

The Professionals Guild of Ohio



PGO UNION NEWS

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Half of Americans “Poor” or “Low Income”

Remember the good old days in the 1990s when President Clinton presided over a decade of unprecedented prosperity in the United States? Then came the Bush tax cuts and Republican pro-business/anti-worker policies in the 2000s that led to the 2008 Wall Street collapse and the Great Recession.

Now, almost half of Americans are officially either “poor” or “low income.” The Census Bureau says they total 146.4 million, or 48 percent of the U.S. population. Children are the most likely to live in poor families, followed by those over 65.

“Low income” means earning less than twice the poverty line. In 2010, for example, a family of two adults and three children earning \$27,000 per year was considered low-income but not poor.

The bottom 20 percent of families have earned steadily less since 1979, while paychecks for the top 5 percent of families have climbed 64 percent to more than \$313,000.

The gap between rich and poor has obviously widened inequitably since the good old days. But the trend to greater inequality is not inevitable...Fall elections will determine the future direction.

(Source: *Labor Notes*, February, 2012)

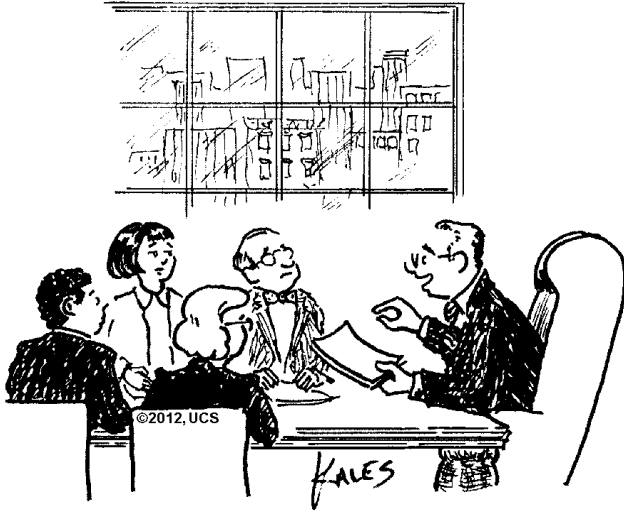
Right to Work is Wrong

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

As the group behind “Right to Work” (for less) collects signatures to get a Right to Work (RTW) amendment on the ballot in Ohio, it is imperative that we understand why RTW is not going to reward Ohio with more business as proponents of RTW are promising.

RTW does not create jobs, nor does it put more money in the pockets of the middle class. In fact, a study issued by the Economic Policy Institute (EPI) in 2011 noted that residents in states that have RTW laws make on average \$1,500 less in wages and benefits in comparable jobs than residents in non-RTW states.

This study also concluded that RTW states do not see more job growth because of RTW. The only state to have become RTW since 1994 was Oklahoma, until Indiana did this year. According to the EPI study, Oklahoma did not see any increase in job growth because of RTW and actually had fewer new companies open than it had before it became RTW. In fact, Oklahoma lost jobs to many neighboring states, including non-RTW Colorado.



“Next on the agenda: How can we crush workers’ spirits, while appearing to care?”

It is important to note that RTW is not a primary factor considered when deciding where to locate, according to employer surveys. In 2009, RTW actually ranked 14th among all factors in location decisions and in 2010 it ranked 16th.

The following are a few more reasons RTW is bad policy:

- Independent economists confirm that RTW lowers wages for nonunion workers;
- Employers say RTW is less meaningful than ever;
- Oklahoma think tank reports that RTW has failed to create the predicted jobs;
- Study shows RTW increases construction fatalities.

Indiana is the most recent state to enact RTW legislation. Although it is too early to gauge how the legislation has impacted the state, it is telling that one of the businesses, MBC, cited by proponents of RTW for its decision to expand in Indiana because of RTW has since denied this assertion. MBC President Eric Holloway has said RTW had no effect on any of MBC’s business decisions.

Renowned civil rights leader Martin Luther King Jr., was not only an outspoken proponent of racial equality, but also an advocate for labor. King was in Memphis supporting sanitation workers fighting for union recognition and a fair contract when he was assassinated. He was also an opponent of RTW.

King said *“In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as ‘right to work.’ It is a law to rob us of our civil rights and job rights. Its purpose is to destroy labor unions and the freedom of collective bargaining by which unions have improved wages and working conditions of everyone...Wherever these laws have been passed, wages are lower, job opportunities are fewer and there are no civil rights. We do not intend to let them do this to us. We demand this fraud be stopped.”*

RTW is not new; it’s an old tool used to strip hard earned wages and decent benefits from the middle class. When discussing RTW with family and friends, be sure to give them the facts about why RTW is “Wrong For Workers.”

Better Safe than Sorry: Safety in the Workplace

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

Every job poses some degree of risk to employees, however small that risk may be. When considering whether to assert any rights you may have regarding workplace safety, the first question that must be asked is whether the risk is unusually and unacceptably great. To make this determination, you must consider what is normal in your particular workplace.

For instance, police officers are asked to face serious risk of physical harm on a daily basis, while administrative assistants are not. What may be an acceptable risk for the police officer may be unacceptable for the administrative assistant. While the police officer is trained, equipped, and compensated to deal with the risk that police officers encounter daily, the administrative assistant is not. Thus while a police department may demand that a police officer intervene in a physical altercation between two adults, a school may not demand the same from an administrative assistant.

There are three main grounds on which to challenge unsafe working conditions: specific contract language; the exceptions to the “obey now, grieve later” rule; and, legal protections.

Many, though not all, union contracts contain language that requires management to maintain a

safe workplace. If you believe your workplace is unsafe, or that you are being asked to engage in an unsafe task, check your union contract to see whether there is any such language. If there is, you can file a grievance challenging the unsafe working conditions. Unsafe working conditions often are ongoing in nature, so such grievances may be timely even if the conditions have existed for some time and have not been grieved.

This brings us to the “obey now, grieve later” rule and its exceptions. Generally, when your employer asks that you do something, even if the request arguably violates the union contract, you are required to obey the request and then file a grievance to address similar situations that may arise in the future. Otherwise, you may be considered insubordinate and disciplined accordingly. However, arbitrators have held that there is a health and safety exception to the “obey now, grieve later” rule. This means that an employee may legitimately refuse to perform tasks that clearly pose an unacceptable risk to the employee. To go back to our earlier example regarding the physical altercation between two adults, if the administrative assistant’s superior ordered him or her to break up the fight, the administrative assistant could refuse to comply with that request. If the employer later disciplined the administrative assistant for refusing to comply with a direct order by not intervening in the fight, the discipline would almost certainly be overturned by an arbitrator.

Lastly, there are legal protections designed to ensure that workplaces are safe and to correct unac-

ceptable risks in those workplaces that are not. The Occupational Health and Safety Administration, commonly known as OSHA, is the federal agency with primary responsibility for issuing and enforcing regulations meant to keep workplaces safe. If you are being asked to work in an unhealthy work environment or your employer is not complying with OSHA safety requirements, you can file a complaint with OSHA. PGO staff attorneys can also advise and assist with such filings.

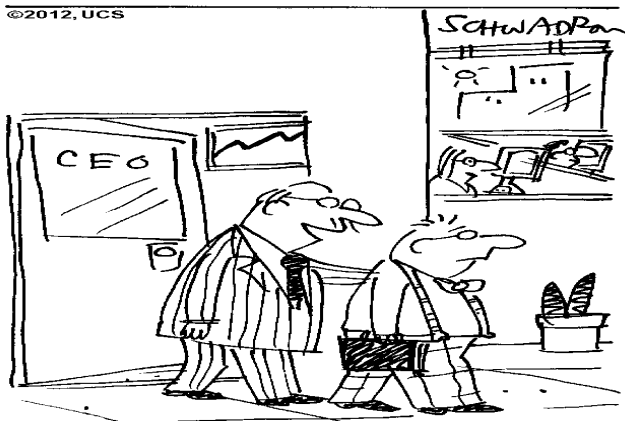
Weingarten Rights: Protect Yourself, Assert Your Rights

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

Any time you are interviewed about something that might lead to your being disciplined, under state law you are entitled to union representation. You are entitled to meet briefly with your union representative before meeting with management. You also are entitled to have your union representative present during the meeting with management.

Union representatives perform several different functions during investigatory interviews. He or she acts as a witness to what both you and management say during the meeting, which can be useful should management later dispute what was said. Your union representative also is entitled to participate in the meeting by objecting to statements made by management and pointing out things relevant to whether you should be subject to discipline.

Some PGO collective bargaining agreements require management to inform employees of their right to union representation during investigatory interviews. However, it is important to remember that absent a contractual requirement, Weingarten Rights, or Davenport rights as they are known in the public sector, only exist if you assert them. Under state law management is not obligated to tell you that you have the right to a union representative during investigatory interviews, nor is management obligated to automatically provide such a representative. This means that in many cases in order to benefit from this important right, you will have to assert it yourself. All you need do is tell management that you will not participate in the investigatory interview unless your union representative is present. Once you have done that, management cannot force you to continue with the investigatory interview and cannot discipline you for refusing to answer its questions without a union representative.



"Workers get paid less to do more. Managers get paid more to do less. It's just the way dysfunctional systems function, Sims."

Red Cross Strike Spreads

We reported last month that Red Cross workers in Northeast Ohio went on strike on Valentine’s Day over the agency’s unwillingness to agree to reasonable proposals over wages, staffing levels and health care. Striking Red Cross workers in Cleveland and Youngstown have since been joined by blood technicians in Toledo and Lansing, Michigan.

These workers, represented by OPEIU in Lansing and UFCW in Toledo, are furious that management continues to play games at the bargaining table, using the recovering economy to claim poverty while realizing substantial profits from selling blood taken from voluntary donors to hospitals for between \$250 and \$500 per PINT! These profits allow the Red Cross to pay their CEO a salary of over a million dollars a year. The workers in Toledo report that another reason for the break down in negotiations is the agency’s proposal to eliminate one of the three 10-minute breaks the employees have in a 12-14 hour workday.

If you are in the Cleveland or Toledo areas, be sure to provide any support and encouragement you can to these striking workers.

Make Your Summer Vacation Union Friendly

By Amelia Woodward, Esq., PGO Field Representative

As you make your summer plans for vacations, be sure to check the union website <http://www.hotelworkersrising.org/HotelGuide/index.php> for updates on whether a hotel you book is on the “Please patronize” list, or if the hotel’s employees are on strike, on the boycott list, or at risk of a dispute.

Haven’t made plans for a summer vacation destination yet? If you’re looking for a great city to explore, Chicago isn’t too far of a drive, or flight, and it has many hotels that employ union workers. Pittsburgh is also an easy car ride that offers several hotels staffed by our union brothers and sisters.

Looking for ideas for what to do this summer? The website www.unionlabel.org is a good tool to use to develop the perfect vacation plan. Once at the website, use the search tool on the lower right of the home page titled “Search for Union Products” and

use the drop down box to find category: “Entertainment/Sports” then click “Search.” These pages list many theaters, sports teams, and music venues that are unionized.

Buy, patronize, and support Union Made in the USA!

Planning Your Vacation— Check your Contract First

By Amelia Woodward, Esq., PGO Field Representative

You’ve done your homework and picked a vacation destination, including a stay at a Union hotel, but have you remembered to request time off from work? If not, submit your vacation request asap.

Most contracts require that requests for vacation be submitted in advance, usually at least two weeks prior to the requested time off. It’s a good idea to request time off for vacation in as far advance as possible for a number of reasons. Not the least of which is to make sure your supervisor approves your request before you make any plans that cannot be changed. Also, some contracts have language that grants vacation requests on a first-come basis or may use seniority as a factor in approving vacation requests when too many employees request the same time-off. Last but not least, make sure that you have an adequate amount of vacation leave to cover your requested time off.

If you have any questions about making a request for vacation, please speak with your local union leadership, or contact your PGO representative at the Columbus office.

PERSONNEL



“No vacation days, but you may take several long lunches instead.”