGO.

On their behalf, PGO petitioned the State Employment Relations Board (SERB) for an election so that the employees could unionize and thereby gain important rights under the state collective bargaining law. SERB scheduled an election. However, before the election took place Clark County DD withheld a regularly-scheduled raise from the employees, while granting the raise to all other similarly situated employees. This intimidated and coerced many employees. By the time the election was held, a majority of the employees voted not to unionize.

Believing that the employer had violated the law by withholding the raises as well as by engaging in related conduct, PGO filed an unfair labor practice charge against Clark County DD. SERB determined that there was probable cause to believe that Clark County DD had violated the law. Consequently, SERB issued a complaint against Clark County DD and assigned

an administrative law judge to determine whether the law had been violated.

During the hearing conducted by the administrative law judge, PGO advocated for the employees who had their raise withheld, while Clark County DD hired an attorney to argue that it had not violated the law. After hearing all the evidence, the administrative law judge agreed with PGO, concluding that Clark County DD had violated the law in multiple respects prior to the election. The administrative law judge's findings will now be presented to the full SERB Board for a final determination. As always PGO remains committed to fighting for the rights of employees.

A Call to Action for Public Employees

Recently, Ohio's public pension funds and their defined benefit plans have been under attack in the news media. You can help inform your fellow Ohioans of the far-reaching and positive effects that Ohio's public pension systems provide this state by contacting your local legislators and by sending a "Letter to the Editor" to your local paper.

In recent news stories, Ohio's public pension systems were accused of making taxpayers foot the bill for "exorbitant" public employee retire-

ment benefits. That's not the case. What these news stories failed to recognize was that the cost to taxpayers for public pensions is actually in line with pension costs paid by private employers. For example, School Employees Retirement System employers contribute 14 percent of employees' salaries toward retirement, which is less than 1 percent away from what private sector employers pay. When you factor in that public pensions also provide disability insurance (an added cost for private employers), the costs to taxpayers are the same or less than those of public employers.

Also, remind your legislators and local newspapers that public employees in this state do not pay into Social Security. That means that public employees are not eligible for Social Security benefits unless they qualify as a result of other private sector employment.

According to recent studies, defined benefit plans prevent many seniors from becoming part of a poverty statistic. Those who have pensions are six times less likely to fall into poverty, which saves taxpayers \$7.3 billion every year in public assistance nationally.

Ohio's public pension systems also have been accused of making taxpayers pay for their investment losses. Although pension funds' investments across the country declined during the financial crisis, defined contribution plans, such as 401(k) and IRAs lost even more. A 2009 Watson Wyatt report confirmed that defined benefit plans actually outperformed their 401(k) counterparts in 2008.

Public pension systems also have been criticized for offering health care to retirees. While health care is not mandated by Ohio law, stripping away health care access to retirees would be unconscionable, especially since government retirees in Ohio do not collect Social Security.

It's time to remind state legislators of the benefits of Ohio's defined benefit pension plans. Write your legislator and local newspaper. To get ideas for your letter or to send a ready-made letter, go to www.ohsers.org.

Editor's note: this article was reprinted in part from an article published in a recent issue of SERS News and Views.

SERB Update

By John Campbell-Orde, Esq., PGO General Counsel

The State Employment Relations Board, which is responsible for enforcing Ohio's public-sector labor law, already has issued several decisions this year. In *re Lima Public Library Bd. of Trustees*, SERB considered several issues concerning unfair labor practice charges filed by the union against the employer. First SERB considered whether the employer violated the law by failing to sign the collective bargaining agreement that had been tentatively agreed to.

As noted, the employer and union tentatively agreed to a new collective bargaining agreement. As required by law the employer submitted the collective bargaining agreement to its "legislative authority" (in this case the employer's board of trustees) for final approval. Under state law if an employer's legislative authority does not reject within thirty days a tentative collective bargaining agreement, then the legislative authority is considered to have accepted the tentative agreement, which becomes final and binding on the employer (unless of course the union membership reject the tentative agreement). The legislative body must either accept or reject the entire agreement—it cannot accept one portion but reject another.

In the present case, within thirty days of receiving the tentative agreement from the employer, the legislative authority passed a resolution to accept the tentative agreement with one exception—a provision concerning fair share fees. Because the legislative body did not reject the entire agreement SERB concluded that the legislative body was considered to have accepted the tentative agreement and, therefore, the employer committed an unfair labor practice by refusing to sign the final agreement.

SERB also considered whether the employer violated the law by effectively prohibiting certain union communications and engaging in other conduct. As they say on TV stay tuned! The second part of this SERB case will be discussed in the next issue of the *PGO Union News*.

**The Labor Notes Conference:
Inspiring and Informative**

By Amelia Woodward, Esq., PGO Field Representative

While your week was winding down, PGO officers and staff were gearing up for what turned out to be a very inspiring and informative conference for “troublemakers” from around the world. PGO council 12 president (Montgomery County Children Services), **Eric Kanthak**, PGO council 13 president (Lucas County Children Services), **Joe DeStazio**, PGO executive director, **Chauncey Mason**, PGO general counsel, **John Campbell-Orde**, and PGO field representative **Amelia Woodward** were part of the 1,000 attendees at this year’s Labor Notes conference. The theme of the conference was “Organizing a Rank and File Recovery.”

Labor Note’s biannual conferences are designed for union members and union leaders interested in building and leading a movement of the rank and file members of unions to collectively work for a better world. We were inspired by the workers who have sacrificed their time and in many cases, their lives, to lead their brothers and sisters against greedy corporations and oppressive governments. We attended many workshops and meetings to learn better ways to achieve our goals here at PGO and in our local councils. The following report is an overview of our conference experience.

To get a better idea of where the economy is and how it got so bad, I attended a workshop called “Understanding the Economic Crisis.” Do you wonder why the economy is supposedly making a recovery, but unemployment continues to be so high? Sure, companies are going to profit if they lay people off to save money, but the numbers are astonishing. You probably know that the true unemployment rate isn’t just the number of people receiving unemployment benefits, but it also includes those who are underemployed (working part time jobs or lesser paying jobs) and those who have given up looking for a job all together. The total number of people who fit these categories reaches 26 million, according to Mark Brenner, a staff member of Labor Notes. That is a lot of people out of work, or working for very little. So what are we going to do about it? That was the question that was addressed throughout the conference.

Its not news to you that fat-cat CEOs have benefit-

ted immensely from this economic catastrophe which they also caused. Once upon a time, CEOs used to make about twenty nine times what their average worker made. That figure is now 272 times what the average worker makes. But what about the taxes from those rich folks, shouldn’t that make up for some of the damage done to working people? But alas, no. According to Mike Prokosch addressing attendees during the “Roots of the Public Sector Budget Crisis” workshop, corporations that once paid a 30 percent tax on profits now only pay about an 8 percent tax.

Public employees have been especially hard hit, as now forty eight of the fifty states, face budget deficit in the millions, and in some cases, billions of dollars. As corporate fat cats and right wing talking heads rail against public employees for their decent pension funds, our response should not be to apologize for having a decent pension, but to question why everyone doesn’t have a decent pension fund.

Conference moderators pointed out, and the attendees agreed, that public sector employees are being blamed for the current crisis. We can change this misperception, by aligning with community based organizations and maintaining a vision for a public good, building power through organizing, pushing unions to take action on behalf of workers and identifying our ultimate goals as a movement of public sector employees.



One of the best ways to help workers is at the bargaining table. A few pointers from “Bargaining Table Tactics” included assessing the strengths and weaknesses of both internal and external forces going into bargaining. A internal strength would be the cohesiveness of a unit and its ability to resist concessions. An external strength would be the contacts the members have with community leaders so that if or when an impasse is reached, the membership can reach out to community groups to gather support for the union. We also learned different strategies for putting pressure on employers who are demanding unreasonable concessions.

We heard from or about many union members from around the world and how they’ve organized, how they bargain, and how they’ve taken action on the job to fight injustice and unfairness.

The Hyatt Hotel in Boston fired 100 workers for trying to organize, but the employees have not given up their fight to organize for better wages in Beantown. This organizing drive has gained momentum and numbers as more and more employees of the Hyatt walked out in solidarity with the workers. This has directly impacted Hyatt’s bottom line.

Our brothers and sisters in Mexico fear for their lives when they organize outside of the state-run company union. But one man, Alfredo Rodriguez Morales, has been leading the workers in a tire factory in a successful fight for better wages and working conditions.

Mike Davenport and the members of the ILWU were illegally locked out of the Borax plant in Boron, California over three months ago. Utilizing collective action, they have put pressure on the company in an effort to get back to work with their pensions intact.

The bottom-line question for this year’s Labor Notes Conference, is how do we continue to build a movement of workers in the United States during one of the worst economic downturns ever? The answer is to ORGANIZE. We must organize our workplaces now so that when we meet at the table with management, we are a strong united front in the fight for better pay, better working conditions and better benefits. We must organize our friends and neighbors at their workplaces, because they deserve to have a decent quality of life. And, we must understand that the union is only as strong as each one of us makes it. The more voices that ring out with the pride of union membership, and the louder we get, the less employers and big corporate

CEOs can pretend not to hear us. I am a union staff member, an activist, a union member and I am proud of it; you should be too.

Making Ends Meet in Ohio

The National Low Income Housing Coalition reports that, in Ohio, the Fair Market Rent (FMR) for a two-bedroom apartment is \$696. In order to afford this level of rent and utilities, without paying more than 30 percent of income on housing, a household must earn \$2,320 monthly or \$27,843 annually. Assuming a 40-hour work week, 52 weeks per year, this level of income translates into a Housing Wage of \$13.39.

In Ohio, a minimum wage worker earns an hourly wage of \$7.30. In order to afford the FMR for a 2-bedroom apartment, a minimum wage earner must work 73 hours per week, 52 weeks per year. Or, a household must include 1.8 minimum wage earner(s) working 40 hours per week year-round in order to make the 2-bedroom FMR affordable.

In Ohio, the estimated average wage for a renter is \$11.99 an hour. In order to afford the FMR for a 2-bedroom apartment at this wage, a renter must work 45 hours per week, 52 weeks per year. Or, working 40 hours per week year round, a household must include 1.1 worker(s) earning the average renter wage in order to make the 2-bedroom FMR affordable.

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