

# The Professionals Guild of Ohio



## PGO UNION NEWS

**April 2018**

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### **PERS Retirees Win Benefits Battle**

House Bill 413 was introduced by Representative Gary Scherer (R-Circleville) on November 9, 2017, reducing the Public Employee Retirement System (PERS) annual Cost of Living Adjustment (COLA). The bill would reduce the current 3 percent cost-of-living adjustments to a percentage equal to the Consumer Price Index, subject to a 2.25 percent cap.

Soon after its introduction, the bill started running into fierce opposition. Not only was the bill opposed by all Democratic lawmakers, a large number of the 1 million retirees who would be affected by the COLA cut also weighed in. The retirees were incensed that the COLA reduction was to immediately follow recent reductions in health-care benefits.

After a few hearings, it became clear that the bill would not have enough votes to pass. Owing to the overwhelming complaints by the retirees and Democratic lawmakers, a few Republican lawmakers began voicing their opposition to the legislation.

Adding to the mounting concerns about the merits of the bill was the fact that the Ohio Retirement Study Council, a bipartisan panel that

typically evaluates and makes recommendations on such proposals, never had the chance to formally review the bill.

Once Rep. Scherer began having doubts about the having sufficient votes to pass the bill, the future of the bill became clear. On March 22, Rep Kirk Schuring, R-Canton and No. 2 leader in the House, announced "We're not having any more hearings on House Bill 413."

OPERS executive director Karen Carraher, stated she was disappointed by the legislators' decision and cautioned that doing nothing was not a solution. Many lawmakers were puzzled by her remarks since Carraher had recently announced that the retirement fund was in a strong financial position, with 2017 returns expected to exceed 16 percent.

### **Teachers Win In West Virginia**

On February 22, 2018, in a huge show of solidarity, 20,000 school teachers in the state of West Virginia walked out of their classrooms. The teachers did so to force the state to address and fix the issues they had with, among other things, low wages and rising insurance costs. Before the walkout, the state legislature was open in their unwillingness to ap-



"A question before I discuss our health and pension plans. Are you wearing a wire?"

prove any pay increase for the educators above the 1 percent that was already implemented. With an already severe teacher shortage in West Virginia and nine days of cancelled classes due to the strike, the state quickly realized that it did not have the upper hand in this situation.

The strike came to a conclusion with the Governor of West Virginia signing a bill giving a 5 percent increase to teachers, staff and police officers in the state. Those at the front of the strike maintain that there were five issues that led to the walkout, and they received concessions on all of those points. Not only did the teachers receive raises but: they were able to defeat an expansion of charter schools in the state; they effectively killed a proposal to eliminate seniority in districts; and they created a task force on health insurance to address the issue of rising costs. The teachers were also able to make gains for the unions in the state. As part of the settlement, the governor committed to veto any anti-union legislation, and the paycheck protection bill (which makes it difficult for unions to collect dues from its members) was pulled off the table.

In wake of the teacher walkout, educators in other jurisdictions have followed suit. Teachers in Oklahoma (one of only three states with lower teacher pay than West Virginia) are considering an imminent strike to address similar issues. Teachers in Jersey City recently came to a deal to end a strike that addressed raises and expensive healthcare. Educators in Arizona and Kentucky are also on the verge of striking.

It seems that with their "unlawful" strike, educators in West Virginia were able to remedy some of the legitimate concerns that they have been faced with for years. Not only that, but they were able to gain some grounds for unions while inspiring thousands of people hundreds of miles away to do the same. It is a step in the right direction in an environment seeking to obliterate the rights of workers.

### Social Networks: On And Off The Clock

Have you ever had a day so bad that you decided to login to Facebook to air your frustrations to everyone from your brother to that person you had a class with in high school once? Perhaps you tried a new restaurant where the food was terrible and your waiter was kind of rude so you thought your twitter followers might benefit from avoiding this place? Or did you have a great time on St. Patrick's Day with your friends at the bar which is now forever memorialized in pictures on your Instagram feed?

Even if you aren't engaged in social media yourself, it is all around in some form or another. Individuals use it for anything from entertainment, staying in touch with friends and families or a platform to express their thoughts and opinions. Businesses also have found social media as an effective tool in marketing and advertising on a mass scale. Although one might have a Facebook or Instagram account intended just to communicate and stay up to date with their loved ones, in this



"Oh yeah? Well I found 930 websites that say I'm not addicted to the internet."



"I think the employees are wise to my hidden cameras."

day and age what one thinks is personal is never truly private. Anything that you post on your personal social media accounts can have deep repercussions, even as it pertains to your job.

More collective bargaining agreements are incorporating provisions specifically regarding the individual use of social media; however, some are still silent on the issue. Generally, First Amendment speech protections apply and are the standard. The fast evolution of social media has created a sort of gray area for what is acceptable in an employee's private use of social networking.

In some cases when it is less than clear if a line has been crossed, and an employee has been disciplined or terminated for posts on their social networks, the National Labor Relations Board has provided some basic guidance through its rulings. For example, if the post is job-related, but considered "concerted activity for mutual aid and protection," it is statutorily protected. In one case an employee took to Facebook to complain about her supervisor and call her a scumbag although there was a policy forbidding social media posts related to the company. The NLRB found the employee's Facebook activity protected, therefore her termination unlawful in light of the fact the supervisor had refused to allow the employee union representation following a complaint.

On the other hand, if your manager is just not your favorite person that day, and you post about his terrible breath and bad sense of fashion, then you may not be so easily shielded from any conse-

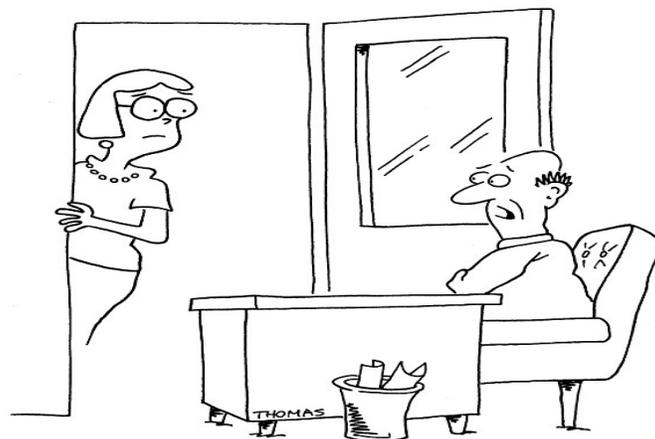
quences. Moreover, issues arising out of posting about unrelated work matters in your private time are unsettled. In a different decision, the NLRB upheld an employee discharge where it found that the employee's twitter activity did not relate to the terms or conditions of employment or seek to involve other's issues related to employment. In situations where the rules are unclear, a good rule of thumb is to use your best judgment because discipline may be up to the discretion of the employer.

Although it may seem some people in high positions of power can brazenly tweet whatever they want when their emotions are high or when they think they are being treated unfairly by "fake news" or the FBI; for the rest of us regular people, it is probably a good idea to think about the consequences of what you are doing or saying before you hit that send button.

## NAFTA Negotiations

The U.S., Canada, and Mexico are renegotiating NAFTA (North America Free Trade Agreement). The Canadians want more protections for workers and say the U.S. should get rid of its "right to work" laws and Mexico should get rid of its "ghost unions" that do nothing but collect dues. Anti-worker arrangements like these give the U.S. and Mexico an unfair advantage in attracting employers, the Canadians say, and both countries should follow Canada in offering a year of paid family leave after childbirth, too.

(October 2017 Labor Notes)



"Could you reschedule my seminar on procrastination?"



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 "It's an ergonomic ankle support to help you be more productive."  
 GLASBERGEN

### Dayton Public Schools Bus Drivers File Intent to Strike

In the latest wave of strikes, 145 bus drivers for Dayton public schools intend to strike for ten days beginning on April 10. The employee's contract expired in June of 2017, and both sides reached an impasse after nearly nine months of negotiations. The strike would coincide with the return of Dayton students from their spring break, and the beginning of statewide student testing. For these reasons, the school board is scrambling to come up with alternative methods for student transportation.

One of the primary concerns addressed by the employees is wages. Drivers in Dayton are paid significantly less than their counterparts in neighboring districts—the starting hourly rate in Dayton is \$13.85 compared to \$18 in Huber Heights and Mad River. Other issues include the discipline process, and communications with school principals. Despite mediations, the parties have been unable to come to an agreement, prompting this strike notice.

### Unions Fight Laws Restricting Collective Bargaining Activities

As reported in the November 2017 *PGO Union News*, the U.S. Supreme Court is poised to possibly rule that collective bargaining is a "political activity," allowing for any bargaining union member to decline to pay any form of union membership or "fair share" fee to the union representative. In anticipation of such ruling, two Wisconsin locals filed have filed a lawsuit in federal court arguing that the limits on collective bargaining imposed by a 2011 state law violate the unions' First Amendment rights.

On February 23, Wisconsin International Union of Operating Engineers Locals 139 and 420 contend that

2011 Wisconsin Act 10, which prohibits government workers from bargaining over any issue other than wages, violates their rights to free speech. "Prior to the enactment of Act 10," the suit says, "both unions routinely negotiated contracts which included a variety of benefits and protections such as health issuance, pensions, seniority rights, and protection against unjust termination. After Act 10, none of those subjects can be negotiated." The two locals, which represent about 11,000 members, also allege that Act 10's recertification requirements and ban on fair-share fees infringe on their rights to freedom of association.

The Illinois International Union of Operating Engineers Local 150, which represents about 3,000 Illinois public-sector workers, filed a similar suit in a Chicago federal court Feb. 22.

### Union Membership on the Rise in Right To Work States

Boasting a 23.8 percent union employee ratio, the State of New York continues to have the highest percentage of workers in unions. Ohio is number 14 on the list with a 12.5 percent ratio. At the other end of the scale is South Carolina, which had a paltry 1.6 percent ratio in 2016. However, from 2016 to 2017 the number of unionized employees in South Carolina increased by 20,000, increasing the ratio to 2.6 percent. Arkansas, Virginia, Georgia and North Carolina also showed gains in union membership.

The recent labor report shows that, on average, union members continue to earn more than their non-union counterparts nationally. The median weekly earnings for union members was \$1,041 in 2017, compared to \$829 for those not represented by organized labor.



VOTKO  
 "This is only a short term position."