

The Professionals Guild of Ohio



PGO UNION NEWS

June/July 2019

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Toledo Nurses Strike Against Mandatory Overtime

Nurses were among 2,200 striking workers at Mercy Health St. Vincent Medical Center in Toledo. Going into their fifth week of strike, the nurse are protesting excessive on-call hours and forced extra shifts due to understaffing. The nurses cite lack of sleep as a potential hazard of their job because it does not allow them to give patients the attention and care they should have.

Mandatory overtime has always been an issue with healthcare workers to the point that eighteen states implemented laws that limit it. Ohio nurses would like to see a similar bill that would allow them to refuse work beyond their scheduled hours. As it currently stands, hospitals can discipline or fire nurse who refuse overtime hours.

Technical workers and support staff also participated in the strike but recently came to an agreement to go back to work. The over 900 employees negotiated a three-year agreement where they will receive a four percent pay increase; have their on-call hours reduced by fifteen percent; receive financial assistance for uniform costs and will receive a portion of their paid leave that was used during the strike.

PGO Prevails In Contempt Case

Last month, a Montgomery County judge ruled on PGO's motion for Indirect Civil Contempt against Montgomery County Department of Job and Family Services. In August 2016, PGO filed a grievance regarding the removal of the Secretary 1 position from the bargaining unit. In its grievance, the Union requested a make-whole remedy that would return the position to the bargaining unit or if a new position be created that it remain in the unit with a negotiated rate.

The arbitrator sustained the Union's grievance and required that a Secretary 2 position be posted within the training department of the bargaining unit. Montgomery County refused to comply with the reward by not returning the position to the training department as ordered. In January 2018, PGO filed an application to confirm and enforce the arbitration award which was confirmed by the Court on August 16, 2018. Despite this, the County still refused to im-

HAPPY



INDEPENDENCE DAY!

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plement the award and continued to handle the matter on its own terms!

As a result of the County’s blatant disregard for court orders, PGO filed a motion for indirect civil contempt based on the County’s failure to implement the arbitrator’s award. The judge found that the County was in contempt of court for their failure to return the position to the training department and ordered the County to comply with the awards as written and additionally awarded PGO all of its associated court costs and attorney fees.

Ohio’s Public Employee Drug Free Workplace System

By-in-large, all public employees subject to potential drug testing as a result of the county or agency drug free workplace policy. Every drug free workplace policy sets out the standard by which an employee is determined to be fit-for-duty and, conversely, when that employee is deemed to be “impaired.” To this end, these policies list alcohol and prescription medications and “restricted substances.

Most policies prohibit the consumption of alcoholic beverages during work hours or, where it is not prohibited, set specific acceptable blood alcohol limits. Prescription medications are generally authorized where its use does not affect an employee’s ability to perform the essential functions his or her position, with or without a reasonable accommodation. However, specific safety sensitive jobs or those



“We have lots of turnover here.”



requiring the employee to carry a firearm may be subject to stricter standards.

Medical marijuana has become a complicated issue when it comes to current drug free workplace policies. After Ohio legalized medical marijuana, the State of Ohio amended it policy to accommodate medical marijuana use by state employees, as follows:

- Such use is in accordance with applicable Ohio law, this policy, and any other applicable policy, procedure, work rule, or directive;
- Such use does not occur within the workplace;
- The employee's position is not subject to Federal Department of Transportation (DOT) Testing;
- The employee's position does not require an individual holding that position to transport, carry, or otherwise possess a firearm or ammunition;
- When the employee returns to active work status or is otherwise in the workplace, he/she is fit-for-duty.

Rebuttable Presumption Testing occurs when an employee suffers a work-related injury and tests positive for alcohol or drugs or refuses to be tested. The burden of proof then shifts to the employee to prove that the presence (or presumed presence) of the alcohol or drug was not the proximate cause of the work-related injury.

Reasonable Suspicion Testing: Any employee may undergo alcohol and/or drug testing based on a

for-cause determination by management. Any employee involved in a significant incident in which the health or safety of himself/herself or other individuals is involved, or in which extensive property damage has occurred, will be subject to reasonable suspicion testing

Follow-up Testing: Any employee referred through administrative channels to a counseling or rehabilitation program as a result of that employee's positive test may be subject to follow-up testing according to specifications and provisions of any applicable collective bargaining agreement(s), or, for employees exempt from collective bargaining, the policy of the Department of Administrative Services (DAS).

Federal DOT Testing: Employees whose duties require them to have a commercial driver's license and drive certain types of vehicles are subject to drug and alcohol testing.

Whenever an employee tests positive for a restricted substance, the policy should have a means by which the employee is allowed to offer an explanation or submit medical documentation which may explain a positive test result.

An employee found in violation of the applicable drug free workplace policy will likely be removed from duty and possibly subjected to disciplinary action. However, the specific operation and enforcement process for a drug free workplace may vary from one county to another, one agency to another, and even one job to another within the same county or agency. Therefore, it is very important for



"We all agreed there'd be no outrageous executive salaries this year. I don't think 19 million dollars is outrageous, do you?"

each PGO employee to be familiar with the drug free workplace policy in his or her specific workplace and to consult with his or her PGO representative whenever there is any question relating a drug free workplace matter.

A Weingarten Reminder: Don't Waive Your Right to Union Representation

Imagine this situation: Something occurred at work that might result in discipline or adverse consequences. It could have been an accident or some sort of oversight. Management begins to question you to obtain information about that event. You have a reasonable belief that their questions may actually lead to discipline. Don't panic; instead invoke your right to have a union representative present.

Weingarten rights are the right to have union representation during an investigatory interview. Workers can (and should) request representation before or at any point in the interview. When you invoke this right, the employer must delay questioning until you are able to have that representation. If they try to deny the request, it is your right to refuse to answer questions until a representative is present.

There are many advantages to having union representation during an investigatory interview. Your representative can serve as a witness to the questioning; object to intimidation tactics or confusing questions; prevent admissions that result in adverse action; act as an advisor during the process; and generally just keep things in check. So next time you believe you might be in trouble at work, stop the investigation and contact your Union representative.



Make Your Summer Union-Friendly

It's that time of year again! Whether you are hosting a BBQ, or having a drink at a summer festival, make sure to show your solidarity by purchasing some of the following Union made food products.

Grilling Meats

- Ball Park Franks
- Dearborn Sausage
- Farmer John
- Farm Fresh
- Hebrew National
- Hormel

Breads and Buns

- Alfred Nickles Bakery
- Strohmann Bakeries
- Arnold Bread
- Francisco Bread

Condiments

- Franks Red Hot
- French's Mustard
- Gulden's Spicy Brown Mustard
- Heinz Ketchup
- Open Pit BBQ sauce
- Vlasic Pickles

Side Dishes

- Amaral Ranches Broccoli
- Betty Crocker Specialty Potatoes
- Frito Lay Chips, Snacks, and Dips
- Heinz Baked Beans
- Kraft Foods
- Suddenly Salad
- Van Camps Baked Beans

Beers and Wines

- Anheuser-Busch
- Budweiser
- Landshark
- Leinenkugel
- Michelob
- Miller Lite
- Natural Ice & Light
- O'Douls
- Shock Top
- Bartles & Jaymes
- Carlo Rossi
- C.K. Mondavi
- Franzia
- Gallo Estates

Shopping union supports union families and shops. For a more comprehensive list of products and what items to avoid, visit unionlabel.org. Have a safe and happy summer!

IRS Announces 2020 HDHP and HSA Limits

The Internal Revenue Service (IRS) recently released the following 2020 limits for High Deductible Health Plans (HDHPs) and Health Savings Accounts (HSAs):

2020 HAS Contribution Limits:

- Self-only—\$3,550;
- Family—\$7,100.

2020 HDHP Minimum Deductible:

- Self-only—\$1,400;
- Family—\$2,800.

2020 HDHP Maximum Out-of-Pocket Expenses:

- Self-only—\$6,900;
- Family—\$13,800.

These rates will be effective for the 2020 calendar year starting January 1, 2020.

