The Professionals Guild of Ohio

PGO UNION NEWS

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Beware of Right to Work Petitions

Summer festivals are right around the corner, which means that petition signature gatherers will be out in full force trying to get you to sign their petitions. Please be aware that the group behind the Right to Work amendment in Ohio is collecting signatures to get this bad law on the ballot; they need nearly 400,000 signatures to make it to the November 2012 election. Don't help by accident! If you are approached to sign any petition, please review it carefully.

There is, however, another petition PGO does encourage you to sign: the "Ohio Citizens Independent Redistricting Commission Amendment," would establish a bipartisan coalition to create voting districts instead of partisan elected officials, effectively eliminating gerrymandering and encouraging fairer elections.

Remember: Right to Work is wrong for Ohio! A fair system for drawing voting districts is right for Ohio!

Equal Pay for Equal Work Battle Continues

By Amelia Woodward, Esq., PGO Field Representative

The Lilly Ledbetter Act and the Equal Pay Act of 1963 work together to provide legal recourse to women when they are paid less than men to perform jobs that require equal skill, effort, and responsibility under similar working conditions.

The Equal Pay Act of 1963 prohibits pay discrimination both in public and private enterprise. But, women continue to earn on average 23 percent less than men for similar work. Obviously, there is bias in the workplace that favors men over women in pay. This bias adversely affects our families and our standard of living.

Although pay discrimination is illegal, filing a lawsuit and proving discrimination in court are difficult. That was one of the reasons President Obama enacted the Lilly Ledbetter Act in 2009. This law revised the statute of limitations for filing claims of pay discrimination to allow six months from each paycheck to file a claim.

Before Ledbetter, a person only had six months from the time of the actual discrimination to file a claim. However, because most people do

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not know the pay of their coworkers, many women, including Ms. Ledbetter, were time-barred from bringing legitimate claims of pay discrimination once they found out they were being paid less than male counterparts.

Scott Walker, the governor of Wisconsin, recently rolled back rights of women by repealing the Equal Pay Enforcement Act in Wisconsin, which provided for the litigation of pay discrimination claims in the state circuit court which is easier, faster and cheaper than federal court. The law also offered protection from discrimination for individuals not covered by federal law, including discrimination in pay because of sexual orientation.

The original law was enacted because Wisconsin had a poor record of pay equity in the state. After the law was enacted, pay equity in the state actually improved, although no claims were filed under the new law. The repeal effort began because, according to the sponsor of the repeal, Glenn Grothman, "pay equity doesn't exist" and "it hurts businesses." These are outrageously absurd claims!

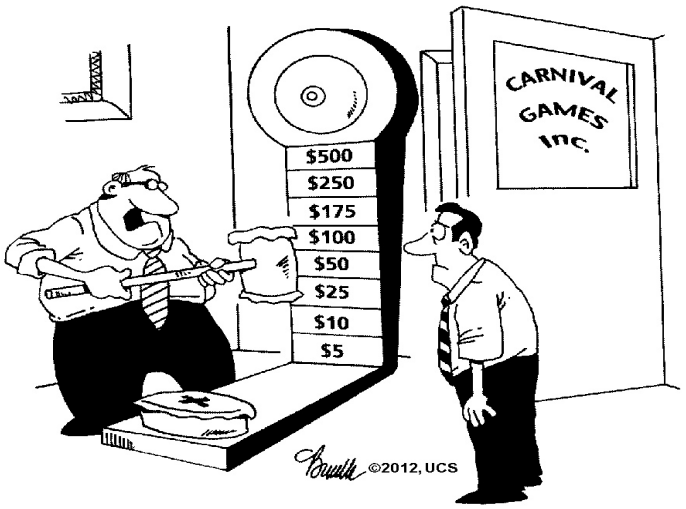
All of this is more reason to organize and fight for fair wages! It is no secret that collective bargaining evens the playing field in terms of wages and benefits for men and women.

Grievances: The Basics You Should Know

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

Your union contract contains many protections. While every contract varies, there are certain things that always should be kept in mind in order to assert the rights and protections contained in your contract. First, you should familiarize yourself with your contract's general terms. This does not mean that you have to memorize the entire document, but take some time to review its provisions. If you do not know what protections and rights it contains, you will not be able to assert them when the time comes. However, probably the most important section in your contract that you can familiarize yourself with is the grievance procedure.

The grievance procedure is the mechanism in your contract for challenging actions taken by management that may breach your union contract.



"Before I determine your raise, I should warn you that I'm really out of shape."

Grievance procedures vary from contract to contract, but there are certain basic provisions that they all contain. First and most importantly, all grievance procedures contain time limits for filing a grievance. Usually employees have between five to thirty days after an event occurred, or after the event was discovered, to file a grievance. If you do not file your grievance within the time frame specified in your contract, then management can reject the grievance as being untimely and any rights you were attempting to assert are lost.

Grievances must also contain certain information in order to be considered. Your grievance must include your name, your job title, the date that the alleged contract violation occurred, and some other basic information. Always talk with your union steward or local union leadership before filling out a grievance form. They will be able to ensure that the form is filled out properly. Grievances must also be filed with the correct management representative. Your contract will specify who that is.

In summary, grievances are the means by which you enforce the rights and protections that have been bargained into your union contract. However, to assert those rights and protections you must make sure to promptly notify your steward or local union representative, so that he or she can ensure that your grievance is filled out properly and filed in time. If you have any questions you can always contact the PGO Columbus office. Remember: when it comes to grievances, time is of the essence.

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Red Cross Workers Need Help

Dozens of strikers of the American Red Cross in Northern Ohio and Michigan are asking for help by boycotting blood drives and contributing money to support their fight. Donations should be sent to Red Cross Strikers, c/o Teamsters Local 507, 5425 Warner Rd., Unit 7, Cleveland, OH 44125. The strike in some parts of Ohio is in its fourth month.

Michigan Red Cross strikers in Lansing may see negotiations start up June 19th, but by then, they will have been on strike for 11 weeks. Red Cross workers have been on strike over the agency's continued demands for fewer breaks in a worker's 10-14 hour day, among other issues. Please consider donating to the cause and boycotting the blood drives.

Keeping Track: Electronic Monitoring and the Workplace

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

Many employers use some sort of electronic monitoring in the workplace. This article will touch on several different aspects of electronic monitoring of which workers should be aware and some of the pitfalls associated with them.

Perhaps the most commonly known form of electronic monitoring is time clocks. While many employers still rely on workers simply signing into work, others use electronic time-keeping devices. The problem with time clocks is that employers who use them generally do not distinguish how late an employee is. While some contain a very brief "grace period," such as one minute, an employee who clocks in after the grace period is automatically recorded as being late. Thus, you can encounter situations that seem patently unfair. For instance, an employee who is regularly late one minute per day may be recorded as habitually tardy even though being one minute late has no impact in most instances on employee productivity or performance. Similarly, there might be one employee who is ten minutes late five times over a certain period, and another employee who is two minutes late seven times over the same period. Even though the first employee has missed more cumulative minutes, the second employee would be considered to have more tardies, and thus possibly subject to more discipline.

Another less common form of electronic monitoring is video surveillance. Video surveillance can have large repercussions in discipline cases. Employees who work in environments with video surveillance should remain aware that their movements and actions are constantly being recorded. While there may not be anyone watching the video in real time, if an alleged incident arises you can be sure that management will search though the video records looking for anything that will support discipline against employees. By their nature and because they often record only images and not sound as well, video recording devices can divest situations of their context and present challenging evidence in discipline cases.

Lastly, employees who regularly work on computers should be aware that their electronic movements may be being recorded and traceable back to them. While public employees have some constitutional protection when it comes to electronic communications, these protections are largely theoretical. In order for such constitutional protection to exist, employees must first have a reasonable expectation of privacy. However, such an expectation rarely exists when it comes to workplace computers and other such equipment assigned by the employer. In fact, public employers frequently distribute personnel policies stating explicitly that employees have no right to privacy for interactions on their work computers. Moreover, in addition to the general ability for employers to track online movements, in certain professions there is the potential for additional tracking. For instance, in the children services profession, employee attempts to access data in SACWIS are documented and can be retrieved by the employer.

"Your call may be monitored for quality purposes, and also because our boss is really nosy."

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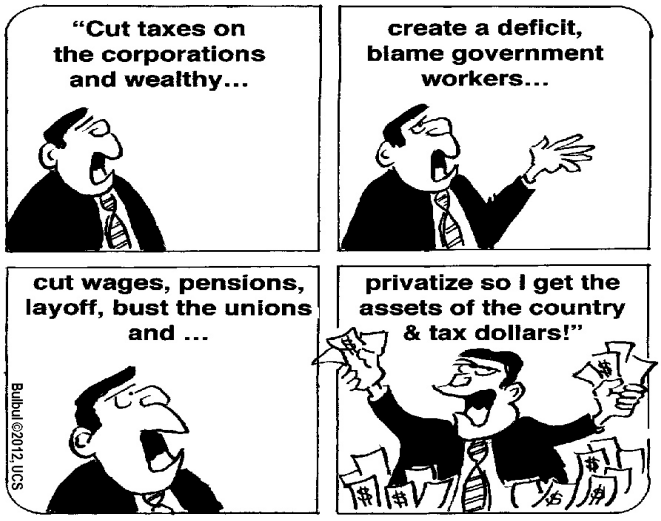
ALEC: The Machine Behind Bad Laws for Americans

By Amelia Woodward, Esq., PGO Field Representative

You didn't really think legislators actually wrote the bills they introduce, did you? In many cases, a group called ALEC, the American Legislative Exchange Council, writes those bills, including the notorious Senate Bill 5 signed into law by Governor Kasich and repealed by Ohioans with a massive referendum victory last year.

ALEC is a membership organization composed of private corporations and politicians that creates model legislation with a "focus on free markets, limited government and constitutional division of powers between the federal and state governments." It receives its funding from major corporations, including WalMart, BP and Amazon, among many others. It also was the machine behind the creation of the Healthcare Freedom Amendment that was passed in Ohio last November, creating legal confusion over the federal Affordable Healthcare law signed by Obama, which is currently being challenged in the United States Supreme Court.

Many progressive groups have recently called attention to the impact ALEC has had as a forum in which corporations can directly influence the drafting of bills that have made their way into state legislatures all over the country and become law. Because of the controversial nature of the group and public outcry over the ability of special interests to directly influence legislation, several corporations have withdrawn membership from ALEC, including McDonalds and Coke.



Major League: Baseball Drug Testing Arbitration

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

Use of performance enhancing drugs has become relatively widespread in professional sports. Recently, a well-known professional baseball player, Ryan Braun, tested positive for performance enhancing drugs. Braun, who plays for the Milwaukee Brewers, was the National League MVP last year. However, his test results were overturned by an arbitration panel after Braun grieved the results.

Players who test positive for performance enhancing drugs typically face hefty suspensions, which can cost them large amounts of money in addition to damaging their reputation, credibility, and ability to attain paid endorsements. Braun, for instance, was facing a 50 game suspension based on the positive test result, which indicated that he had elevated levels of testosterone.

As you may know, major league baseball players are unionized. As with your union, the players collectively bargain with their employer, Major League Baseball, over wages, hours, terms and conditions of employment. One provision that the players bargained into their union contract establishes procedures that must be followed when drug testing players. Among the procedures is a requirement that urine samples be collected and processed in a certain manner and within a certain time.

Major League Baseball contracts with an organization to gather the samples for testing. It appears that the arbitration panel, which ruled for Braun by a 2-1 margin, overturned the test result based on the fact that the individual who collected the urine sample stored the sample at his house rather than immediately shipping it to the testing center. Braun's case is the first time a MLB player has won a grievance overturning a positive drug test result.

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