The Professionals Guild of Ohio

PGO UNION NEWS

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P.O. Box 7139
Columbus, Ohio 43205

Questions or comments can be directed to the Executive Director.

E-Mail:
cmason@professionalsguild.org

Website:
www.professionalsguild.org

Like us on Facebook

Phone:
614-258-4401 or
800-331-5428

Fax:
614-258-4465

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Staples to "End" Post Office Pilot Program

By Paul Henry,
PGO Field Representative

Staples, after immense pressure from organized labor, has chosen to end its yearlong pilot program which included mini-post offices in its stores staffed by Staples employees. The decision to end the program came after the American Federation of Teachers joined the "Stop Staples" movement (nearly one third of Staples revenue comes from the sale of school supplies). Even though the pilot program will end, Staples is not waving the white flag and still plans on taking postal workers' jobs.

The American Postal Workers Union has called the end of the pilot program by Staples a "ruse." Even though the store has agreed to terminate its no-bid deal to perform postal service work, it is now taking part in an "approved shipper" program. Mark Dimondstein, President of the APWU, stated "This attempt at trickery shows that the 'Don't Buy Staples' movement is having an effect. We intend to keep up the pressure until Staples gets out of the mail business." Dimondstein went on to say, "The announcement that Staples and the USPS are abandoning the no-bid deal is just 'spin.' They hope to convince boycott supporters that the battle is over," he said. "It's not."

So despite the hype, Staples has not stopped its assault on the postal service employees. It has merely reworked its strategy for taking postal service jobs. As long as Staples continues to take this course of action, PGO will continue its boycott. If Staples truly wants to end this standoff with organized labor, it will withdraw its business with the USPS rather than feigning the of end a program only to call it a different name.

EEOC Issues Updated Guidance on PDA

By Nicole Jackson, Esq.,
PGO Field Representative

In July, the U.S. Equal Employment Opportunity Commission (EEOC) issued updated enforcement guidance on pregnancy discrimination and related issues. This was the first comprehensive update on the subject since 1983. The Enforcement Guidance updates prior guidance on the subject of pregnancy discrimination in light of legal developments over the past thirty years.

In addition to addressing the requirements of the Pregnancy Discrimination Act (PDA), the guidance discusses the application of the American with Disabilities Act (ADA) as amended in 2008, to individuals who have pregnancy-related disabilities.

The updated guidance sets out the PDA requirements that an employer may not discriminate against an employee on the basis of pregnancy, childbirth, or related medical conditions. Furthermore, women affected by pregnancy, childbirth or related medical conditions must be treated the same as other persons similar in their ability or inability to work. The guidance also explains how the ADA's definition of "disability" might apply to workers with medical conditions related to pregnancy.

Among the issues discussed in the updated guidance is the issue regarding reasonable accommodations for workers with pregnancy-related impairments under the ADA and the types of accommodations that may be necessary. An employer must provide a reasonable accommodation to a worker with a pregnancy-related impairment who requests one. An employer may only deny a needed reasonable accommodation to an employee with a disability who has asked for one if it would result in an undue hardship. Examples of reasonable accommodations include redistributing marginal or nonessential functions (for example, occasional lifting) that a pregnant worker cannot perform, or altering how an essential function is performed. Allowing a pregnant worker placed on bed rest to telework where feasible is also a reasonable accommodation.

The updated guidance also discusses employee leave under the PDA. The guidance states that an employer may not force an employee to take leave because she is or has been pregnant, as long as she is able to perform her job. Notably, the new guidance states that requiring leave violates the PDA even if the employer believes it is acting in the employee's best interest. If an employee has been absent from work as a result of a pregnancy-related condition and then recovers, her employer may not require her to remain on leave until the baby's birth; nor may an employer prohibit an employee from returning to work for a certain length of time after childbirth.

"You had better have a good excuse to leave work early!"

"Any other recommendations?"

It is important to note that when pregnant women request light duty, the employer does not have to create preferential treatment for the pregnant worker. The EEOC's position is that the PDA requires only that an employer treat pregnant workers the same as it treats workers who are not pregnant but who are similar in their ability or inability to work.

The new guidance also discusses the requirement that parental leave (which is different from medical leave associated with childbearing or recovering from childbirth) be provided to similarly situated men and women on the same terms. Although leave related to pregnancy, childbirth, or related medical conditions can be limited to women affected by those conditions, if an employer provides parental leave, it must be provided to similarly situated men and women on the same terms. In addition, employers covered by the Family and Medical Leave Act (FMLA) must provide eligible employees (both men and women), with up to 12 weeks of job-protected unpaid leave to care for and bond with a newborn baby or a recently adopted child.

This is a step in the right direction for the EEOC regarding pregnant workers. The updated guidance provides pregnant workers with more protection and can serve as leverage when dealing with potentially unlawful employer actions. Call the Union if you feel you have an issue relating to the PDA.

Correction

The June/July PGO Union News *article "Governor Fails to Save Ohio Jobs" was written by Nicole Jackson, not Paul Henry.*

PGO Contract Negotiations

PGO Council 6

PGO members working at the Lucas County Veterans Service Commission ratified the agreement on a wage reopener for the second year of their 3-year contract. Workers will receive a 3 percent general wage increase effective April 6, 2014 in addition to a step increase.

The Union was represented by Council 6 chief steward ***Sonja Jenkins***, steward ***Kevin Chadwick*** and PGO executive director ***Chauncey Mason***.

PGO Council 12

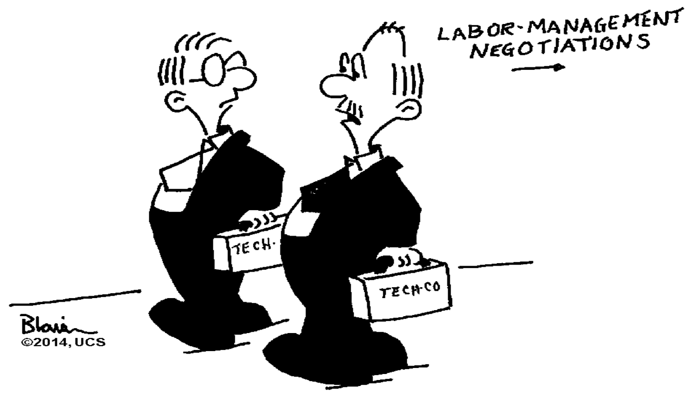
Members at Montgomery County Children Services recently concluded successor contract negotiations by ratifying a 3-year deal that will provide a 2.5 percent increase retroactive to January 1, 2014, a 2.5 percent increase effective April 1, 2015, and a wage reopener to set wages for the final year of the agreement.

Negotiations were difficult and contentious as the Union had to fight-off county demands for unreasonable concessions in wages, benefits, job security and working conditions. A strike was averted by a compromise brokered by a federal mediator.

The Council 12 bargaining committee included president ***Eric Kanthak***, vice president ***Dan Rice***, secretary ***Jane Hay***, treasurer ***Tara Twitty***, steward ***Randal Brown***, ***Jeff Johnson***, ***Erika Respress***, PGO field representatives ***Nicole Jackson*** and ***Paul Henry*** and PGO executive director ***Chauncey Mason***.

PGO Council 13

PGO members employed by the Lucas County Children Services Board approved a 3 percent general wage increase effective May 1, 2014 negotiated pursuant to a second-year wage reopener.



"You had to go and ruin our strategy by making them a reasonable offer."

The Council 13 bargaining committee included president ***Joe Destazio***, vice president ***Lynn Pinkelman***, vice president ***Dave Rudebock***, chief steward ***Becky Davenport***, steward ***Melinda Mehan***, ***Nancy Reineke***, ***Vonda Williams***, AFSCME field representative ***Lisa Alexander***, PGO field representative ***Paul Henry*** and PGO executive director ***Chauncey Mason***.

PGO Council 15

PGO members working at the Lucas County Correctional Treatment Facility reached agreement on wage reopener that will provide a 2 percent general increase and step increases effective July 1, 2014. Employees will also receive a $1,200 lump sum payment to begin the final year of their contract.

The Union bargaining committee included Council 15 vice president ***Sam Ford***, steward ***Jason Brown*** and PGO executive director ***Chauncey Mason***.

PGO Council 19

PGO members in Montgomery County's Northridge Local School District's transportation department negotiated and approved a new 3-year contract effective June 15, 2014.

The new contract will provide general wage increases of 1.5 percent each year. In addition to the general increase, eligible employees will receive a step increase. The contract also improved route bidding, leave provisions and expanded health insurance options.

The Union bargaining committee included Council 19 President ***Cathy Larson***, vice president ***David Davis***, ***Lisa Ehrhart***, ***Annie Kirk***, PGO field representative ***Paul Henry*** and PGO executive director ***Chauncey Mason***.

It's Time to Raise the Wage!

By Paul Henry, PGO Field Representative

In the current period of record corporate profits, it would seem that the issue of worker pay would be easy to resolve. It's logical to assume that when productivity and profits are high, workers would be rewarded with higher wages. Sadly, there is no longer a positive correlation between increased wages for workers when their work produces increased profits.

Wages, even in this time of abundance, continue to be a source of conflict and controversy. Recently, when there was discussion about raising the minimum wage, there was excitement amongst many low wage workers. Corporate bosses and CEO's, on the other hand, scoffed at the idea. According to them, higher wages for workers would certainly mean equally higher costs to the general public. Of course, in telling you this, the people up top are asking you to ignore the ridiculous amounts they are paid every year.

There is a myth that a CEO, such as Ray Skinner of McDonalds, is worth the 28 million dollars he was given in 2012. Today, a person earning the federal minimum wage and working full time will earn $15,080 in a year. Michael T. Duke, the CEO of Wal-Mart, was paid 20.7 million dollars in 2013. One full time employee who is paid the minimum wage would have to work 1,372 hours just to make what Mr. Duke earns in one single hour.

Whenever money-loving CEOs and their bought-and-paid-for political lackeys talk about raising the minimum wage and workers' pay, they always try to scare the public by threatening higher prices for goods and services. However, these arguments about front-end financing (i.e., higher prices for raises), ignores the fact that companies with record profits can accommodate higher wages for its workers without raising prices. For example, McDonalds can pay its workers a $15 per hour minimum wage and, instead of a record 15 billion dollar profit, the company would realize a record 14 billion dollar profit. Everyone can benefit when fairness and common-sense prevails over selfish greed.

This unwillingness to provide better wages can be explained quite simply as a lack of respect for what the workers do. Many times, employers will have the ability to pay but will simply refuse to because they do not believe "you've earned it" or "it would raise costs too much." On the other hand, they have no problem filling their own pockets. Until we decide that paying a CEO millions of dollars is unnecessary and that the workers deserve to be treated with respect, the bosses out there won't be willing to change.

Women and Poverty

By Paul Henry, PGO Field Representative

A study conducted by the AARP Public Policy Institute found that women are twice as likely to be poor in retirement as men. Retied men receive an average of $27,612 a year. Women only receive an average of $16,040 a year.

Several factors have been found to explain this discrepancy. First, women on average make 77 cents for every dollar a man makes. Men also work an average of twelve more years than women. This can be explained by the fact that women are more likely to have taken time off to help raise children or to take care of sick family members. The lower earnings as well as the time off have a huge impact on retirement benefits. Social Security determines retirement benefits based on the top 35 years of earnings. With the gaps in between time spent in the workforce, which many women experience from raising families, their retirement benefits suffer.

A possible solution to this issue would be to introduce "caregiver credits." This would provide credit towards Social Security if someone chooses to leave the workforce to take care of family. Barbara Butrica of the Urban Institute has proposed offering these credits to make up for the disparity in working years between men and women. Unfortunately, this idea has failed to gain any traction with Congress.