

# The Professionals Guild of Ohio



## PGO UNION NEWS

March 2018

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### **Workers Protest “Rigged System”**

On Saturday, February 24, 2018, tens of thousands of workers across twenty-eight cities nationwide rallied to protest billionaire-funded attacks on working people. In Columbus, workers gathered at the Statehouse from every corner of the state. Busloads of working people came from Cleveland, Toledo, and Dayton, and were joined by sisters and brothers from Columbus and other cities in a show of solidarity not seen since the 2012 repeal of the anti-union Senate Bill 5 campaign.

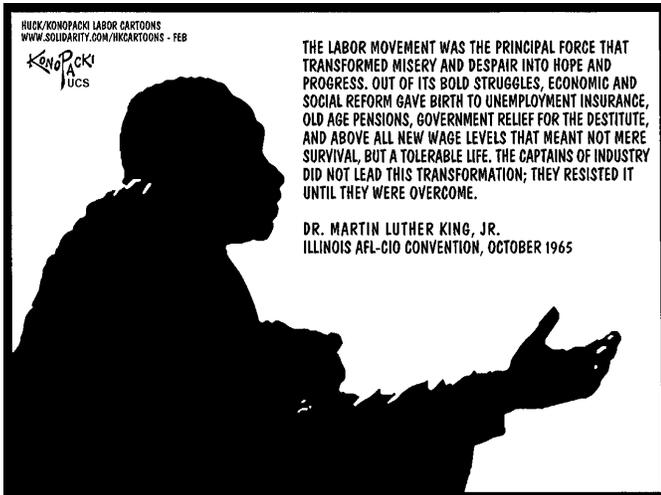
Called “The Working People’s Day of Action,” the massive wave of protests came just two days before the U.S. Supreme Court hears a case that could disrupt the ability of working people to stick together in strong unions. *Janus v. AFSCME* is the lawsuit funded by billionaires, corporations and special interest groups that would reverse forty years of precedent and force “right to work” in the public sector in every state. These protests were in response to the unrelenting attacks on working people, families, women and people of color.

According to the Ohio AFL-CIO, The Working People’s Day of Action capped a resurgence in grass-

roots efforts to realize the unfinished work of Dr. Martin Luther King, Jr. and the sanitation workers who went on strike in Memphis fifty years ago. Dr. King died in Memphis defending the same workers’ rights that are now under attack at the Supreme Court. Honoring Dr. King’s call to action, marchers took to the streets with signs that read, “It’s About Freedom,” and “Unrig the System.”

In just the last few weeks, more than seventy cities observed a Moment of Silence to honor the two Memphis workers who were crushed to death on the job and sparked the pivotal 1968 strike. Fast food workers walked off the job in dozens of cities on the anniversary of the strike and activists in the new I AM 2018 campaign and Poor People’s Campaign kicked off efforts to mobilize and energize thousands of people across the country.

“We’re standing shoulder to shoulder to rise up against those advancing their profits over our progress,” said Jobs With Justice Executive Director Sarita Gupta. “No court, no president, and no corporate bully can stop us when enough of us unite for our freedoms to achieve a decent living, equitable workplaces, strong health care, safe communities, and a better future.”



“In the *Janus* case, and on so many other fronts, we are faced with a choice: a race to the bottom where the richest keep getting richer and the rest of us fall further behind, or a society that puts in place policies that work for all,” said Seema Nanda, Executive Vice President and COO of The Leadership Conference on Civil and Human Rights.

**Striking: A Means to an End?**

Labor strikes occur when workers come together and agree to stop working, usually in protest of a working condition or to gain some sort of right from their employer. Usually strikes occur as a result of disagreements over wages, raises, hours, benefits, time off, unfair labor practices or unsafe working conditions.

The conditions for striking should be covered by your Collective Bargaining Agreement and in Ohio, a strike by Public Employees is unauthorized or unlawful when it occurs while the Agreement is in effect. However, workers who go on lawful strikes are usually protected under federal and Ohio statutes from being terminated as a result of striking. Additionally, under Ohio Collective Bargaining Law, a strike does not include a work stoppage in good faith because of dangerous or unhealthy working conditions at the place of employment.

There have been a number of large strikes over the past decade which resulted in workers getting some of the conditions of employment that they were seeking. In late 2014, after fifteen days on strike, Reynoldsburg teachers were able to successfully negotiate caps on classroom sizes and pay increases into a new contract. In April 2016, about 40,000 Verizon workers walked out due to disagreements about outsourcing work, caps

on pensions and benefit cuts. The workers had been without a contract since August 2015, and the strike ended with the company conceding some major points of contentions to workers.

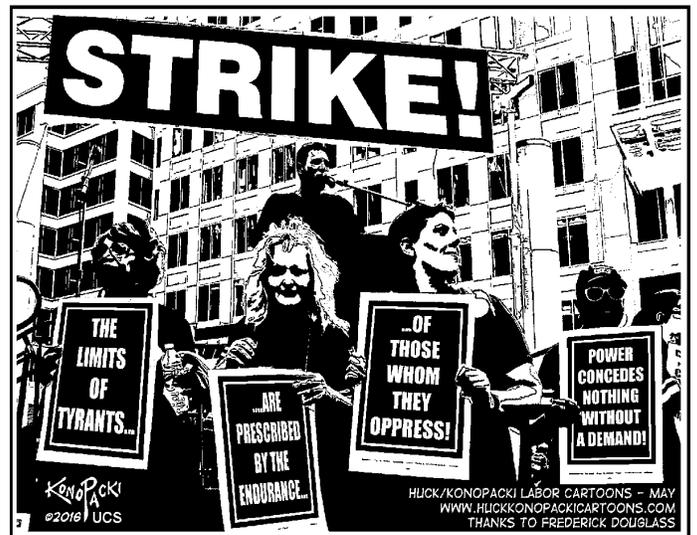
More recently, teachers in West Virginia public schools went on strike to protest for better wages and benefits. Currently, only three states have lower teacher salaries than West Virginia, forcing some educators to work additional jobs to supplement their income. The Governor of West Virginia signed a bill to give teachers a 1 percent raise over the next few years. However, these small increases followed rising health insurance costs and cuts to the educators’ insurance premiums and other benefits.

The teachers in West Virginia understand that striking can be used as a tool to get employers to recognize the value and importance of their workers and for workers to get the concessions that they deserve.

**Your Rights under the Family and Medical Leave Act (FMLA)**

The Family and Medical Leave Act (FMLA) was implemented in 1993 with the intention “to balance the demands of the workplace with the needs of families.” It was enacted so individuals would not have to choose between the demands of their family or their health or their job. FMLA provides eligible employees up to 12 weeks of unpaid job-protected leave per year.

Employers Covered by FMLA: Private sector employers with 50 or more employees; Public agencies (local, state, or Federal) and public or private elementary or secondary schools regardless of the number of employees.





**"You're entitled to a one-week paid vacation if you bring along your laptop with you and never turn off your cell phone."**

Employees covered under FMLA: In order to be eligible for FMLA, an employee must work for a covered employer; have worked for the employer for at least 12 months; have at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave; and work at a location where the employer has at least 50 or more employees within a 75-mile radius.

Type of leave protected under FMLA: Employees may utilize FMLA under circumstances such as the birth of a child or placement of a child of the employee for adoption or foster care; to care for a spouse, son, daughter, or parent who has a serious health condition; for a serious health condition that makes the employee unable to perform the essential functions of his or her job; or for any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

Serious Health Conditions under FMLA: FMLA is available to employees who cannot work because of a serious physical or mental condition or the condition of a qualifying family member. Characteristics of a condition that qualify under the Act include an overnight stay in the hospital; incapacity due to a chronic condition or pregnancy; and absences to receive multiple treatments for restorative surgery.

If you take unpaid leave under FMLA, you will generally have the right to return to your same position with the same pay, health insurance, and employee benefits that you had prior to medical leave.

For more information on FMLA, visit [www.dol.gov/whd/fmla/](http://www.dol.gov/whd/fmla/)

## **PGO Contract Negotiations**

### PGO Council 10

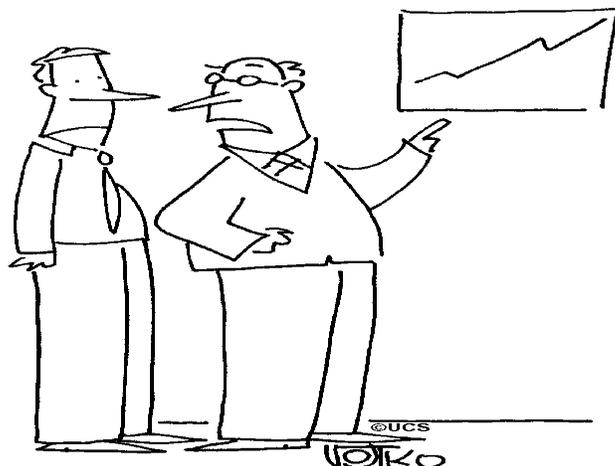
Greene County child welfare caseworkers represented by PGO have a new 3-year contract with the Greene County Commissioners, effective February 16, 2018. Council 10 members will receive 2 percent wage increases in February this year and each of the following two years (2019 and 2020). Other significant changes included counting vacations and holidays for purposes of computing overtime, increasing the weekly "On-call" base pay from \$50 to \$200, and increasing the monthly cell phone reimbursement stipend from \$20 to \$30.

The Union bargaining committee included Council 10 president **Karen Kibler**, vice president **Kate Sanderson**, delegate **Amanda Ray** and PGO executive director **Chauncey Mason**.

### PGO Council 17

Nurses represented by PGO and the Clark County Board of Developmental Disabilities recently ratified a new 3-year contract. Council 17 members received a 2 percent wage increase in July, 2017, followed by a 75 cents per hour equity increase in November. They will receive a 2.5 percent wage increase effective July, 2018 and another 2.5 percent wage increase in July, 2019.

Council president **Frank Raynor**, vice president **Pam King**, secretary/treasurer **Elizabeth Frauenknecht** and PGO executive director **Chauncey Mason** served on the Union bargaining committee for these negotiations



**"Make sure that's out of here before the union negotiators arrive!"**

## **Trump Busy Fast-Tracking Anti-Union Agenda**

With a proposal to demote the senior civil servants who resolve most labor cases, the Trump Administration has accelerated its effort to give the National Labor Relations Board more of a pro-employer direction. Under the proposal, a small group of pro-employer officials will be installed above current NLRB’s senior administrators, with the goal of shifting the day-to-day workings of the agency.

Peter B. Robb, the agency’s general counsel and a Trump appointee, outlined the proposal this month in a conference call with the regional directors, according to a letter sent by the directors to Robb. The regional directors and their staffs typically resolve more than 85 percent of the roughly 20,000 cases filed with the agency each year over disputed labor practices without involving the general counsel, the top enforcement official.

The proposal follows a series of aggressive changes in posture at the agency since last fall, when Republicans gained a majority on the five-member board. In early December, Robb released a memo announcing the end of many of his predecessors’ initiatives, including a campaign against employers who improperly classify workers as independent contractors. The memo also included a long list of hot-button issues on which regional directors were required to seek input from his office. Also in December, the agency overturned a key Obama-era ruling that had made it easier to hold companies responsible for labor-law violations at companies they do business with, such as franchisees and contractors.

Prior to his appointment as general counsel, Peter Robb’s career largely spent representing management, including handling part of the Reagan administration’s litigation against the air traffic controllers’ union that waged a strike in 1981. Most labor historians say the government’s hard line in firing the controllers contributed to organized labor’s decline in subsequent decades.

Demoting the regional directors and inserting a new group above them will most likely require approval of the NLRB. It remains to be determined whether the new officials will be civil servants or political appointees. The agency itself said that “given budgetary issues, the general counsel is assessing the current organizational structure for possible changes,”

but added, “No specific plan involving the restructuring of our organization has been developed.”

The proposed changes to the NLRB are consistent with a broader Trump administration hostility towards longtime civil servants, and part of what former chief strategist, Steve Bannon, called for as the “deconstruction of the administrative state.”

## **Trump Pushing to Shrink Worker Pay and Benefits**

According to a November 28 memo from the Office of Management and Budget the “OMB intends to issue a pay freeze for federal civilian employees in 2019” and “Per government-wide guidance, no civilian pay raise is included in the recommended level for the FY 2019 Budget.” It is believed that the pay freeze could be a prelude to deeper cuts to be attempted in federal workers’ pay and benefits. President Trump’s labor adviser, James Sherk, is formerly a labor-policy specialist with the far-right Heritage Foundation. In 2010 Sherk wrote an article entitled “Who in This Country Has More Than They Deserve? Most Federal Employees.”

Last year, Sherk co-authored a Heritage report recommending cuts to federal workers’ pensions, vacation and holidays, and step increases for longevity. The report also recommended policy and legislative changes that will make it easier to fire federal employees. “The cuts and pay freezes being considered by this administration are expected,” according to Steve Lenkart, Executive Director of the National Federation of Federal Employees. “[T]his administration has been forthright in its poor opinion of working people and their families”, said Lenkart in reference to the Trump Administration.

