

The Professionals Guild of Ohio



PGO UNION NEWS

January/February 2014

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Affordable Care Act Aids Part-time Workers

*By Nicole Jackson, Esq.,
PGO Field Representative*

Last October the government introduced the new healthcare marketplace -www.healthcare.gov. Individuals and families can now go online and purchase health insurance. Insurance companies compete for customers, and it's easy to compare prices.

Many people won't use the healthcare marketplace because they are insured through their employer; however, some people might qualify for a subsidized plan on the marketplace if they can't afford their employer's plan. While some companies have decided to drop health insurance plans for part-time employees and direct them instead to the healthcare marketplace, these part-timers are finding that they are better off with a marketplace plan.

Part-timers that shop on the marketplace for plans are finding that government-subsidized plans may offer lower out-of-pocket cost and better benefits than the coverage they lost under their employer's health insurance plans for part-timers. Plans sold in the marketplace offer the same essential health insurance benefits such as doctor visits, emergency

services, lab services, preventative services, prescription drugs and other categories of care. In addition, part-timers may be eligible for Medicaid if they live in a state such as Ohio, that's expanding coverage to adults earning up to 138 percent of the federal poverty line, or just under \$16,000 last year.

The Affordable Care Act ("ACA") does not require most employers to cover part-time employees, and offering part-timers health insurance may disqualify the employee from the government subsidies (such as tax credits), with marketplace plans. Individuals with "affordable" coverage from their employers, defined as an insurance premium less than 9.5 percent of their household income for the lowest cost single-

"Power concedes nothing without a demand. It never did and it never will... The limits of tyrants are prescribed by the endurance of those they oppress."
-Frederick Douglass



**February is
Black History
Month**

coverage, do not qualify for the government subsidies with marketplace plans.

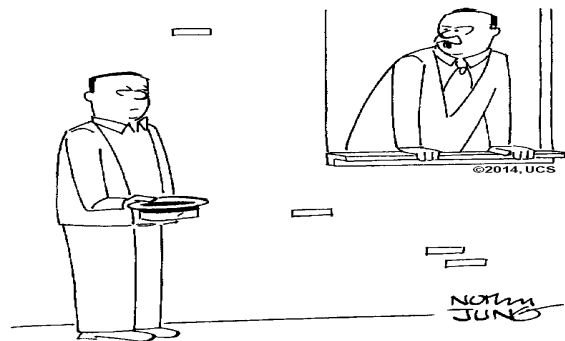
Individuals also have the choice of opting out of buying health insurance through the marketplace and purchasing insurance directly from an insurance company; however, by dealing directly with the insurance company, you will miss out on the government subsidies offered only to those who qualify and purchase insurance through the marketplace.

Bottom line, insurance offered through the marketplace is likely a better deal for part-timers. The majority of part-time workers are not offered health insurance through their employers, and those that were offered insurance got limited benefits, no prescription drug coverage, high out-of-pocket costs, and annual caps on the total cost of coverage after just a few thousand dollars. The ACA was designed to make decent health insurance affordable for people who can't otherwise afford it because the marketplace subsidizes the cost of insurance based on your income, with the largest subsidies going to those with the lowest incomes.

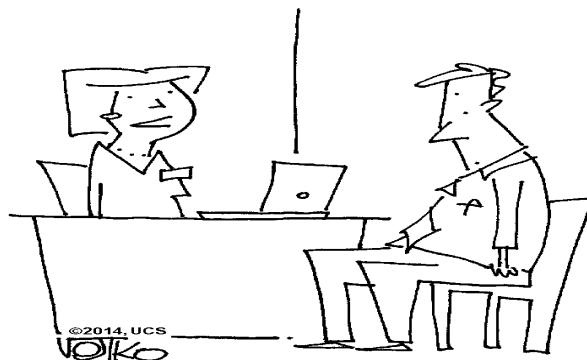
2013 Cost of Living Increase

Every year, the Bureau of Labor Statistics tracks the Consumer Price Index (CPI). The CPI also reflects the rate at which inflation is occurring. Monthly reports are released and at the end of the year, the Bureau provides the average rate at which inflation occurred.

In 2013, the CPI increased by 1.5 percent. Even though the cost of living continued to rise in 2013, the rate at which it increased has slowed from the previous two years. In 2012, the cost of living rose by 1.7 percent and in 2011 the cost of living rose by 3 percent.



"I'd prefer you didn't do that on your breaks!"



"Since employment is the greatest benefit that we can offer, we've decided it's the only benefit we offer."

The Benefits of HIPAA

By Paul Henry, Esq., PGO Field Representative

When discussions about medical treatment and medical conditions arise, HIPAA is frequently thrown into the conversation. When asking around what HIPAA is, you'll often get answers as "It's part of the Hippocratic oath doctors take, right?" or "It keeps doctors from telling people why you are sick." HIPAA actually stands for the Health Insurance Portability and Accountability Act. When this law was enacted in 1996, the US Department of Health and Human Services required that a Privacy Rule be created to protect the potentially harmful personal information that individuals pass along when going to the doctor and dealing with health insurance companies. The Privacy Rule applies not only to specific groups but also to specific types of information.

When it comes to medical treatment, the Privacy Rule applies to health plans (insurance), health care providers (doctors, dentists, hospitals, etc.), and healthcare clearinghouses. It also applies to "business associates," which can be anyone that could have access to your information but may not necessarily be in the medical field. This means that anyone with access to your personal health information, be it a person in an administrative role handling medical claims or a doctor who provides you with treatment, will be covered by the HIPAA Privacy Rule.

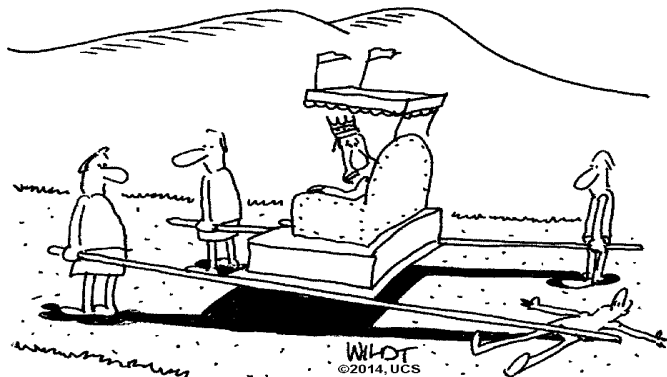
The Privacy Rule also covers your medical records. In the rule, this information is known as "protected health information" which is any and all individually identifiable information. This includes your past, present, and future physical or mental health or conditions. It also includes the treatment

you may receive and how you pay for that treatment. Additional information that the rule prevents from being passed on are things such as your name, your address, your date of birth, and your Social Security number.

Even though the rule looks all encompassing, there are ways your personal information can be accessed. You always have the ability to consent to the release of your medical records to another party. Also, medical records may be required to be disclosed if they are ever at issue in a legal proceeding (claims of insurance fraud or if a physical or mental condition is at issue such as in a Workers' Compensation claim).

Failure to comply with the Privacy Rule is a serious offense. The Department of Health and Human Services, Office of Civil Rights (OCR) has the responsibility to administer and enforce the rule. If a violation is reported, the OCR can impose a penalty of \$100 to \$50,000. Before this is done, the party who violated the Rule is given 30 days to explain the circumstances surrounding the disclosure. If it is determined that a party intentionally disclosed the information, the Justice Department can prosecute. A party who is found guilty can be required to pay a fine of \$50,000 to \$250,000 and possibly serve a jail sentence of one to ten years, depending on the circumstances surrounding the disclosure.

The HIPAA Privacy Rule should provide some comfort to you. You can rest easy knowing that as a general rule, your health information cannot be disclosed to anyone without your consent. If the information is disclosed, the party who violated the Privacy Rule may face a hefty penalty.



“Oh, darn... a flat!”

PGO Council Negotiations

PGO Council 18, Henry County Children Services—The Union had to use mediation and fact finding to finally get an agreement with the Henry County Commissioners. A fact finder’s recommendation was accepted and a new three year collective bargaining agreement went into effect January 1, 2014. Among other things, bargaining unit employees will receive a two percent annual increase in pay each year of the contract. The employer had proposed a three year wage freeze to the fact finder. Also, in addition to the wage freeze, the employer was demanding that employees pay fifteen percent of the cost of insurance premiums. The Union countered with its demand that employee premium copays remain at five percent. The new contract calls for a ten percent employee premium copay or the county’s required copayment, whichever is less, for the duration of the contract. Chief steward ***Kirsten Ruby***, steward ***Amanda Westhoven***, PGO field representative ***Paul Henry*** and PGO executive director ***Chauncey Mason*** represented the Union during negotiations.

PGO Council 20, Montgomery Board of Developmental Disabilities—This council had a wage reopener for the last year of its three-year agreement. The Union and the Board ratified a tentative agreement that will provide a two and one-half percent wage increase effective January 1, 2014. Council president ***Chad Manness***, vice president Pierre ***Winningham***, chief steward ***Ronald Bonner***, PGO field representative ***Paul Henry*** and PGO executive director ***Chauncey Mason*** served on the Union bargaining committee for these negotiations.

PGO Council 8, Guernsey County Children Services Board—Bargaining for wages and insurance under this contract reopener resulted in a two-year deal that will pay bargaining unit employees a five percent lump sum payment in 2014 and another four percent lump sum payment in 2015. Insurance benefits will remain unchanged for the duration of the two years left on the three year contract. Council president ***Roy Higgins***, vice president ***Hilaree Homko*** and PGO executive director ***Chauncey Mason*** formed the Union bargaining committee during negotiations.

Walmart's Anti-Union Strategy

By Nicole Jackson, Esq., PGO Field Representative

The protest movement known as "Occupy Wall Street" has leaked Walmart's internal anti-union training documents for its managers. In the documents, Walmart provides managers with training materials that include sample scripts explaining the "right" way to talk to employees about unions. These "talking points" for managers are intended to discourage workers from organizing.

In other parts of the document, Walmart provides managers with very specific instructions on how to discourage workers from organizing. Walmart's repeated attempts to go out of its way to discourage its workers from unionizing is unfortunate. These documents train managers to both monitor and intimidate pro-union sentiment. Walmart urges managers in the documents to "report union activity to the Labor Relations Hotline immediately."

In one part of the document, a Walmart manager tells the worker in a script that "Walmart doesn't feel you need a union to speak for you...a union would only hinder our ability to communicate with one another." In reality, Walmart's anti-union animus hinders good labor-management communication and is a big reason why efforts to unionize Walmart workers have been unsuccessful.

Walmart is the largest retailer in the world and the largest private employer in the U.S., but it is no secret that their employees are paid low wages and offer sub-par benefits. In fact, a Canton, Ohio area Walmart held a canned food drive last November for their underpaid employees to donate food to other underpaid employees for a Thanksgiving dinner.

The money Walmart spends to wage anti-union training for their managers, and on legal fees defending their actions could go toward higher wages, better benefits, and working conditions. According to OUR-Walmart, the nonprofit group seeking to unionize Walmart workers, the average annual salary of a Walmart associate is between \$15,000 and \$20,000 a year.

2014 IRS Mileage Rate

Effective January 1, 2014, the standard IRS mileage rate for business miles driven is 56 cents per mile. The business expense rate decreased one-half cent from the 2013 rate.

Lorain County JFS Strike

Lorain County JFS union members, represented by UAW, local 2192, left their desks and went out in the cold on a 3-day strike from December 16-18. The dispute between a unit of about one-hundred sixty-four Lorain County JFS workers and the county began as early as July 2013 during negotiations for their successor collective bargaining agreement.

Among the long list of issues that the parties could not agree on were pay increases and additional time off. The striking workers rejected a fact-finder's recommendation in October 2013, which recommended the county's offer of a 3 percent wage increase in the first year, 2.5 percent in the second year, and 2.25 percent in the third year. According to the fact-finder's report, the workers wanted a 3 percent wage increase in each year of the contract.

After the workers rejected the fact-finder's recommendation, the parties went back to the bargaining table, but were still unable to come to an agreement. According to a news release from the county, the workers were asking for a 4.78 percent wage increase in the first year, while the county offered a 3 percent increase in the first year.

On December 18, the union approved 150-3, a tentative agreement with a 4 percent wage increase in the first year, 2 percent increase in the second year, and 1.75 percent increase in the third year.

**Going Through Changes?
Let Us Know**

Has your name changed? Have you moved? Do you have a new telephone number? If so, please let our office know. Help us maintain accurate membership files by contacting the PGO office to update your personal contact information. Keeping us informed will allow us to serve you better.



"If I go the extra mile, do I qualify for travel reimbursement?"