

# The Professionals Guild of Ohio



## PGO UNION NEWS

**January/February 2018**

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### **PGO Hires New Field Representative**

The Professionals Guild of Ohio is pleased to announce that it has hired Jada Walker as its new field representative. Jada began work with PGO in December, 2017. Jada is a native of Columbus, Ohio, and is an experienced advocate for workers' rights. She attended Georgia State University in Atlanta, Georgia and graduated with a Bachelor of Arts degree in history. She then ventured to Washington D.C. to earn her law degree at Howard University.

Jada's interest in labor and employment law began when she served as a law clerk for the American Federation of Government Employees (AFGE), primarily processing worker's discrimination complaints. She then worked as a law clerk for Communication Workers for America (CWA), where she gained more insight on union rights and responsibilities. Before returning to Ohio, she worked in the judicial system of Connecticut, researching and writing civil cases for several judges.

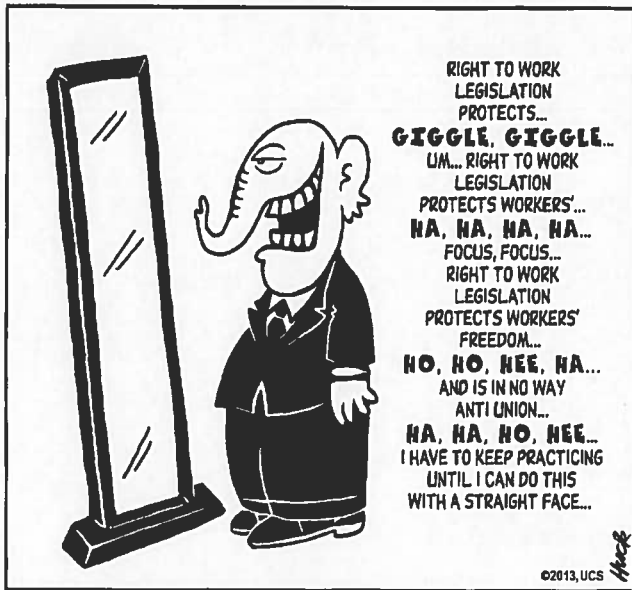
Jada brings to PGO a dedication and commitment to fighting for the rights of Ohio's public employees. We look forward to working with her as she fights for PGO and its members.

### **Ohio GOP Lawmakers Pushing Right to Work**

Two Ohio lawmakers propose to put six right to work Constitutional Amendments on the 2020 ballot. Representative Craig Riedel (R-Defiance) and John Becker (R-Union Township) say right to work laws, which prohibit fair share fee payments by non-union workers, would benefit the entire state. What they are not saying publicly is that their ballot measure would preclude the Ohio Legislature from enacting any laws in the future that would benefit public employee unions.

The six proposed amendments would:

- Prohibit private sector agency shops, or a place of work that requires its employees to join a union. This is the only amendment that deals with the private sector.
- Prohibit public sector fair share fee requirements.
- Prohibit public sector contractors from paying prevailing wage, or the hourly wage, usual benefits and overtime, paid to the majority of workers, laborers, and mechanics within a particular area.
- Prohibit certain labor clauses in government contracts, such as



favoring or discriminating against bidders based on their union or non-union status.

- Require an annual election of an “exclusive representative,” meaning an employee organization or other representation group, by a majority of members of a bargaining unit.
- Prohibit union dues from being deducted from a public employee’s pay and prohibit union dues from being used for a political purpose without an employee’s consent.

In support of his proposal, Riedel says he worked with a steel company in Indiana for many years, states that he saw the benefits of right to work in that state. However, a detailed search of Riedel public statements has failed to produce any record stating exactly what benefits he personally observed.

Craig Riedel is the same legislator who introduced House Bill 53 prohibiting a public employee union from requiring any form of fair share payments from bargaining unit employees who refuse to join the union. (The specifics of HB 53 were reported in the last newsletter.)

In opposition to Riedel and Becker is House Democratic Leader Fred Strahorn, who released a statement Tuesday saying right to work laws would harm working families. Facts supporting Strahorn’s position include the following:

- Communities lose jobs when wages are lowered by right to work: The Economic Policy Institute estimates that for every \$1 million in wage cuts, the local economy sheds six jobs.
- Right to work does not improve the employment rate: Seven of the 11 states with the highest unemployment rates have right to work laws on the books.
- Wages have remained stagnant and employee benefits have continued to decline while right to work laws have been on the increase in the U.S.
- Data regarding wages and benefits in unionized states compared to non-unionized states clearly establishes a disparity in income favoring the employees in unionized states.

### 2017 Cost of Living

Inflation is the increase in the cost of things over time. Thus when there is inflation, it takes more money to buy the same things (food, gasoline, etc.) than it did in the past. Inflation is regularly measured on a monthly and yearly basis.

Inflation is important because it can effectively decrease your real wages. For instance, over the past twelve months inflation has been two percent. This means that on the whole you will need to earn two percent more money this year than you did one year ago in order to maintain the same purchasing power.



"I am not a lazy bum! I am a potential workaholic with highly developed stress management skills!"



"It's \$50 for fixing the sink, and \$300 for babysitting your husband."

### How DACA Affects the American Workforce

The Deferred Action for Childhood Arrivals (DACA) was a program that was implemented to protect individuals who arrived in the country from deportation. Some of these individuals have been in the United States as early as infancy, and do not know a life outside of this country. Following an expansion DACA by President Obama in 2014, the program has recently been under attack by the current administration. With legislators in Washington unable to reach a deal, nearly 700,000 individuals with lives established in the U.S. face the risk of deportation.

These individuals are, amongst many things, teachers, caregivers, and healthcare providers. They contribute billions of dollars to our communities, economy and in tax revenue. Moreover, with the loss of DACA workers, the economy would face billions lost in GDP, and contributions to Medicare and Social Security programs. There is an imposed expiration date of March 5 for current recipients, so it is up to Congress to reach a compromise to protect those individuals.

### 2018 Minimum Wage

The minimum wage in Ohio has been increased to \$8.30 per hour, effective January 1, 2018. This is a fifteen cent increase from 2017. Please keep in mind that this is a minimum hourly wage for all hours worked in a work week in Ohio up to forty hours. Overtime (time and a half) rates apply to any hours worked beyond forty hours in a work week.

### Criticism of Workplace Conditions = Protected Concerted Activities

The National Labor Relations Board (NLRB) recently upheld a decision finding that a company committed an unfair labor practice when it issued an employee/union organizer a verbal disciplinary warning for discussing certain workplace conditions with his coworkers.

The disciplined employee expressed to other employees that he thought the company's recently changed production standards were too stringent and required more work. He subsequently received a verbal warning which stated that "his repeated negative attitude and disrespectful behavior . . . have become disruptive to the workforce and work environment." He was told that he needed to stop disrupting the work environment by making comments such as being forced to work twenty hours a day.

The Judge found that the employee was engaged in protected concerted activity and therefore, the verbal warning violated sections of the National Labor Relations Act (NLRA). Workers in Ohio are protected under a similar law that provides the right to address workplace issues without employer interference.

### 2018 IRS Mileage Rate

If your collective bargaining agreement provides for the IRS mileage rate for mileage reimbursement, you should notice an increase in your mileage check. The IRS mileage rate for 2018 will be 54.5 cents per mile, up one cent from the 2017 rate.



"I THINK 'BROWN NOSING' BEATS 'NOSE TO THE GRINDSTONE' EVERY TIME."

## Ohio Public Employee Unions Under Attack (Again)

Top corporate executives and billionaire contributors to right to work organizations throughout the country are willing to dig deep into their own pockets to undermine collective bargaining because a strong union presence is one of the main protections that keeps workers' wages above minimum wage. They are joined by the political front groups of the anti-union movement, such as the American Legislative Exchange Council, or ALEC, which funnels large amounts of money to local, state and federal politicians to advance its anti-union agenda.

The anti-union strategy is simple: (1) Offer little or no opposition to current efforts to increase minimum wage in strategic states; (2) convince workers and the general public in those states that unions are not truly benefitting workers since the increase in minimum wage rates have will move wages of non-union workers closer to that of union workers; (3) strongly support state ballot and legislative measures that effectively cripple a union's financial ability to support candidates and legislative actions favors higher wages and worker protections; (4) successfully oppose all future legislative efforts to increase minimum wages and all other pro-worker legislation confident that unions have become too weakened to mount any effective opposition.

- **Step One: Surge in State Minimum Wage**

This year, eighteen states, including Ohio, will begin increasing its minimum wage rates. House Bill 86 will increase the state minimum wage to ten dollars and ten cents per hour beginning 1/1/2019.

- **Step Two: Anti-Union Billboard Campaign in Ohio**

Conservative think tank "The Buckeye Institute" announced its "Billboard Campaign" as part of its continuing support of the effort to make Ohio a right to work state by implementing a "Billboard Campaign." Under the guise of supporting worker voting rights, this billboard campaign has been created as a marketing tool supporting the Ohio right to work ballot measures to be proposed for the 2020 election. By deluding the public into thinking workers have no voting rights when it comes to union representation, the institute hopes to garnish public support for making unions more "accountable" through the provisions of the 2020 ballot amendments. What the public is not being told

is that the real goal of the ballot amendments is to restrict the financial solvency of public employee unions by removing all dues/fair-share requirements currently required of bargaining unit members.

- **Step Three: Ohio Lawmakers Propose Right to Work Ballot Measures for 2020**

Check this one off the list, as GOP lawmakers have introduced a bill to put right to work on the 2020 ballot (see page 1).

- **The Anti-Union Ace-in-the Hole: *Janus v. AFSCME***

It is possible the anti-union four-step strategy will become an unnecessary component of their effort to destroy public employee unions. Sometime in the next five months the U.S. Supreme Court will make a ruling in the case of *Janus v. AFSCME*. A ruling against the employee union AFSCME will allow public sector employees to quit their unions and not pay dues, while the unions remain legally-bound to represent them. That outcome will be financially crippling for public employee unions and a damaging blow to the labor movement.

Sadly, the *Janus* case does not present any new legal theory requiring the attention of the Supreme Court. The very same issues were previously ruled upon in 1977, in the Supreme Court decision in *Abood v. Detroit Board of Education*. The *Abood* ruling established the practice of "fair share" fees for employees who disagreed with their union's political campaigning practices. While allowing a partial refund of dues used for union political activities, the *Abood* decision mandated the continued obligation of the employee to pay normal union dues to support all other labor activities including representation for wages and benefits, grievances and disciplinary matters.

So, what has changed since 1977 creating the basis for a Supreme Court review of a previously decided issue? The only change is the make-up of the U.S. Supreme Court. A series of Republican appointed justices since 1977 has turned the court's character strongly toward the conservative right. The anti-union forces are now banking that Chief Justice John Roberts has no regard for his judicial legacy; that he will ignore the 40-year precedent created in the *Abood* decision and willingly offer himself up to become the poster boy for crippling the institution of collective bargaining and destroying wage growth for workers in the U.S.