

The Professionals Guild of Ohio



PGO UNION NEWS

May 2011

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Ohio Mobilizes to Kill SB 5

Citizens of Ohio have started an enthusiastic campaign to save the middle class by killing union busting legislation foisted on Ohioans by greedy corporate bosses and their political toadies. Thousands of people attended trainings organized by the Ohio AFL-CIO Central Labor Councils as part of the broader grassroots, bi-partisan *We Are Ohio* campaign, throughout the state over the past three weeks. These training sessions provide information and instruction for circulating petitions to have a referendum on the recently passed anti-worker Senate Bill 5.

The Ohio AFL-CIO is continuing to conduct trainings throughout the state and we encourage anyone who is planning on circulating petitions to attend a training. The list of trainings can be found at <http://www.ohafclcio.org/sb5referendumtraining.html>. If you would like to attend a training but can't find one near you, you can either contact the Ohio AFL-CIO at the same address above, or *PGO Field Representative Amelia Woodward* and she will be happy to conduct the training for you.

The requirements for circulating petitions and getting signatures are extensive so it's important that everyone be trained on petition circulating.

Some important points about circulating petitions are:

- Signatures must be from registered voters in Ohio;
- Signatures on a petition must be from people registered to vote in the same county;
- The "Statement of Solicitor" must be completed accurately;
- Addresses of signatories listing a P.O. Box are not valid—signors must use their home addresses;



- The petition packet must not be disassembled;
- Signatures must be in script and cannot be printed;
- Power of Attorneys cannot sign as agents of the signor;
- No gifts can be given to induce someone to sign the petition; however, items can be offered to everyone whether they sign or not;
- You can circulate petitions in any public place or anywhere you have asked permission to circulate the petition. Kroger and Meijer may allow you to talk to customers if you get the general manager's permission first.

To be successful, we must have 232,000 valid signatures from Ohio registered voters before June 30. Of these signatures, we must have at least 3 percent of the votes cast in the last election in a given county from at least forty-four counties (half the number of counties in the state).

Remember, a successful petition effort will not repeal the law, but it will stop the law from going into effect temporarily and put the issue on the ballot in November for Ohio's voters to decide whether SB 5 should become law or not.



"His idea of building consensus is firing anyone who doesn't agree with him!"

KILL THE BILL!

For members interested in circulating petitions to gather signatures to get SB 5 on the ballot in November so it can be voted down by Ohioans, please email *PGO Field Representative Amelia Woodward* at awoodard@professionals-guild.org with your personal email address and a personal phone number to reach you. Emails have gone out to many members volunteering in several councils, but we don't want to miss anyone who is interested in participating, so let us know right away that you want to help.

PGO Wins Arbitration In Montgomery County Children Services

PGO recently won two grievances for PGO Council 12 members working at the Montgomery County Children Services (MCCS). Both grievances involved job audits.

PGO's collective bargaining agreement with MCCS allows employees to request job audits if they believe that they are not properly classified for the work they are required to perform. MCCS has 90 days to investigate a job audit request and decide whether or not to reclassify the employee.

In December 2008, a member classified as a secretary 1 made a job audit request to be reclassified to the higher secretary 2 classification. A year later, in December 2009, several members classified as account clerks filed job audit requests to be reclassified to a higher classification. When MCCS failed to conduct the requested job audits, two grievances were filed and eventually taken to arbitration together.

The arbitration hearing lasted two days and PGO successfully argued that the employees in both grievances were improperly classified. The arbitrator ordered that the secretary be upgraded to the higher classification with back pay to the date of the request for the job audit and that MCCS negotiate the appropriate classification for the account clerks with PGO with retroactive wage increases.

PGO Wins Reinstatement for Lucas County CSB Member

Recently Lucas County Children Services (LCCS) fired a PGO Council 13 member for allegedly violating ethical standards. This member had worked for LCCS for more than a decade. During that time, she had always received satisfactory performance evaluations and had never been disciplined. The alleged ethical violation involved the member using off-duty time to help someone who had been a client years earlier. LCCS had no clearly articulated policies prohibiting the conduct and neither did the state. Yet LCCS fired this long term employee with a good performance record for attempting to do something good for someone else who had once been a client.

PGO firmly believed that our member had been discharged without just cause. Consequently, PGO filed a grievance challenging the termination. When LCCS denied the grievance, PGO appealed the grievance to arbitration.

The arbitrator conducted two full days of hearings on the grievance. Both parties presented numerous witnesses and documentary evidence. During the hearing it became evident that even management did not understand the very ethical rules that it was attempting to hold the employee to. After the hearing finished, PGO presented a brief containing written arguments about why the employee should not have been fired. In its brief LCCS argued that there had been just cause to fire the employee.

After considering all the evidence and arguments presented by LCCS and PGO, the arbitrator ruled that LCCS did not have just cause to terminate, and ordered that the employee be reinstated pending some procedural matters.

While PGO finds it regrettable that such a good and loyal employee was put through unnecessary emotional and financial turmoil, PGO is pleased with the outcome in the case, and extends thanks to the local union leadership and other employees who proved once more why having union representation is so important.

PGO Settles Contract With Lucas County VSC

PGO and Lucas County Veterans Service Commission (Lucas County VSC) recently concluded contract negotiations on wages for the next two years. PGO and Lucas County VSC entered negotiations on a wage reopener for 2011. During negotiations the parties decided to also negotiate wages for 2012, the final year in the current collective bargaining agreement.

Under the agreement reached pursuant to the reopener, bargaining unit employees who are eligible for step increases in 2011 will receive their 3 percent step increases. In addition, for 2011, base wages will increase by 2 percent for all bargaining unit employees. In 2012, bargaining unit employees who are eligible will receive step increases, and all bargaining unit employees will receive a \$400 lump sum payment.

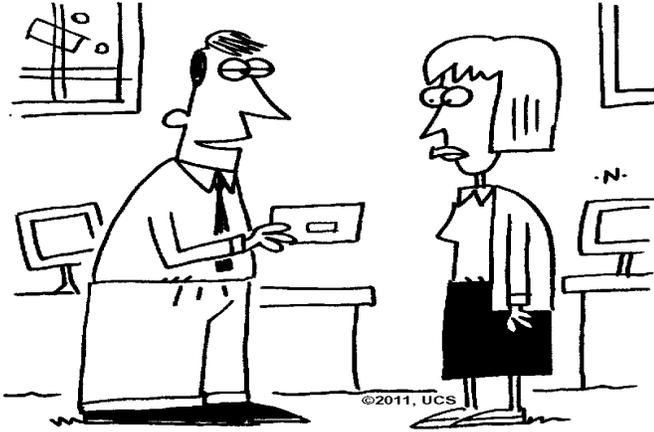
Big thanks goes out to Union bargaining committee members *Jana Oyerbides*, *Sonya Glover* and PGO General Counsel *John Cambell-Orde* for their outstanding representation during these negotiations.

Labor Quote:

“Wall Street bonuses are just one more example of how shared sacrifice only applies to the middle class, not corporate CEOs. While executives on Wall Street fret over the size of their bonuses, the rest of the country is worried about how they will put food on the table and keep a roof over their heads.”

- *AFL-CIO President Rich Trumпка*





"We've outsourced payroll to a Las Vegas-based company. Do you want your paycheck, or do you want to let it ride?"

**Workers' Compensation:
The Going and Coming Rule**

By Amelia Woodward, Esq., PGO Field Representative

Typically, employees are not eligible to receive workers' compensation for an injury that occurs while they are traveling to or from work. However, there are exceptions to this rule. The first thing to consider is the type of employment of the employees. Virtually all of PGO's members are considered "fixed-situs" employees, or employees that routinely go to a specific place designated by the employer to begin employment duties. In these situations, it is unlikely an injury occurring during travel to and from work would be a compensable workers' compensation injury. This is referred to as the "Going and Coming Rule."

Again, there are exceptions to the "going and coming rule." One exception to this rule is a situation where an injury occurs in the "zone of employment," such as an injury sustained in the parking lot of the employer's facilities. Another exception is where there is a special hazard associated with traveling for the employer's business to or from one's home. The travel must serve a function of the employer's business and creates a risk that is either distinct from common occurrences or significantly greater than risks to which the public may be exposed. A third exception is where there exists a duty related to employment at the time of the injury. This exception is similar to the zone of employment exception, although it is of a broader scope in that it includes those places on or near an employer's prem-

ises that if an injury occurs, it may be a compensable workers' compensation injury.

If an employee engages in travel that is an integral part of the job, he or she may be a "non-fixed situs" employee. If an employee is a non-fixed situs employee, the "going and coming rule" does not apply. To qualify, the travel must be essential to the performance of the employee's job duties.

The area of workers' compensation law is extensive and complicated. If you have any questions about workers' compensation in Ohio, please call your PGO field representative or attorney for assistance.

PGO Election

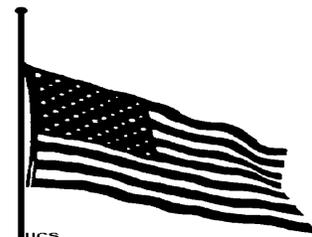
Ballots for the election of state PGO officers are in the mail! To exercise your right to vote for the people you want to lead your Union, you must fill out your ballot and mail it to PGO in the postage paid envelope that is provided with each ballot. To be counted, your ballot must be delivered to PGO no later than June 15, 2011.

The following members have been nominated and will have their names appear on the ballot:

- President - Eric Kanthak, Council 12;
- Vice President – Joe Atkinson, Council 12;
- Treasurer – Jenny Gardner, Council 12;
- Secretary – Jane Hay, Council 12.

You will be permitted to write in your choice for each office if you do not want to vote for the person nominated. Write in candidates must be card signed dues paying members of the PGO. Please contact the PGO executive director if you have any questions or concerns during this election.

Memorial Day



Remember Those Who Served