

The Professionals Guild of Ohio



PGO UNION NEWS

December 2018

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Election Roundup

How did states with high-profile union fights fare in the 2018 mid-terms? The elections were a mixed bag.

Wisconsin union members got to vote out the state's number one union-buster: Scott Walker. The governor who rose to the national stage by kneecapping unions was narrowly ousted in a high-turnout election.

Walker's notorious Act 10 all but banned collective bargaining for public sector workers, banned dues deduction, and forced unions to re-certify every year. Under his lead, the state went "right to work" in both the public and private sectors, and union membership plummeted 40 percent.

Teachers unions campaigned hard for winner Tony Evers, who vowed to increase school funding by \$1.4 billion and end the voucher program that funnels public money to private schools.

Two other Midwestern states, Michigan and Illinois also ousted anti-union Republican governors.

Michigan has seen the last of Governor Rick Snyder, who signed the state's right to work law in 2012 and established dictatorial control over many Michigan cities and

school districts through the "emergency manager" system, throwing out union contracts and corrupting Flint's water supply along the way. Snyder was term-limited out and will be replaced by Democrat Gretchen Whitmer, who promptly named both the CEO of Blue Cross and a former Ford executive to her transition team. The state retained its Republican-dominated legislature.

In Illinois, unions were pleased to be rid of Governor Bruce Rauner, a named plaintiff in the Supreme Court's *Janus* decision and a foe of teachers and public-sector pensions. The new Democratic governor, billionaire Hyatt hotel heir Jan Pritzker, overtakes President Trump as the richest elected official in the country.

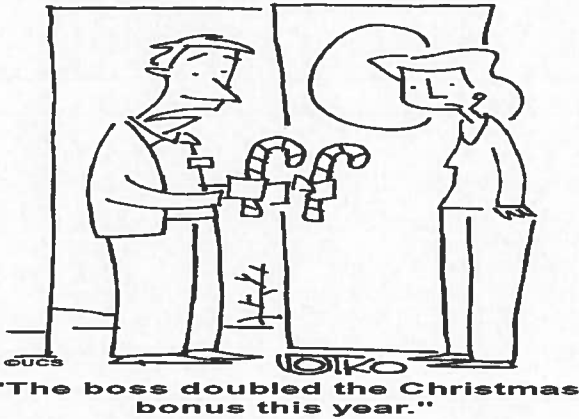
Source: Labor Notes, December 2018

In Ohio, Republicans retained the levers of power in all state branches of government. Right to work was disavowed by governor-elect Mike DeWine and the majority leaders of the House and Senate. Time will tell if this remains true.



Wilson / UCS

HAPPY HOLIDAYS



Marriott Workers End Strike

Nearly 8,000 workers at the world’s largest hotel chain have returned to work after over two months of striking. Marriott employees across the country initially went to strike after going to impasse over the issues of wages, healthcare, and job security.

Workers in San Francisco, Honolulu, and several other U.S. cities were able to reach deals on different disputes. Housekeepers under the new contracts will have reduced quotas for cleaning rooms, as well as panic buttons for extra security measures. In San Francisco, housekeepers will see \$4 an hour increases over the term of their four-year contract. Additionally, members will receive a pension of \$50/month for each year of employment. The workers, with nearly 100 percent ratification, approved the new contracts. Although the decision to walk out and participate in a lengthy strike could not have been easy, by doing so the workers have won this battle.

Public Employee Right To Speak Out In A Public Forum

The right to freely express oneself is a fundamental right imbedded in the U.S. Constitution and adopted in the Constitutions of all 50 states. For this reason, most of us believe that we have a “right” to speak our minds, including the right to speak out openly about actions being taken by a governmental entity.

However, as public employees, we have to be aware of the limits restricting our speech and conduct, when it comes to criticism of governmental policies and activities. In legal terms, as a public employee we are protected by the First Amendment when we engage in such action: (1) as a “citizen”; (2) in regard to “a matter of public concern”; and, (3) that is not outweighed by the “interest of the public employer in pro-

moting the efficiency of the public services it provides.”

Acting as a “citizen” is behaving in the capacity of, and relying on information available to, any “private citizen,” as opposed to doing something that is specifically related to our particular job or is in line with actions performed in our work. In other words, if, as a public employee, we speak out about something in the workplace that we would be expected to report internally, then we are not speaking as a private citizen and are not protected by the First Amendment.

Matters of a “public concern,” generally include such topics as elections, pending legislation, corruption, race discrimination, public health and safety. Issues regarding internal employment actions that do not touch on these public concerns are normally unprotected, especially when it raised be someone who is personally affected by the employment action.

When a teacher sends a letter to a local newspaper regarding the funding policies of the school board, this is a action based on information available to any private citizen, relating to a community issue, which has little possibility of either interfering with the teacher’s performance in the classroom nor with the general operations of the school system. Therefore, the teacher’s conduct is protected by the First Amendment.

Conversely, when two social workers publicly complained about their caseload, their conduct was not protected by the First Amendment because their complaint was related to their official duties. So, too, when a police officer posted a memo protesting unit cut-backs, this was seen as the actions of a disgruntled employee upset that his professional suggestions were not followed, rather than the actions of a private citizen addressing an agency policy.





"We work 364 days and get one day off. He works one day and gets 364 days off. We need a union."

The same rules that apply when sending letters to a newspaper or posting a public memo also apply to attending and speaking at a public meeting of a board or agency. However, in a public forum, the employee's tone and demeanor can affect whether or not the conduct will be protected by the First Amendment.

When a school district employee spoke out at a technology committee meeting, he was described as being highly critical of the logistical issues to the point of being "the most negative person in the room." The employee's comments were directed at the superintendent and the board members with whom the employee had close working relationships. The employee filed a suit claiming a violation of his First Amendment rights when the school board opted not to renew the employee's contract.

The employee lost his suit finding that the school district's interests in providing efficient educational services outweighed the employee's right to free speech addressing matters of public concern. The court agreed with the school district's assessment that disharmony would ensue if an employee with a primary responsibility for implementing a district initiative could speak against the program publicly, directly to the person tasking him with implementing the program.

A Quick Overview of Worker's Compensation

In Ohio, the workers' compensation law compensates employees that suffer a work-related injury or occupational injury. In the case of an employee's work-related death, it provides benefits to that person's dependents. Under the law, it does not matter who is to blame for any accidents- the worker should still be covered and compensated. However, the injured employee

generally cannot sue the employer in court for the related incident.

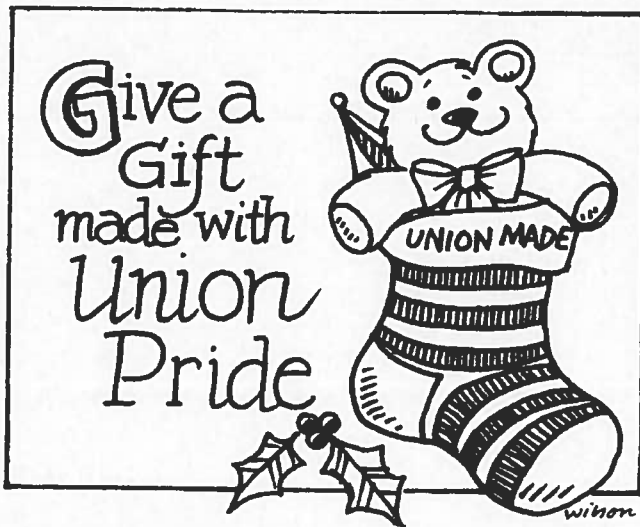
If you are injured on the job, report it to your employer immediately. At this time you should also document everything. It is very important that you keep a record of everything that happened related to your injury. As time passes, you may forget little details that might be significant to your case. In obtaining information, you should try to get medical reports from your company, your doctor, and the hospital that treated you. You should also obtain reports of witnesses to the accident, any accident investigation reports, and other useful forms.

Worker's compensation claims work as follows. Once an injured worker goes to the doctor, the Bureau of Workers Compensation (BWC) is notified. The BWC issues a claim number, and in turn notifies the workers of that number. Before you file a claim, make sure that it has not already been filed. If a claim has not been filed, it is your responsibility as the worker to file one within two years of the injury.

After the claim has been filed, you will receive a letter acknowledging that the claim has been received. The letter will have the contact information of the individual handling the claim, or the claims specialist. The claims specialist will then review the claim to make sure it has all pertinent information and to see if it meets workers compensation requirements. The claim will be either approved or denied by the BWC. If it is approved, workers compensation benefits will be paid to the injured. If the claim is denied, all hope is not lost yet- you have opportunities to appeal the decision.

If you have been injured on the job or believe you have suffered an occupational injury, get in touch with your union representative, and begin the process of filing a worker's comp claim. Claims can be filed online or in-person at one of Ohio's local claim offices.





Have a Union-friendly Christmas!

It's that time of year again! As you are gearing up to go Holiday shopping, or preparing for time with your family, keep the following union-made products on your lists.

Games and Toys

- *Hasbro board games*
- *Baby Alive*
- *Littlest Pet Shop*
- *Tomy toys and games*
- *American Athletic*
- *Play-doh*
- *Weebles*
- *My little pony*

Sports and Recreation

- *Phillips-Van Heusen*
- *Red Wing Shoes*
- *Wolverine Boots*
- *Union Boot Pro*
- *American Athletic Gym Equipment*
- *Bell Sports*
- *Ebonite Bowling Balls*
- *Callaway Golf*
- *Top Flight Golf*
- *Louisville Slugger*
- *Wilson Sporting Goods*
- *Rayovac Batteries*

Holiday Treats

- *Allan Traditional Candy Canes*
- *Ghiradelli Chocolates*
- *Hershey Chocolates*
- *Jelly Belly*

Wines and Spirits

- *Andre Champagne*
- *Arbor Mist*
- *C.K. Mondavi*
- *Chateau Ste. Michelle*
- *Cook's champagne*
- *Gallo Estate wines*
- *Gallo of Sonoma*

For a more complete list of union products and food options, visit unionlabel.org.

**PGO Executive Board
2019 Meetings Scheduled**

Quarterly 2019 meetings of the PGO Executive Board are scheduled for January 26 at the PGO offices in Columbus, April 27 at the Montgomery County Children Services offices in Dayton, July 20 at the PGO offices in Columbus and October 19 at the Lucas County Children Services offices in Toledo. All meetings are scheduled to begin at 10:30 a.m. All meeting dates, times and locations may be subject to change by the Executive Board.

PGO Office Holiday Schedule

In observance of the Christmas and New Year Holidays, the PGO office will be closed on December 24, 25, 28 and 31, 2018, and January 1, 2019.

