

“I would have applied for the job... but I knew I wasn't going to get it.”

However, a recent Quinnipiac poll found that fifty-four percent of registered voters in Ohio support making right to work the law. There is clearly a disconnect between these poll numbers and the overwhelming defeat of Senate Bill 5 only months earlier. What accounts for this? The simple answer is that most people, including most Ohioans, either do not know what right to work means or do not understand its implications for the unionized workplace.

The “right to work” sounds like a good thing. The confusion arises from the fact that its proponents have successfully branded their political stance in a misleading way. Unions are non-profit organizations that depend on funds from the employees they represent in order to operate. Several points are important here. First, right to work laws say that unions cannot collect money from the employees they represent unless each individual employee agrees. Yet what most people do not understand is that under current law unions have no absolute right to collect money from the employees they represent. Rather the employer must agree to allow the union to deduct from employees the fees that the union needs to operate. Thus the ability to deduct fair share fees is negotiated with and implemented in conjunction with the employer. Just as the employer has the authority to charge employees for a portion of health insurance premiums, the employer also has the authority to agree that its employees should pay towards the representation they receive from their union. If the employer does not agree, then there is already a right to work situation in the sense that individual employees can avoid paying for the representation they receive.

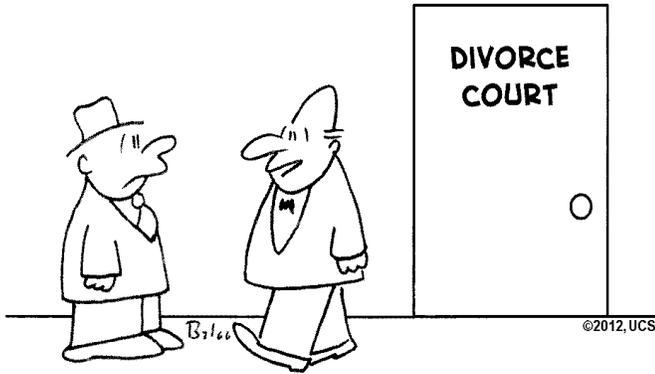
Second, the majority of union members in a workplace must also agree to fair share fees. Unions are democratic organizations, so even if the employer and the union bargaining team agree to make fair share fees a term of employment, the union membership must still vote on the union contract to determine whether fair share fees will be deducted from non-members. Thus if the majority of employees oppose fair share fees, they have the power to vote down any union contract which contains that requirement.

Lastly, from an operational standpoint it is both fair and necessary that unions collect money from each employee for the services they provide. Unions are legally obligated to represent all employees equally. Representing employees takes considerable time, money, and effort. Yet if union members and employers are prohibited from agreeing that every represented employee should pay for the representation they receive, the union must expend its time and financial resources representing employees who are not paying for the benefits they receive. This does not pass the test of basic fairness.

Right to work laws prohibit employers and unions from agreeing that everyone who is represented by the union should pay for the representation they receive. These laws also stifle the democratic process within the union by prohibiting the majority of employees from deciding whether employees should all contribute financially to the union. And they place an unfair burden on the union, which must continue to represent all employees, including those who do not support the union financially.



“Great economic news, we've created two more jobs for you.”



“Not only did she get the house and the car, I also have to train my replacement!”

Ohio’s Health Care Exchanges?

By Amelia Woodward, Esq., PGO Field Representative

Under the Affordable Care Act (ACA), states are required to establish health care exchanges in which uninsured Americans must buy insurance or incur a penalty starting in 2014. These health care exchanges must be established for individuals and small businesses to comparison shop for and purchase insurance in Ohio. At least half of all 1.5 million currently uninsured Ohioans will be covered by Medicaid when this new provision takes effect and the rest will need to purchase insurance through the exchange.

Ohio’s Lieutenant Governor Mary Taylor has stalled on creating the Ohio health care exchange, claiming the federal government has not provided guidance on creating the exchanges. Taylor, a vocal opponent of the health care law, falsely asserts that the law will increase insurance premiums by 85 percent because the insurance everyone will purchase will cover maternity care and other services not everyone would need. This assertion was rated as “mostly false” by PolitiFact.com, because all insurance coverage includes services not everyone needs; spreading out risk is how it’s supposed to work.

While federal regulators released rules on the exchanges earlier this month the clock is ticking on Taylor’s deadline to abide by the law. Should she fail to carry out her duties, the federal government will set-up an exchange for Ohioans to use. However, Taylor’s abrogation would result in Ohio losing out on added benefits by offering options not required by the ACA, such as allowing large employers to participate and offering more benefit levels.

Public Employees and Politics

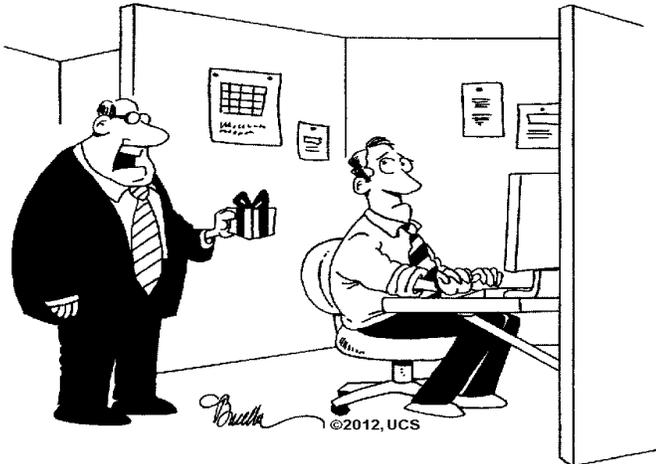
By John Campbell-Orde, Esq., PGO General Counsel

Public employees are not as free as their private sector counterparts when it comes to political activity. Public sector employees in the classified civil service are prohibited from engaging in “political activities” as defined under state law. Under state law, public sector employees in the classified civil service who participate in prohibited political activities can be fired or “investigated.” Among other things, this means that such employees cannot participate in political party central committees, or running for office in a partisan election. Such employees are also prohibited from soliciting money for political parties or candidates. Furthermore, they cannot campaign by writing for publications, distributing political material, or by writing or making speeches to support a candidate for partisan elective office when these activities are directed toward party success.

However, the ban on political activities does not mean that public employees in the classified civil service have no right to express themselves politically. They are allowed to attend political rallies and to display political material on private property. They can make financial contributions to political candidates. They can also work the polls for non-partisan issues, and generally have more leeway when it comes to “non-partisan” issues, such as Issue 2/Senate Bill 5. For instance, they are permitted to circulate referendum petitions on legislation since doing so is not considered “political activity.”



“I see from your ‘rezoomay’ that you’re quite a creative speller.”



“A token of my appreciation for all the late hours you’ve been putting in. It’s a nightlight.”

Nursing Mothers’ Rights At Work

By Amelia Woodward, Esq., PGO Field Representative

Almost two years ago the Obama administration added a regulation to the Fair Labor Standards Act requiring employers to provide a private space for new mothers to express breast milk for their infants. Fast forward to today, and employers are now successfully terminating women for asking to express milk at work. How is this possible? A federal judge in Texas has ruled that firing a woman who asked to express breast milk at work is not sex discrimination, thus upholding the termination. His reasoning stems from his conclusion that lactation is not a condition related to pregnancy and, therefore, is not a condition protected by law. This conclusion is absurd! Lactation is a condition related to pregnancy and child birth and must be protected by law.

It’s tragic that mothers/women can once again be legally discriminated against. Employers should not have this much influence over a woman’s body especially when it comes to performing essential functions of life? The lengths certain politicians and now, judges, have gone to impose their own belief systems on the female body is truly detestable. I know from personal experience that it is a struggle to express milk while working, but I am determined to continue to do it because formula is expensive and breast milk is superior in content to formula.

Some women don’t have a choice due to work constraints or other issues. But if we have a regulation in place that helps support women in their

choice to do what they can for their children, it should be protected absolutely.

Northeast Ohio Red Cross Workers Strike

Blood technicians represented by the Teamsters Local 507 in the northeast Ohio area have been on strike since February 14. The union and management had been negotiating a successor contract to the one that expired in May 2011, until negotiations broke down in February over the high cost of the proposed health care plan, insufficient wage increases, and disagreements over staff and donor safety.

Safeyyah Edwards, a spokeswoman for the striking workers, says that workers covering 19 counties have been working twelve hour days for 14 days straight. They are being required to travel extensively and they frequently are required to go without lunches or breaks in order to process donors too fast to be safe in order to comply with the Red Cross’ production demands. Additionally, union demands for better working conditions and better pay have been ignored despite the fact that the Red Cross posted \$2 billion in profits last year.

The strikers are getting weary as the strike drags on. Frequently, it seems that they are faced with a public that doesn’t support their cause. These workers are only asking for the Red Cross to make a reasonable accommodation to allow their employees a decent quality of work life and also enhance the safety of the services they provide to the public.

