

The Professionals Guild of Ohio



PGO UNION NEWS

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Supreme Court Upholds Affordable Care Act

The United States Supreme Court made an historic move in upholding President Obama's signature piece of legislation, the Affordable Care Act (ACA) in June. While this law may not be perfect, it is far better than the heartless predatory health insurance scheme it replaces.

Several provisions of the law have already gone into effect. These provisions include keeping young adults on their parents' health insurance, eliminating pre-existing condition exclusions for children, and no patient cost preventive care visits.

Other provisions that will become effective are:

- Adults will not be excluded for pre-existing conditions beginning in 2014;
- Annual limits on health benefits are being phased out;
- Open enrollment begins in October 2013 for individuals and small businesses to purchase health insurance in the exchanges.

One part of the legislation, however, did not survive the constitutional challenge: states refusing to implement the ACA may not be pe-

nalized with the loss of current Medicaid funding. States following the law will receive additional funds to expand Medicaid coverage for adults without dependents, who are under the age of 65, are not disabled and make up to 133 percent of the poverty level for a single person. This is a significant change to the current system that does not provide any health care for a single, non-disabled low income adult.

There will also be subsidies for the uninsured to buy health insurance at a reduced cost based on their income, so that Americans who make up to 400 percent of the poverty level can afford to buy health insurance. Small businesses will also receive tax credits for providing health insurance to their employees.

This is good news for the millions of Americans who worried about their health and how they were going to pay medical bills if they got sick.

Obama's Economy

In the years since President Obama has taken office we have seen a significant upturn in the economy. Sure, no one would contend we are where we need to be right now, but compared to a few years ago there has been substantial improvement.

When President Obama took office, the American economy was losing approximately 700,000 jobs per month. President Obama quickly passed what is commonly known as the stimulus package to help address the massive job losses and to simulate the economy. The stimulus package included a multi-pronged approach. It cut taxes on nearly all middle and working class families as well as small businesses. It also provided significant financial assistance to the states so that they could maintain essential services, such as teachers, police, and firefighters, while simultaneously keeping such essential workers from becoming unemployed.

In addition to the foregoing, President Obama also took drastic steps to prevent the collapse of the American automobile industry and all the jobs that are directly or indirectly tied to it. The auto-industry bailout saved more than one million jobs and stopped the loss of over ninety-six million dollars in personal income. Chrysler, GM, and Ford are all now profitable for the first time in years thanks to the intervention by the Obama administration.

Moreover, through April 2012, the American economy has seen twenty-six consecutive months of job growth. While as a country we are not where we need to be economically, President Obama's policy decisions have saved countless jobs, helped to protect local crucial services, and staunched the massive job losses that were occurring before he took office.

The Battle for Ohio

Several groups have been working to get petitions signed to get their respective issues on the ballot this November, but only one group has successfully met the initial signature requirement. Voters First is behind the push to get a constitutional amendment on the ballot in November that would create a non-partisan coalition of individuals who would draw legislative districts in Ohio. The group turned in petitions with over 430,000 signatures, but Secretary of State Husted only certified 254,625 of those signatures, which only met the 5 percent threshold of registered voters in 34 counties. In order to get the constitutional amendment on the ballot, the group needed to collect over 385,000 signatures with 5 percent in each of at least 44 counties. The group had an additional 10 days to get the required



number of signatures. To date, Voters First has submitted additional petitions bringing the total to more than 750,000 signatures. The secretary of state must now validate the petitions to determine whether or not we get to vote on this issue in November. The other group working to get a right to work amendment on the ballot failed to qualify for this November's election but is reportedly aiming for 2013.

Aurora Academy Settles Successor Negotiations

Negotiations concluded in June for a new three year contract for the teachers and staff at Aurora Academy Charter School. The agreement provides for a step increase of 2 percent for all returning bargaining unit employees, a \$200 lump sum payment to all bargaining unit employees, a \$250 lump sum payment to teachers if the school achieves a "Continuous Improvement" or greater ranking in the next reporting period (August 2012) and reopens on wages and insurance in 2013 and 2014. Insurance benefits and the employee share of the premiums will remain the same. In addition to the economic increases, teachers will receive more instruction planning time during the week and a set block of time every other month for level planning.

A special thanks goes out to *Amanda Weygand*, Council 14 President, and *Lindsey Wagner*, Council 14 Vice President, and PGO Field Representative *Amelia Woodward* for their work on the bargaining committee.

Teamsters End Red Cross Strike

The Northeastern Ohio Red Cross workers ended their strike when a tentative agreement was reached with the Red Cross in June. Details of the TA have not been made public, but a spokesperson for the Red Cross claims that an agreement was reached that limits future health care costs of employees, establishes a Labor Management Committee to discuss workplace issues, a “seat at the table” with the National Red Cross on health care cost issues and some wage increases. Red Cross employees in Northwestern Ohio and Michigan are still on strike.

Government Pension Offset: What you Need to Know

By Amelia Woodward, Esq., PGO Field Representative

The Government Pension Offset (GPO) may reduce the amount of spouse or widow/widower Social Security benefits that a federal, state, or local government employee receives by two-thirds if they are also receiving a government pension and didn’t pay Social Security taxes. The reason for this rule is to apply the same principle to government employees as is applied to private sector employees.

In the private sector, an employee would typically pay into social security through social security taxes. The private sector employee would receive a social security benefit personally upon retirement, which would offset any money they may also receive from a spouse or widow/widower social security benefits. If there was no offset, the argument goes, the government employee would receive more economic benefit than the non-government employee. However, many private sector employers provide pensions in addition to social security and these pensions are not offset. Public employers do not provide additional pensions so public employees would receive less of a benefit than their private sector counterparts in such cases because of the off-set.

It is important to understand the off-set principle to know what you may be faced with if you end up in this situation. You may also want to lobby your political representatives to get rid of the off-set. Finally, please be advised that there are exceptions to the off-set law, so please contact the Columbus PGO office if you have questions about how this law may affect you.

We Smell a Rat: Union Prohibited from Displaying Rat Balloon

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

You may or may not be familiar with the infamous rat balloon sometimes used by unions. Unions in the construction trades frequently inflate a giant rat balloon to symbolize employers who pay substandard wages and benefits. Well, not long ago the rat made an appearance in Ohio. But, it was not well-received by the courts.

The union was in a labor dispute with a construction contractor doing renovations at Miami University in southern Ohio. To express their displeasure with the contractor, the union attempted to inflate its rat balloon, which was approximately 25 feet tall, on public sidewalks at Miami University. The police, however, prevented the union from doing so. Consequently the union filed a lawsuit in federal court alleging that Miami University violated its first amendment rights by prohibiting the union from displaying the rat balloon.

While the inflatable rat, which has been used extensively over the years by labor unions, is generally constitutionally protected speech, the court ruled that the union did not have the right to display the balloon on the sidewalk area on campus because it was a “limited” public forum. Therefore, Miami University did not violate the first amendment by prohibiting the union from inflating the rat balloon there.



“Ms. Phillips, we’re hiring. Notify all my relatives.”

Walker Strolls to Victory: Implications of the Wisconsin Recall Election

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

In early June, Wisconsin's Republican Governor, Scott Walker, survived a recall election triggered by his elimination of collective bargaining rights for most public-sector employees in Wisconsin. Walker defeated his Democratic challenger, Tom Barrett, by a margin of 53 to 46 percent of the vote. While the outcome in the election should be disturbing to anyone who supports the middle class, public service, or the right to unionize, the implications being drawn from his victory are overblown.

First, it is worth noting that those who opposed Walker's slash-and-burn agenda concerning public-sector employees and the unions that represent them managed to force a recall election in the first place. Recall elections are extremely rare in American politics. However, those who opposed Walker submitted more than 900,000 signatures demanding the recall election, signatures gathered almost exclusively by volunteers. Gathering the necessary signatures and forcing the recall election was in its own right an admirable feat, despite the disappointing outcome.

Second, much has been made about the fact that many voters who claimed to have "union members" in their households voted to keep Walker as Governor. While Republicans and their corporate allies certainly were successful in driving an increasing wedge between public-sector unions and private-sector unions, the press simply does not understand the difference between a bargaining unit member and a union member. In fact, many union-represented employees do not understand the difference. Unions are democratic organizations. Employees may incorrectly identify themselves union "members" simply because they receive union representation, even though they may have voted against the union and never joined its membership. Thus, the statistics about voters with union members in their households likely are exaggerated.

Such confusion cannot, however, completely explain away the statistics which demonstrate, among other things, the rift between private-sector bargaining unit members and public-sector bargain-



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"Here's a copy of the company's new privacy policy."

ing unit members in Wisconsin. Importantly, when considering the election results, the enormous advantages held by Walker must be taken into consideration. Many voters simply opposed recall elections in general. If given the opportunity to simply repeal the anti-union law enacted by the legislature and signed into law by Walker, the outcome might have been different. While a slim majority indicated that they supported reducing collective bargaining rights, it is far from clear that Wisconsin voters would have supported the law that essentially eliminated such rights in its public sector. And removing Walker as Governor, while powerful symbolism, would not have repealed his anti-union law. If voters had been given the opportunity to simply decide whether to repeal Walker's anti-union law, the law might well have been struck down. It is worth remembering that not long before the Wisconsin recall election another Midwestern state with a Republican governor resoundingly repealed the anti-union law advanced by its Republicans.

Lastly, and most importantly, however, corporate-backed interests and rich businessmen funneled enormous sums into Wisconsin to protect Walker from being recalled. Backed by such supporters, Walker raised almost thirty million dollars *more* than his Democratic opponent, with much of the money coming from out of state. In an election decided by approximately 200,000 votes, it is hard to overcome such an enormous spending gap. Also, it is worth noting as a small consolation that Democrats did pick up one new state senate seat, giving Democrats at least temporary control over the state senate, although further elections will take place before the senate reconvenes.