

The Professionals Guild of Ohio



PGO UNION NEWS

July/August 2013

PGO Officers:

President

Eric Kanthak

Vice President

Joe DeStazio

Secretary

Lynn Pinkelman

Treasurer

Dan Rice

Executive Director

Chauncey M. Mason

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PGO Elects Officers

PGO has elected its officers for the next two years. Three new executive board officers were elected and assumed office this year. One incumbent, **Eric Kanthak**, PGO Council 12 (Montgomery County Children Services), was reelected to the office of president.

Joe DeStazio is our new vice president, replacing **Joe Atkinson** (Council 12), and **Lynn Pinkelman** is our new secretary, replacing **Jane Hay** (Council 12). Joe D. and Lynn are both Council 13 (Lucas County Children Services Board) members. Our new treasurer, **Dan Rice**, hails from Council 12. Dan replaces **Jenny Gardner**, who is also from Council 12.

The new executive board officers assumed their offices on June 20th. All executive board officers will serve two year terms through June 19, 2015.

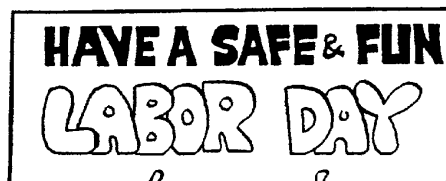
Congratulations to all our elected officers and thanks to **Joe Atkinson**, **Jane Hay** and **Jenny Gardner** for all their hard work during the last two years. Well-done!

PGO Bids Farewell to Amelia Woodward

Sadly, PGO has accepted the resignation of Amelia Woodward, a field representative since 2009. PGO has lost a hard-working and talented staff member and we are sorry to see her leave. On the positive side, Amelia will continue fighting for workers, except now she will be doing it for the Ohio Education Association. We will miss Amelia and we wish her well.

PGO Wins Back Member's Job

PGO recently won an arbitration for a member that was unjustly terminated from his job at Montgomery County Children Services (PGO Council 12). Earlier this year, the Union was notified that this member had been accused of improper conduct by the agency. The alleged misconduct supposedly occurred in 2007, but no report of any problems were made at that time. The member adamantly denied any wrong-doing. Management conducted a perfunctory pre-termination hearing and declared that the six-year old unsubstantiated allegations were sufficient to fire this six-year em-



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ployee. The Union disagreed and appealed the termination to arbitration.

The allegations against the employee were extremely defamatory, with the potential to permanently destroy reputation and career. Suffice it to say, under these circumstances, at a minimum, clear and convincing evidence should be required to substantiate the charges. In this case, however, there was no evidence to support the accusations. In fact, during its investigation, the Union found evidence that proved that the accusers were lying. Despite all of this, like Pontius Pilot, the Employer decided that it would wash its hands of the matter and fire the employee to avoid public criticism.

The arbitrator concluded that the Employer failed to prove any wrong-doing by the member. He sustained the grievance and ordered the member reinstated with back pay. In his ruling, the arbitrator noted that in discharge cases, the Employer is required to prove that the employee has committed an offense by at least a preponderance of the evidence and that the penalty imposed is commensurate with the offense committed. In this case, the Employer mistakenly seemed to assert that the Union had the burden to prove innocence. "This is simply not the way discipline in the arbitration setting works in this country." The arbitrator also made it a point to say that the people making the accusations against the employee in this case were "not worthy of belief."

More Council Election News

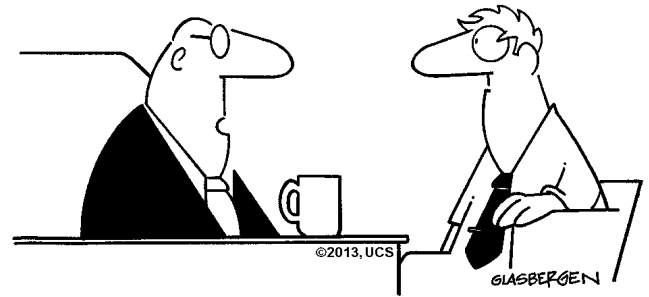
Three more PGO Councils have finalized elections for local officers:

Council 7 - Butler County DD (Paraprofessionals) has elected *John Ferrando* as president, *Kelly Ray* as vice president, *Chris Jasper* as secretary, *Terri Elms* as treasurer and *Cindy Hibbard* as steward.

Council 15 - Lucas County Correctional Treatment Facility has elected *Henry King* as president, *Sam Ford* as vice president, *Danice Stern* as secretary-treasurer, *Jason Brown*, *Alyssa Zagatta* and *Derrick Ford* as stewards and *Lott Smith* as delegate.

Council 17 - Clark County DD has elected *Sarah Couch* as president, *Kari Kelly* as vice president, and *Mary Bussard* as secretary-treasurer and steward.

Congratulations and thank you for being willing to serve your coworkers and your Union.



"How come you never bring me any more of your stupid ideas."

What Constitutes Workplace Discipline

by Chauncey M. Mason, PGO Executive Director

Sometimes disagreements arise between supervisors and employees about what is or is not disciplinary action. These disagreements often center around memorandums placed in an employee's personnel file or supervisors meeting with an employee to discuss "workplace issues." Not surprisingly, supervisors and employees often view these events differently. On one side, management believes that it is providing ordinary supervisory direction; on the other, employees believe they are being disciplined.

Some employers use "letters of instruction" to provide direction to employees to do things in certain ways to satisfy their supervisors. And, of course, meetings between supervisors and employees to discuss work are usually a part of the normal daily routine. But sometimes it is difficult to know when these activities become disciplinary in nature.

A "verbal reprimand" usually consists of a meeting between a supervisor and employee where the employee is informed of a problem and warned to correct it with a threat of discipline. Despite its name, verbal reprimands are usually documented in the personnel file, especially when the employer uses these reprimands as the first step of the discipline procedure.

A "written reprimand" is usually the next step of the progressive discipline procedure. These reprimands consist of a notice to the employee that he or she has engaged in some improper behavior or activity and warns the employee to stop or suffer more serious disciplinary action. Written reprimands are primarily used for first or second offenses involving minor infractions.

Disciplinary action against employees can usually be challenged through the grievance procedure and, in many contracts, our members have the right to Union

representation when discipline is being administered. Problems arise when employees are denied these rights because management does not agree that disciplinary action is occurring.

Two factors can be used to determine when the line is crossed in these cases. The first is the purpose of the communication and the second is the tone of the communication. If a meeting or memo provides notice of some type of improper performance of an employee's job or other deficiency, then it is usually disciplinary in nature. If the communication provides notice of a problem or concern and couples this with instructions that will rectify the situation without the threat of discipline, then it is usually not discipline. If, however, the communication addresses deficiencies and threatens discipline or other adverse consequences, then it is, more often than not, disciplinary in nature.

Emergency Room or Urgent Care? How to Choose

More than ten percent of all emergency room visits could have either been addressed in an urgent care facility or solved in a doctor's office. But how can you determine which is more appropriate for your condition?

When to Use the ER

Emergency rooms are equipped to handle life-threatening injuries and illnesses and other serious medical conditions. An emergency is a condition that may cause loss of life or permanent or severe disability if not treated immediately. You should go directly to the nearest emergency room if you experience any of the following:

- Chest pain
- Shortness of breath
- Severe abdominal pain following an injury
- Uncontrollable bleeding
- Confusion or loss of consciousness, especially after a head injury
- Poisoning or suspected poisoning
- Serious burns, cuts or infections
- Inability to swallow
- Seizures
- Paralysis
- Broken bones

Patients at the emergency room are sorted, or triaged, according to the seriousness of their condition. For example, a patient with severe injuries from a car

accident would likely be seen before a child with an ear infection, even if the child was brought in first.

Those who go to the ER with relatively minor injuries or illnesses often have to wait more than an hour to be seen, depending on the severity of the other patients' conditions. Often they could have been seen more quickly at an urgent care facility.

Using Urgent Care

Urgent care centers are usually located in clinics or hospitals, and, like emergency rooms, offer after-hours care. Unlike emergency rooms, they are not equipped to handle life-threatening situations. Rather, they handle conditions that require immediate attention—those where delaying treatment could cause serious problems or discomfort.

Some examples of conditions that require urgent care are:

- Ear infections
- Sprains
- Urinary tract infections
- Vomiting
- High fever

Urgent care centers are usually more cost-effective than ERs for these conditions. In addition, the waiting time in urgent care centers is usually much shorter.

Your out-of-pocket cost for an ER visit is usually much more than an urgent care visit. And a regular doctor's visit costs even less than urgent care. If you think you do need to go to an urgent care center, try to find one that is affiliated with your current health plan to minimize costs.

Source: *Benefits Buzz*, Red A Benefits Group.

Editor's note: This article is for informational purposes only and is not intended as medical advice.



"You have to pay more for your healthcare, but if you get sick more often, you'll come out ahead."

The Ongoing Economic Assault on the 99 Percent

by Andy Piascik

Leave it to somebody from Greenwich to wax delusional about “unfair and unsustainable levels of public sector compensation” in regards to state workers (Red Jahncke, *A Poor Excuse to Defend Public Workers*, February 23, 2013). To achieve his sleight of hand, Mr. Jahncke contrasts the compensation levels of public sector employees with those of the gutted private sector. The moral of the story, apparently, is that the super rich have successfully destroyed the living standards of those who work in the private sector so let’s cheer them on while they do the same to public sector workers.

This is a tired but dangerous theme that the super rich and their flacks have been promoting for decades. It’s part of a vicious race-to-the-bottom in which the living standards of the 99 percent are destroyed so that corporate elites can live in still greater opulence. It has unfolded over the last forty years, under administrations both Democratic and Republican, and has resulted in the most radical upward redistribution of wealth in human history.

People are all too familiar with this phenomenon. They have seen once thriving blue collar communities destroyed by the profit-driven decisions of corporate boards too numerous to list. The closing of factories and the elimination of millions of good-paying private sector jobs around the country were not accidents or whims of the marketplace; they were conscious decisions made by human beings with names and addresses who worship at the altar of profit and care not one wit about whose lives get destroyed as a result.

The notion that public sector work is layoff-proof is also wrong and part of a two-pronged attack on public programs and collective bargaining. Not only do public sector workers get laid off on a regular basis, open positions often go permanently unfilled. The result is increased workloads for fewer and fewer workers and diminished service for the public.

The corporate assault on society of the last forty years has been unrelenting and enormous in scale. It has featured the gutting of pensions, outsourcing,

privatization, plant closings, union busting, huge tax breaks in exchange for jobs that mysteriously never materialize, financial deregulation, drastic changes in tax laws, the massive growth of the prison industrial complex, the slashing of programs and dozens of other means. The result has been the destruction of the middle class and a huge increase in poverty, as well as all of its attendant problems.

We can take heart from the fact that resistance is strong and growing. Together, we can reject the notion that the destruction of the living standards of millions of private sector workers should be the rationale for the destruction of the living standards of millions of teachers, social workers and bus drivers. We can reject the notion that because corporate elites have gutted the wages, benefits, pensions and workplace rights of those in the private sector that they be allowed to do the same to the public sector. We can instead say that we would be better off without the super rich and that the road to a good living standard for all is away from unfettered capitalism and toward more cooperative economics. We can build a movement to demand good pay, good pensions and free health care for all. And if Mr. Jahncke is really interested in “unfair and unsustainable levels” of compensation, all he need do is take a walk around his neighborhood. There are probably more of the corporate sharks responsible for our economic mess per capita in Greenwich than anywhere else.

Bridgeport native Andy Piascik is a long-time activist and award-winning author who writes for Z Magazine, The Independent, Labor Notes, Union Democracy Review and other publications. He lives in Brooklyn, NY.

Editor’s note: this article is an excerpt of the original published by Andy on the internet. The article was modified to fit the space available in our newsletter.

