

The Professionals Guild of Ohio



PGO UNION NEWS

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U.S. Still Lags in Paid Maternity Leave

Effective on April 1st, the retail chain, Dollar General announced that it would offer full-time and part-time eligible employees with paid time off for individuals that have recently become parents. The company will now offer eight weeks off to birth mothers, two weeks of paid paternal leave, and up to \$4,000 in adoption assistance to parents. Although this is a success towards paid maternity leave, it is still a drop in the bucket for the U.S. companies that offer similar benefits. According to the Bureau of Labor Statistics, only 14 percent of private employees have access to any sort of paid parental leave. This figure is even lower among low-wage earners.

The Family and Medical Leave Act (FMLA) was implemented in 1993 and afforded protections to those who needed to care for a new family member, but the Act did not guarantee compensation for any time taken off. FMLA allows for job protection for up to twelve weeks, however, only 60 percent of American workers are covered under those provisions forcing mothers to return to work very soon after their child is born. Consequently, about 25 percent of new American mothers return to work less than two weeks after the birth of a child. This takes away from precious bonding time, the time needed to recover mentally and physi-

cally, and can cause feelings of guilt in a new parent.

While it may seem like saving up to take leave following the birth or adoption of a child is the norm, it is not the standard by which most of the rest of the world follows. The United States is the only industrialized country that does not offer all of its citizens paid family leave. Moreover, it is one of only eight countries around the world that does not offer any sort of paid leave at all. Here is how the U.S. stacks up to other countries.

Australia: In Australia, either the mother or father can take up to 18 weeks of paid leave. One parent can take the entirety of the leave, or they can choose to split up the weeks as they see fit.

France: France offers women leave paid at 100 percent for 16 weeks, and for up to two and a half years if they have two kids. The country offers their spouse six months of parental leave.

Finland: In Finland, maternity leave begins 50 days before one's due date, and 100 percent pay for four months. After that, mothers can take a 70 percent allowance of their salary until their baby is nine months old.

Germany: German mothers are paid for up to a year after childbirth. However, the law allows from three years family leave if needed.

PERSONNEL



“Actually, we like to hire working moms. They don’t have time to get sick.”

Kenya: Kenyan mothers are given full pay for 13 weeks.

Sweden: Swedish parents can take up to 480 days (16 months) of leave at 80 percent of their salary. Citizens are allowed to be on leave until their child is 18 months old.

United Kingdom: British mothers are offered 90 percent of their pay for up to 39 weeks, and are required to take at least 2 weeks leave (4 weeks if they are working in a factory).

The Netherlands: Dutch citizens have a minimum of 16 weeks for maternity leave paid at 100 percent.

India: India offers its mothers 100 percent pay for 26 weeks.

If the figures from other countries make you jealous, they probably should! This is just a small sample of the other places that mandate some form of paid leave. Almost every other country recognizes the importance of allowing a mother to recover from the effects of childbirth and allow her time to bond with her newborn. Some are even going to lengths to acknowledge the importance in fathers taking some time off.

Americans should care about their workers as much as the vast majority of the world does. If you haven’t thought about it before, now might be the time to reach out and continue to press your local congressman to support these long-awaited changes.

2018 Labor Notes Conference

Labor Notes describes itself as “a media and organizing project that has been the voice of union activists who want to put the movement back in the labor movement since 1979.” Through its monthly newsletter, website, books, conferences and workshops, Labor Notes provides education and useful tools in the labor movement. Every two years, Labor Notes hosts a conference that brings together grassroots union activists, worker center leaders, and others to provide relevant information and education. This year, the conference was held in Chicago from April 6th through April 8th.

This year’s conference was the largest to date, with over 2,500 workers and supporters from all over the United States and 25 different countries. Attendees had access to over 200 meetings, workshops and sessions. The subjects covered included creative organizing tactics, assertive grievance handling, concerted activity education, and addressing strategies in the wake of *Janus v. AFSCME*. The conference suggested different tracks based on whether you were a steward looking to develop your skills, an educator, someone interested in healthcare or racial and social justice, amongst many other workshops.

A highlight from the weekend was stories from the West Virginia Teacher Strike. Several of the teachers involved came in to talk about the origins of the statewide strike, how they came together to organize, and the lessons they learned from the entire process. The teachers addressed the impact of their actions on other educators throughout the nation and what it means for future collective bargaining and organizing.



“We’re looking for someone who likes to be bossed around.”



"And after I lost that 100 pounds, my company dropped half my insurance coverage."

This year's conference provided the opportunity for union activists to come together and network in the uncertain and seemingly divisive current climate. It offered the time to propose strategies and plan for the future of our unions.

Letter of Instruction: Guidance, Not Discipline

Most Collective Bargaining Agreements include sections on the Discipline Procedure, and some might reference what is known as a Letter of Instruction or an "LOI." Despite what it may sound like, a LOI is strictly a counseling tool. Counseling tools serve to apprise the worker of the expected workplace behavior and allow the employee the chance to correct that behavior before any form of discipline is necessary. Accordingly, LOIs and other counseling methods should not be used as a form of discipline or as evidence to later further discipline an employee.

These are some examples of when a LOI is no longer considered counseling, and instead becomes disciplinary in nature:

In the case of *The City of Newark and Fraternal Order of Police* (2006), the Employer issued "counseling" forms to its employees, which included the corrective action taken and imposed consequences for further misconduct. The Arbitrator in this case decided that these were not counseling forms, and that the Employer issued the forms as part of the discipline process and in violation of the collective bargaining agreement. Although the Employer insisted that the

forms were strictly counseling, they were holding the employee accountable for violating employer policies, which took them outside of the scope of a tool used strictly for counseling.

The Arbitrator in *Department of Veteran Affairs and American Federation of Government Employees* (2013) best explains it with the example of an employee who violates a company dress code. If that person violates the company dress code, counseling would be if you asked the employee if they understood the workplace dress code, perhaps issuing them the policy. Discipline, on the other hand, is telling the employee their conduct is improper and threatening and predicting a penalty for the alleged violation.

In the *Veteran Affairs* case, the Arbitrator decided that a written "counseling" letter that was clearly negative in tone, disapproved of the grievant's conduct, and identified future discipline was, in fact, a form of discipline issued by the employer although it was labeled otherwise.

Similarly, if your employer issues you an LOI that describes any negative conduct and identifies the possibility of further discipline, then it is a form of discipline. This is significant because any form of discipline issued triggers the right to have a Union representative present and gives you the opportunity to defend yourself from any accusations. Further, if any further action results against you, counseling should not be introduced as evidence to support the company's adverse decisions. If you feel that you were improperly issued discipline disguised as a LOI, be sure to reach out to your Union representative for further guidance.



"Actually, I was hoping for a more inspiring mission statement."

JetBlue Flight Attendants Vote to Unionize

JetBlue flight attendants are amongst the newest airline crew members to vote for Union status. Around 5,000 flight attendants voted 2,661 to 1,387 to join the Transport Workers Union (TWU). In this move, the workers are following the airline's pilots who voted to unionize back in 2014.

The largest airlines usually have four unions, representing pilots, flight attendants, mechanics, and ramp workers. Most airline crews, including flight attendants already have union status. However, the flight attendants of Delta Airlines have yet to follow suit in unionizing.

JetBlue Corporation has been adamantly opposed to this action, advising workers that if they were being harassed by organizers to "just say no." The company expressed their disappointment with the results, stating "While we respect the outcome of the election, we are disappointed in this result because we believe the direct relationship is superior to third-party representation." Those statements do not mean much since the workers have already spoken, and with that have gained higher work standards, improved wages, and job security. Hopefully the flight attendants can work together to encourage their fellow workers at the airline to do the same.

Union Hater Loses Congressional Election

Owing to more conservative views on hot-button issues like guns, abortion and immigration, Pennsylvania's 18th District has been a heavily Republican district during the last several elections, even though the district has been Gerrymandered to include some of the suburbs and rural areas just south of Pittsburgh. So strongly Republican that President Trump won the District by nearly 20 percentage points and the former eight-term incumbent, Republican Tim Murphy, never once had a close election, and didn't have any Democratic challenger in his last two elections.

Given this history, Rick Saccone of Western Pennsylvania, the Republican nominee in the Special Election for the seat vacated by a Republican, believed that all he needed to do to win is be the Republican nominee and show a strong support for President Trump's political agenda.

Saccone would tell several thousand supporters gathered for a rally with Trump that they must send "an ally of the president" because "we've got a country to save. He would say his race was about "making America great again." Saccone would be seen mocking reporters and encouraging the approval of his crowds by chanting "CNN sucks!"

However, President Trump was able to win over many of the voters in the 18th District with his talk of reviving American manufacturing and coal mining. The United Mine Workers Association, unsettled about the effect of the Obama administration's environmental regulations on the coal industry and Clinton's promise to continue them, declined to endorse the Democratic presidential candidate in 2016, which some believe was a factor in Clinton's defeat.

Opposing Saccone, was a moderate pro-gun, anti-establishment Democrat named Conor Lamb. While Saccone's supporters tried to characterize Lamb as a "closet liberal", saying "He's trying to act like a Republican [but] he won't give [Trump] one vote," the underlying issue for many voters was Lamb's support for organized labor and Saccone's opposition to it.

Throughout his political career, Rick Saccone has been an unrepentant adversary of organized labor. He supports so-called "right to work" laws, has failed to endorse federal legislation to aid coal miners' pensions, has angered building trades unions with his vote against a 2013 transportation infrastructure bill, and displeased public-sector unions with his vote for a 2017 bill making it harder to collect union dues from public employees.

In contrast, Conor Lamb listed "Unions" as a major priority for his political agenda and declared: "I support unions, and I'm proud to be endorsed by the AFL-CIO. I believe that all workers have the right to organize and bargain collectively for better wages, benefits and working conditions. And I know that when unions do the work, it gets done on time and on budget. Union members in our district can count on me to be the most effective ally they have in fighting to protect their rights, support prevailing wages and Project Labor Agreements, and defeat the ideological extremists who want to put unions out of existence."

With its high concentration of steelworkers, coal miners, carpenters and civil servants, of which about 23 percent of voters remain unionized, union supporter Conor Lamb defied the odds and was elected to represent Pennsylvania's 18th District.