

# The Professionals Guild of Ohio



## PGO UNION NEWS

**October 2011**

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### **Voter Suppression Act on Hold Through 2012**

Thanks to the 318,460 Ohioans who signed referendum petitions to repeal another bad law, the Voter Suppression Act (HB 194) will not adversely affect our next two elections. This Act would have:

- Shortened mail-in voting from 5 to 3 weeks and in person voting from 5 weeks to 2 weeks;
- Eliminated early voting opportunities in the evenings, Saturday afternoons, and Sundays;
- Taken away party identification from third party candidates on the ballot;
- Not required poll workers to tell voters they are in the wrong precinct;
- Stopped county board of elections from sending absentee ballot applications to all voters.

With the Voter Suppression Act on hold, the status quo will remain in effect. You may now begin early voting at your board of elections office, however, you may want to call your board of election to check the hours they will be open. You can go to the following website for your board's contact information, <http://www.sos.state.oh.us/SOS/elections/boeDirectory.aspx#f>

### **Issue 2/SB 5 Cam- paigns in Full Swing**

You may have already seen the We Are Ohio ads promoting a NO VOTE on Issue 2 to repeal SB 5 as well as opposition ads, one of which features SB 5's ten and fifteen percent health insurance and pension contributions using a pie chart.

We need to continue talking with our family, friends and neighbors about the importance of voting No on Issue 2. One way to spark conversations is to wear our We Are Ohio repeal SB 5 pins. All PGO councils should have pins and bumper stickers to hand out to members. If your council has run out, please call Amelia at 1-800-331-5428 or [awoodward@professionals-guild.org](mailto:awoodward@professionals-guild.org). We will be sure you get more to you.

There is also time to volunteer to get the word out. Check out the We Are Ohio events by going to <http://weareohio.com/events.html>. You can also find scheduled walks with other union members in your area going door to door or scheduled phone banking days and times at the Ohio AFL-CIO website, <http://www.ohafclio.org/issue2walks.html> and <http://www.ohafclio.org/sb5issue2callcenters.html>. With your help, and your NO vote on Issue 2, we will repeal SB 5!

**How Do You Know They're Lying?  
- Their Lips Are Moving!**

Have you seen or heard any of the opposition's campaign ads? One ad featured Toledo Mayor Mike Bell, who says that if voters vote Yes on Issue 2, and SB 5 becomes law, then cities and other public employers will be better able to manage budgets and avoid layoffs, like the one he experienced as a firefighter. But what the ad doesn't say is that Mayor Bell was laid off as a firefighter in 1980, four years before the collective bargaining law went into effect.

Also interesting to note, Building a Better Ohio featured the story on its website of the complete layoff of Mt. Sterling's police force because the township had run out of money and suggested that SB 5, and a yes vote on Issue 2, could have prevented this layoff. However, the Mt. Sterling police force did not have a union because it has fewer than 5,000 residents and the collective bargaining law prohibits union representation of employees in townships with less than 5000 people.

Stay informed and get the word out: **VOTE NO ON ISSUE 2!**

**Senate Bill 5 Misconceptions**

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

As you all know Senate Bill 5 was recently enacted to attack hard working public employees and the unions that represent them. This November SB 5 will appear on the ballot as Issue 2. You want to vote NO on Issue 2 in order to defeat SB 5.

Proponents of SB 5 have spread many misconceptions and distorted many facts in their attempt to confuse the public. This article will address some prominent misconceptions about SB 5. This way if your friends, family, or colleagues ask you about SB 5 you can give them the truth.

SB 5 requires public employees to pay at least fifteen percent towards their health insurance costs and prohibits unions from bargaining over health insurance. There are two important points here.

First, not all employees have the same health insurance plan. Plans vary significantly, with some offering excellent benefits and others offering poor benefits. Someone working in the private sector may



pay twenty percent towards health insurance premiums, but the plan may have low deductibles and co-pays and excellent benefits. Health insurance plans differ dramatically and are constantly changing in the public sector. Thus, one plan may cost significantly less than another plan depending on how good (or bad) the health insurance coverage is.

Nearly all public employees, including those who pay less than fifteen percent towards health insurance, have seen their health insurance benefits shrink and their deductibles and co-pays increase in recent years. Employers are simply pushing more health insurance costs onto employees by purchasing inferior and therefore cheaper plans. Thus, while some public employees pay less than fifteen percent towards their health insurance premiums, the changes in health insurance plans that employers have implemented over the past few years have increasingly shifted the financial burden onto employees.

Most public employees would gladly pay fifteen percent towards a good health insurance plan that has reasonable deductibles, co-pays, and good benefits. However, proponents of SB 5 pretend that all health insurance plans are the same, and they conveniently ignore the fact that employees have been making sacrifices by accepting health insurance plans that have higher co-pays and deductibles and reduced benefits.

Second, it is important to note that even as health insurance plans deteriorate many public employees already pay fifteen percent or more towards their health insurance premiums. In fact, all state employees currently pay fifteen percent towards their health insurance premiums. Also, it is worth noting that public employees have historically valued bene-

fits, such as health insurance, more than wages. Over the years many public employers and public employees have agreed on how to distribute compensation to employees—with public employees taking lower wages in order to retain reasonably-priced, quality health insurance. SB 5 takes away the ability of local governments to decide how to structure their own employee compensation packages (i.e., wages versus benefits).

SB 5 also attacks seniority as the basis for determining the order in which employees are laid off from work. For most unionized employees, less senior employees are laid off before more senior employees. Laying off employees based on their relative seniority ensures that layoffs are fair and based on objective criteria. SB 5 attempts to do away with this system. However, most people would agree that an employee who has dedicated many years to his employer should not be laid off before an employee who just started working for that employer a few months ago. Prohibiting employers from laying off employees based on seniority would result in layoffs based on favoritism and would result in employees who have demonstrated the most dedication to their employers being laid off before relatively new employees. That would be fundamentally unfair.

SB 5 also prohibits strikes by public employees and would eliminate binding arbitration for employees who are currently prohibited from striking. Under the current law, all public employees except health and safety forces have the right to strike. Contrary to what SB 5 proponents would have you believe, however, public employees rarely strike. Although there are hundreds of union negotiations each year, it is very rare for there to be more than one or two strikes per year. Virtually all contract negotiations are resolved without employees going on strike. In fact, before the current collective bargaining law went into effect strikes were illegal in Ohio, but even so there were many more strikes than there are today.

This proves that the current system for resolving contract negotiations, which includes mandatory mediation and other involvement with neutral third parties, works to produce fair contracts and to avoid strikes. The right to strike, even though rarely exercised, is an important component in ensuring that

public employees have a meaningful voice in the workplace. Without the right to strike, employees have no bargaining power and consequently their employers have no incentive to bargain in good faith to reach fair agreements.

SB 5 also insists that all pay increases be based on “merit.” While this initially sounds like a reasonable idea, closer examination reveals several flaws. First, most promotions (which result in pay increases) are already determined largely by merit under most union contracts. Some employees do receive “step increases,” which are annual increases that compensate employees for continued commitment to the employer and additional experience in their job. No one would deny that experience is an important basis for determining compensation. In the private sector when someone hires into a new job, how much relevant work experience that person has is taken into consideration in setting pay. Step increases simply recognize the same principle that is widespread in private sector hiring—additional work experience improves employee performance and adds value to the organization, and should therefore be reflected in how much compensation employees receive.

Lastly, proponents of SB 5 portray public employees as paying little towards their pensions. How much public employees must pay towards their pensions is already set by law. While some public employers have agreed to pay an additional portion of the required employee contribution, the vast majority of public employees pay the full amount required by law without any assistance from their employers.



**“The rich are getting richer and the poor poorer. Raising your salary would mess things up, Sims.”**

## **The Family Medical Leave Act and Military Personnel**

*By Amelia Woodward, Esq., PGO Field Representative*

You probably know that if you or an immediate family member has a serious health condition, you may qualify to take up to twelve weeks of (unpaid) leave under the Family and Medical Leave Act (FMLA) and your employer must return you to the same or a similar position upon your return from leave. A recent change to the FMLA now provides FMLA leave to an employee when an immediate family member (spouse, son, daughter or parent), in the reserves or retired, is called to active duty.

The FMLA can be used to take time off from work under the law for reasons related to a service member's duties after being called to active duty. These reasons include when a service member is called to a short notice deployment, which is a notice of seven days or less of a pending deployment, and covers any activities related to address issues that may arise from a short notice deployment. FMLA can also cover time off work for military events and related activities such as official military ceremonies or family support and assistance programs or briefings.

FMLA may also afford an employee time off to arrange for alternative childcare or the transfer of a child to a new school and other related school activities. It can cover leave to handle financial and legal arrangements such as updating legal forms including wills, time to attend counseling should the need arise because of the pending deployment of a service member, to spend time with a service-member on leave for rest and recuperation, and post deployment activities including arrival ceremonies and reintegration briefings.

This provision of the FMLA does not apply to families with military service members currently serving in active duty; it applies only to military service members who are called to active duty from the reserves or who are retired. Due to the complexities of any federal law, should you have any questions about qualifying for FMLA leave under this provision, please speak with your union representative, the state PGO office, or your attorney.

## **Friend us on Facebook**

We can keep you up-to-date on the latest union news! Search for "Professionals Guild of Ohio" and "Like" our page on Facebook. We will continue to "share" posts about union activities here in Ohio and around the United States so you will be up to date on what's happening in the labor movement that isn't reported by the mainstream media. We have posted some pictures and will continue adding to the page as often as possible.

## **Voting No On Issue 2**

If you choose to vote early, or absentee, you will need to provide one of the following:

- The last four digits of voter's Social Security number; or driver's license number; or
- A copy of a current and valid photo identification, (i.e. Ohio driver's license, state ID card, government ID). Photo identification must show name and address; or
- A copy of a current utility bill (including cell phone bill), bank statement, paycheck, government check, or other government document that shows the voter's name and current address (including from a public college or university). Source: <http://www.sos.state.oh.us/>.

If you come out on Election Day, you will need to bring with you one of the following:

- A current and valid photo identification (i.e. Ohio driver's license, state ID card, government ID). Photo identification must show name and address (does not need to be current address for driver's license or state id card); or
- A military identification. (Does not need to show name or address); or
- A copy of a current utility bill (including cell phone bill), bank statement, paycheck, government check, or other government document that shows the voter's name and current address (including from a public college or university). (Source: <http://www.sos.state.oh.us/>)

It is imperative that we all register to vote and vote early, or vote absentee, or vote on Election Day, November 8, 2011. You must be registered to vote by October 11, 2011. If you have any questions about registration or your voting rights, please contact us.