

The Professionals Guild of Ohio



PGO UNION NEWS

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Voting in Ohio: What You Should Know

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

In 2008, Ohio made changes to the way citizens could vote in an election because of the extremely long lines and charges of disenfranchisement that followed the 2004 Presidential election. In the 2008 Presidential election, voters could participate in early in-person voting at the boards of election in their counties, in the evenings and on the weekends before election day or vote absentee without stating a reason. Recent changes to restrict voting in Ohio has now created some confusion over when Ohioans can vote this election.

Some of the changes to restrict voting are being challenged by lawsuits so there could be more changes in the future. However, this is what we know at this time: you will be able to vote absentee, early in-person and on Election Day if you are registered to vote. ***The deadline to register to vote is October 9.*** Every registered voter will receive an application for an absentee ballot on or after Tuesday September 4. These applications must be returned to the board of elections in your county by Saturday, November 3 in order to get an

absentee ballot to the voter in time for the election.

Boards of election will be open for early in-person voting on the following days:

- Monday through Friday, October 2 through October 19 from 8 a.m. until 5 p.m.
- Monday through Friday, October 22 through November 1 from 8 a.m. until 7 p.m.
- Friday, November 2 from 8 a.m. until 6 p.m.
- There will be no weekend voting this election cycle.

Election Day is Tuesday, November 6th and the polls will be open from 6:30 a.m. until 7:30 p.m. Registered voters must provide identification upon voting in-person. Valid forms of identification include a current and valid photo ID with the person's name and current address, a military ID, or copy of a current utility bill, bank statement, pay check or other government document that show's the voter's name and current address.

If you have any questions about where you can vote, how you can vote or if you can vote, please call PGO's Columbus office and we will help answer your questions.

FMLA Update

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

The U.S. Supreme Court recently ruled that state and county employers cannot be sued for monetary damages for violating the Family and Medical Leave Act (FMLA) with respect to employees who are suffering from serious illness or injury. The FMLA provides qualifying employees with the right to 12 weeks of unpaid leave per year and the continuation of existing health insurance benefits when either an employee or his/her immediate family member suffers from a serious health condition.

In an earlier decision, the U.S. Supreme Court had held that state and county employers can be sued for monetary damages if they violate the FMLA rights of an employee who is caring for an *immediate family member*. However, in its recent decision, the court ruled that the same is not true when the employee needs to take FMLA leave due to *his/her own* serious health condition.

While this is an unfortunate ruling, it is important to note that the FMLA still protects such employees, though it does limit the protections available. Such employees will be prohibited from suing for *monetary damages*, such as lost wages, if the employer has violated the FMLA under the circumstances described above. Employees remain able to sue state and county government employers to gain reinstatement to employment, and the Department of Labor may well still have authority to sue such em-

ployers for monetary damages on behalf of an employee. FMLA and just cause provisions in collective bargaining agreements may provide further avenues for relief as well.

The Rich Get Richer: Unions Struggle Against Unreasonable Employer Demands

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

Many private-sector employers continue to push for unreasonable concessions in negotiations despite being highly profitable. Verizon employees went on strike in 2011 after Verizon demanded billions in concessions, including in retirement benefits and health insurance, from its employees. After two weeks on strike, workers returned to the bargaining table without a new collective bargaining agreement. Approximately one year later, the parties still have not reached a new agreement. Verizon pushed for these concessions despite making billions in profits the preceding year. Unfortunately, such bargaining appears increasingly common in the private-sector, as employers push for steep concessions that are financially unnecessary.

Caterpillar provides another example. Caterpillar has been highly profitable, making billions in profits last year. Despite this, the company pushed for major economic and non-economic concessions from the union. The union fought back with an extended strike. However, the strike recently concluded with a tentative agreement that accepted the vast majority of the concessions that prompted the strike in the first place: years of wage and pension freezes, as well as other significant concessions. To add insult to injury, Caterpillar recently gave its multi-millionaire CEO a 60 percent wage increase.

Husky Strike in Lima Continues

Members of the United Steel Workers in Lima, Ohio's Husky Refinery have been on strike for over two months. Workers are fighting over safety in the workplace, working conditions and how they can use their personal time. Negotiations stalled over the company's demand to contract out key positions in this volatile and highly dangerous industry and for extended working hours. Details of the strike can be found on limaohio.com news website.



“Instead of raising your pay, would you be OK if I just lowered everyone else’s?”

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“He’s a job creator! You need two salaries to live on what he pays.”

Toledo Red Cross Workers Settle

Toledo Red Cross blood technicians represented by the UFCW have reached agreement on a new contract, ending a three month long strike over hours, breaks and health insurance benefits. Details of the agreement have not been made public, but the UFCW and the Red Cross have issued press releases stating the new contract is a “fair compromise.” Since the strike is over, we can once again support the work of the Red Cross and our union brothers and sisters who collect blood with our donations.

Hyatt Hotel Boycott Goes Global

Housekeepers employed by the Hyatt Hotel chain have been calling the hotel on the carpet for its abusive employment practices that include, among other things, work speed ups and increased room cleaning quotas (30 rooms a shift). The Hyatt hotel chain was cited by the Occupational Safety and Health Administration last year for violating safety regulations which resulted in over \$100,000 in fines.

The housekeepers, who have been speaking up and standing up to bring attention to the hotel’s abuses, have been joined in their fight by the Players Association of the NFL (NFLPA), the National Organization for Women (NOW) and several other groups. Recently, the President of NFLPA, DeMaurice Smith, sent a letter to Hyatt requesting it respond with direct evidence regarding the accusations made about the hotel’s practices, including requesting that the hotel voluntarily release its injury logs and provide demographic information to respond to charges of discrimination against Latino/a and African-American employees.

While the boycott continues, we ask that you refrain from booking any stays with Hyatt Hotels. Please check the UniteHere.org website for information on hotel boycotts around the country.

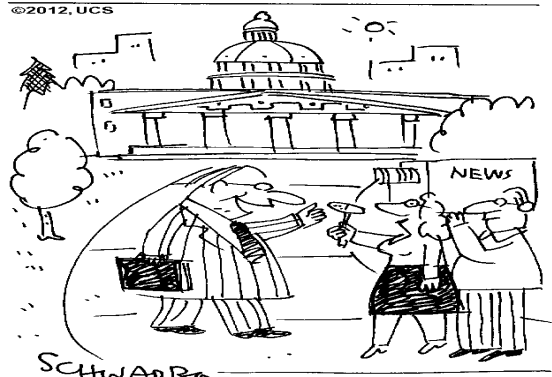
Chicago Teachers Win Victory

Chicago has suspended plans to increase the hours worked by its teachers after an intense mobilization effort by teachers, *Labor Notes* reports. Earlier this year, the city had announced that it would increase teachers’ hours by approximately 20 percent, while offering teachers merely a token wage increase as compensation for the drastically increased hours. The Chicago Teachers Union and city have been in contentious negotiations over a new collective bargaining agreement.

While Illinois state law does not give teachers the right to bargain over hours, the teachers do have the right to bargain over pay. The union had proposed a pay increase that would have been proportionate to the increase in hours. An independent fact finder had recommended that teachers receive a 15 percent increase as compensation for the increased hours. However, both the union and the city rejected that recommendation for various reasons.

How was the union successful in beating back the proposed increase in hours? It did so through an intense mobilization effort. Several thousand Chicago teachers gathered in downtown Chicago to protest the increase in hours. The union also conducted a strike-authorization vote in which ninety-two percent of union members voted to authorize a strike. By sticking together and being active union members, the teachers have been able to accomplish a major victory.

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“Our goal is to eliminate poverty. So from now on we’ll call it ‘Negative Wealth.’”

Discipline: The Right to Union Representation

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

In both Ohio’s public sector and its private sector, unionized employees are entitled to union representation, upon request, when they are questioned about matters that may reasonably lead to discipline. Sometimes questioning clearly is intended to uncover potential employee misconduct. For instance, employers may ask employees to provide written statements or answer questions relating to specific problematic incidents. This questioning often is referred to as an “investigatory interview.” However, there are other situations where it is less clear whether an employee is being interviewed about matters that may reasonably lead the employee to believe that answering questions may lead to discipline.

The National Labor Relations Board (NLRB), which administers the collective bargaining law in the private sector, recently issued a decision in one such case. In the case, two senior managers called the employee into a meeting to present him with a verbal warning for alleged workplace misconduct. After presenting the employee with the discipline, the senior managers did not immediately conclude the meeting. Instead, they raised other supposed issues regarding his workplace conduct, issues that were unrelated to the discipline just issued. In response, the employee asked whether he “needed to get somebody in here.” The employer indicated that he did not need to and asked why he had engaged in conduct referred to as reflecting “traits that have got you in trouble in the past.”

In concluding that the meeting had turned into an investigatory interview and the employee had been denied his right to union representation, the NLRB considered the specific questions and statements made by the employer, as well as the fact that the employee had previously been disciplined for work performance issues, had previously had conflicts with his supervisor, and was not told that further discipline was not being considered.

Simply being presented with documentation of discipline does not trigger the legal right to union representation. This is because the employer has al-

ready made the decision to discipline and therefore is not attempting to elicit facts to decide whether or not to discipline the employee. However, just because informing an employee about pre-determined discipline does not create the right to union representation does not mean that such meetings cannot turn into investigatory interviews that entitle an employee to union representation. Things to consider in deciding whether the right to union representation exists are the position of the person asking the questions, the nature of the questions, and prior disciplinary issues that may have arisen. If your employer refuses to give you union representation in a situation that you reasonably believe could lead to your discipline, you may refuse to answer questions until you receive such representation.

Remember that generally speaking you must assert your right to union representation. The law does not obligate the employer to inform you about this right, although some collective bargaining agreements do.

PGO Councils 7 and 21 BBQ

The Butler County Board of Developmental Disabilities PGO members recently held their second bi-annual barbeque picnic at the agency. Several members of PGO Councils 7 and 21 enjoyed food from City Barbeque while commiserating with their fellow PGO members. Everyone had a good time and look forward to continuing the tradition.



Council 7 President Kelly Ray getting the party started!