

# The Professionals Guild of Ohio



## PGO UNION NEWS

March 2013

### **PGO Officers:**

**President**

Eric Kanthak

**Vice President**

Joe Atkinson

**Secretary**

Jane Hay

**Treasurer**

Jenny Gardner

**Executive Director**

Chauncey M. Mason

Published by  
Professionals Guild  
of Ohio  
P.O. Box 7139  
Columbus, Ohio 43205

Questions or comments can  
be directed to the Executive  
Director.

**E-Mail:**

[cmason@professionalsguild.org](mailto:cmason@professionalsguild.org)

**Website:**

[www.professionalsguild.org](http://www.professionalsguild.org)

**Like us on Facebook**

**Phone:**

614-258-4401 or  
800-331-5428

**Fax:**

614-258-4465

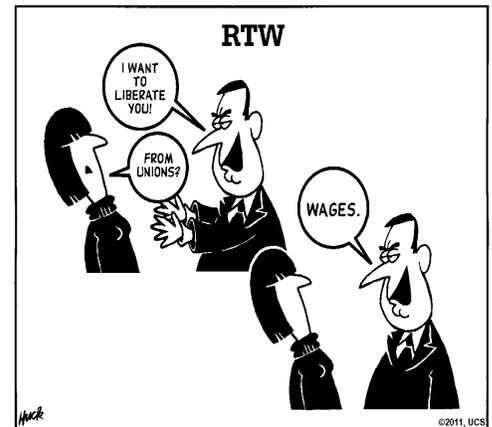
*Produced and printed in-  
house by members of the  
PGO Staff Employees Union*

### **Right to Work Backers Seek Amendment for 2013 Election**

They're back! "Right to work" petitions are circulating once again in Ohio. Ohioans for Workplace Freedom is currently gathering signatures around the state to get a right to work initiative on the ballot this November. The group will need to collect over 396,000 signatures by July 3rd to qualify the initiative for the November ballot. According to Chris Littleton, a spokesman for the group, nearly 100,000 signatures have already been gathered.

This latest effort to undermine workers is being called "Workplace Freedom." They can change the name but the effect is the same. This initiative would make it illegal to negotiate fair share fee provisions into union contracts. The proponents of the initiative are falsely claiming this measure would prevent employees from being required to join a union. The reality is that under present laws, employees in a union shop cannot be required to join their union.

A union represents an entire bargaining unit, which is made up of union members and non-member employees. If the employer agrees to a fair share fee provision in the collective bargaining agreement, then union members pay union dues and non-members pay fair share fees to cover the cost of union representation. A right to work law would allow employees in a bargaining unit to receive the benefits of a union contract and un-



ion representation without paying a fair share fee to cover the costs of these services when they choose not to be a member of the union. These individuals are free-loaders that enjoy the benefits the union is required by law to provide without paying anything for those benefits.

Dave Caldwell, the president of the Ohio Central Labor Council, explained it this way to a mayor some years ago: it's like citizens living in your city, enjoying the benefits of the municipal services such as street maintenance, snow removal, garbage collection, police and fire protection, and a myriad of other services without paying the taxes necessary to fund those services.

It is important for us now to start talking to everyone about how detrimental a right to work initiative would be to the middle class in Ohio. The statewide AFL-CIO is beginning a campaign to fight the initiative. If you are interested in helping, contact PGO's Columbus office.

**Another Problem for Women in the Workplace**

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

The Iowa Supreme Court recently upheld the termination of a female employee for being too attractive. The Court reasoned that because the employer, a dentist, decided the woman was a threat to his marriage, the termination was based on "feelings and emotions and not gender." The facts of the case, however, tell a different story.

The employee, Melissa Nelson, had worked for the Dentist, James Knight, for ten years as a dental assistant. Their relationship had been professional, until a few years ago when Dr. Knight began making sexually charged comments, including telling her that her tight clothes aroused him. Ms. Nelson testified in court that she wore medical scrubs to work, which she had worn since she began working for Dr. Knight. The Court points out that Ms. Nelson did not indicate she was uncomfortable with the comments but she also never engaged Dr. Knight in these discussions and ignored his comments. Dr. Knight fired Ms. Nelson at the suggestion of his wife, who also worked in the office, and his pastor because he was afraid he would have an affair with her.

The outcome of the case is outrageous. A woman should never fear losing her job because her boss thinks he wouldn't be able to control himself and would want to have an affair with her. This is sex discrimination. But for Ms. Nelson's sex, Dr.

Knight would not have wanted to engage in a sexual relationship with her. It's wrong that a man can fire a woman because he can't control himself. It's wrong for the court to give this man a pass, to say he can fire a female employee he is attracted to without acknowledging and without weighing the implications to Ms. Nelson in losing her employment. If Ms. Nelson was not interested in sex with the doctor, as her actions indicated, and she said no when he asked for sex, and he fired her, it would clearly be a case of illegal sex discrimination. But, because the dentist took action to fire her before he could be told no, the Court said it's okay. This case shows that women have a long way to go to achieve adequate justice in the workplace.

**A Rare Victory for Women in the Workplace**

In a reminder that retaliating against employees and sexually harassing them can be very costly, a California jury recently awarded a former hospital employee 168 million dollars. The verdict is the largest sexual harassment verdict in history. The jury concluded that the woman was sexually harassed and then fired for not tolerating the harassment and for filing complaints about the harassment as well as other legal violations. A physician's assistant, the woman was repeatedly harassed by a surgeon at the hospital, among others. The hospital fired her for supposedly committing workplace infractions, such as sleeping on the job, but the jury found the hospital not to be credible. The hospital has appealed the verdict.

**Being an Ethical Consumer**

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

Every month we buy consumer goods—things like clothing, electronics, dishes and similar items. We often think about only two things when shopping: price and quality. While these are important considerations, they are not the only considerations. Shopping is an ethical decision too. The things we buy do not magically appear on store shelves or in our mailboxes. Other human beings are involved in making, transporting and selling each thing we buy. Consequently, we have an obligation to make to avoid financially supporting companies that exploit their workers for financial gain.



**"We used to be touchy-feely, but since the sexual harassment suit, we're just warm and fuzzy!"**

**ABBY'S ANTIQUE SHOPPE**



**“Look Mom, I found something made in the U.S.A.”**

If we can do something to ensure that the workers who make the products we buy earn a living wage and have safe working conditions, then we have an obligation to do that. We may pay a few cents more, but the fact that you can buy something dirt cheap does not mean that you should. Less than two hundred years ago many goods were produced, in whole or in part, through completely legal slave labor. If legal slavery still existed today, the products manufactured with slave labor would likely be the cheapest on the market. But would you feel comfortable buying such products? The fact that you would not demonstrates that Americans agree that the things we buy should be ethically made and that we should not support organizations that benefit from unethical and abusive labor practices. What exactly you consider to be unacceptable labor conditions is up to you, but you cannot make the right decision until you think about what is ethically acceptable to you as a consumer.

Americans want to do the right thing, but we are out of practice in thinking about these issues. In the 1950s most things Americans bought were made in America, where labor standards and conditions were relatively good. Over time, though, more and more companies started shipping jobs to poor countries where people were so desperate they could be easily exploited, paid very little, and made to work in unnecessarily dangerous conditions. This unethical practice has become so rampant that seeing “Made in China” on a product is no longer surprising. On the contrary, seeing “Made in America” on a product is now surprising. All you have to do to confirm this is

go through your clothes—nearly all of them will be made in poor countries in Asia or Eastern Europe.

Buying American is important and the easiest way to ensure that the goods you buy are manufactured in non-sweatshop conditions. If the product you want is not available as American-made, however, England, Italy, Germany, France and other developed countries also produce products under good working conditions. In addition, you may find products from some poor countries that are certified as fair trade, but such products are much harder to come by and much more limited in their offerings.

Now, I am a realist. I know that people are busy and most brands produce most of their goods in poor working conditions. And some products, such as cell phones, are virtually all made in sweatshops (including my cell phone). So, I would not expect anyone to change out their entire wardrobe or to get rid of all their electronics. But everyone can, and should, take some steps in the right direction and start reducing the number of unethical products we buy. The first step: start spending a little time to see where things are made and then, if practical, see if there is a sweatshop-free alternative. The internet makes this much easier. Doing some searches online will bring up retailers that sell goods made in America or European countries where the working conditions are fair and allow you to make an informed decision.

**Social Security and Medicare Update**

There have been some minor changes impacting social security and Medicare that went into effect in 2013. Social security payments were adjusted to inflation, as they are annually, increasing payments by 1.7 percent for 2013. Also, an indirect change related to social security is that the payroll tax cut, signed into law by President Obama during the financial crisis and always intended to be temporary, has now expired. Thus, any family members who pay into social security (as opposed to PERS) will see their rates return to their pre-financial crises level. In addition to changes related to social security, there also have been some minor changes impacting Medicare. The monthly premium for Medicare Part B, for instance, increased by five dollars.

**Flu Epidemic Hits US Hard**

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

If you haven't caught the flu bug this season, consider yourself very lucky. The flu season started earlier and became an epidemic (by virtue of the number of deaths linked to the flu virus) sooner than in past years. What is most noteworthy is that it makes the issue of paid sick leave all the more timely and relevant.

In the US, only about 60 percent of all employers offer paid sick leave. We are the only developed country out of twenty-two countries studied by the Center for Economic and Policy Research that does not have any federal paid sick leave policy for short term or long term illness.

As more and more sick employees, desperate to earn money to provide for their families, go to work ill, they infect their co-workers and the public they may come in contact with. Sick employees unable to take time off of work prolong their illnesses because they are not getting the rest they need to recover from the debilitating effects of the flu. Consequently, the flu bug becomes an epidemic.

The Occupational Health and Safety Administration recommends employers encourage sick employees to stay home and to develop policies that do not punish employees for calling in sick. However, this advice goes unheeded, particularly in low-wage service work.

You can help stop the spread of the flu and other illnesses by staying home from work when you are sick. Be sure to check your collective bargaining agreement for your sick leave provisions. Sick leave is usually earned while you are in active pay status and may be used (depending on the language in the contract), to care for yourself, or a member of your immediate family. Your employer may also require you to complete a form to document the time you were out. Additionally, an employer may be permitted to inquire as to the nature of your illness in order to apply leave provisions.

If you have any questions about the sick leave provisions in your contract or a situation you are experiencing, please contact your local union leadership or the staff at the Columbus PGO office.

**Cuyahoga Falls Library Settles Three Year Agreement**

PGO Council 3 members working at the Cuyahoga Falls Library settled a three-year contract that will provide increases of 2.25 percent in the first year, 1.5 percent in the second year and 1.75 percent in the third year.

Bargaining unit employees will also benefit by having a more reasonable inclement weather policy. Employees will now be able to flex up to an hour of work time if they are late due to inclement weather or use personal leave or vacation to make up the difference. Employees will also not lose holiday pay if they are sick the scheduled shift before or after a holiday with approval. Grandparents-in-law was also added to the definition of immediate family under the funeral leave provisions of the new collective bargaining agreement

Special thanks goes out to Council 3 President **Barb Holdren**, Vice President **Joni Kennedy** and Bargaining Committee Member **Kathy Jacobs**.

**Holiday Extravaganza**



PGO Council 20 members working at the Montgomery County Board of Developmental Disabilities gathered for their annual Christmas party last December to celebrate the holidays. The members, other BDD employees and their guests enjoyed good food, drink, dancing, and each other as they partied through the night. **Ron Bonner**, Council 20's chief steward, served as the resident photographer, capturing some of the fun during the event. Everyone had a good time and looks forward to next year's party.