The Professionals Guild of Ohio

PGO UNION NEWS

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Wage Theft: Robbing Workers of Their Livelihoods

By Paul Henry
PGO Field Representative

In the United States, almost 300,000 robberies take place every year. The total value of the property taken is close to $341 million. Though this may seem to be a staggering amount, it pales in comparison to a much more common crime: wage theft. Wage theft is simply not paying workers what they are legally entitled to. More and more, employers are routinely requiring workers to perform job duties off the clock. So how bad is the problem?

A study was conducted by the Economic Policy Institute where state labor departments, attorney generals, private attorneys, and the US Department of Labor turned over their records of amounts recovered for wage theft. The US Department of Labor recovered $280 million. The state departments of labor recovered $172 million. State attorney generals recovered $14 million. Private attorneys recovered $467 million. If you are keeping track, this amounts to $933 million in a single year. Keep in mind, these are only the amounts that were reported and recovered. Many times the workers do not feel they are in a position to challenge their employer and simply ignore the problem.

With close to $1 billion dollars being reported as stolen from workers, one would think the penalty would have to be pretty severe. The fact of the matter is… it's not. The maximum civil penalty for an employer who fails to pay the minimum wage or required overtime is $1,100. A full time minimum wage worker who is required to work an additional 30 minutes every day for a year which he doesn't get paid for is providing over $1,400 worth of services to his boss. These penalties provide no incentive for employers to stop ripping off their employees. Until the penalty matches the crime, employers will continue to take advantage of their workers.

"Once upon a time there was a thing called a pension..."

Is Retirement a Myth for the Baby Boomers?

By Paul Henry, PGO Field Representative

Since the Great Recession, Baby Boomers have had to face a hard truth: retirement may be a thing of the past. Currently over 9 million workers are 65 or older. As more and more Boomers are expected to reach "retirement," this number is expected to increase to almost 13 million. So why the dramatic increase in the number of aging workers? It appears the Great Recession is to blame.

The median net worth for a household heading towards retirement is only \$176,000. The previous generation had accumulated almost \$315,000. This 45 percent decline can be blamed mostly on when the housing market bubble burst. The Boomers collectively lost close to 2.8 trillion dollars in a two year span. Now, 40 percent of near retirees have absolutely nothing saved. For 57 percent of the near retirement generation, retirement account balances only average out to about \$15,000.

Even though the market has begun to recover, it is clear that severe damage has been done. For the children of the Greatest Generation, it appears hard times are ahead. Many will be forced to subsidize their retirement by working for as long as their health allows them. Retirement today is unfortunately not something which you earn through years of hard work, but as something you can achieve only if you are wealthy enough to get there.

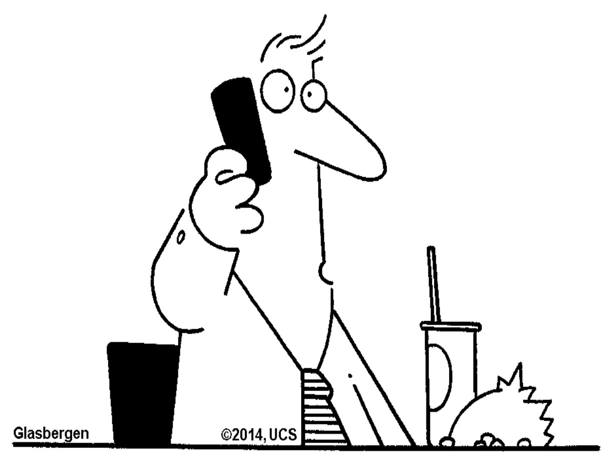
PGO Wins Member Back-pay and Leave

By Nicole Jackson, Esq., PGO Field Representative

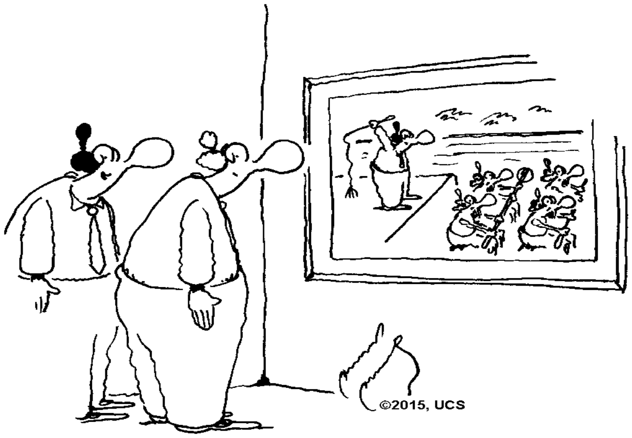
PGO recently won an arbitration for a member that was unjustly placed on an involuntary leave of absence from her job at Montgomery County Children Services (PGO Council 12). In late 2013, the member notified the employer that she needed an accommodation for her disability. The employer declined to grant a reasonable accommodation and, over the Union's objection, placed the member on an involuntary leave of absence. The employer then unilaterally exhausted the member's accrued sick leave, vacation and personal leave. The member was subsequently off work on this involuntary leave for four months, two of which were unpaid.

PGO filed a grievance that was eventually appealed to binding arbitration. The contract in this council states that the agency will abide by Federal and State Civil Rights Laws. The Union filed the grievances based on the employer's obligations under the Americans with Disabilities Act (ADA) and the contract's leave of absence provisions. The Union argued that the contract's leave benefits were employee-managed and that management had no right to unilaterally draw from the member's leave balances without her express permission.

The arbitrator concluded that management took it upon itself to both place the member on a type of "leave" of its own creation and eradicated her accrued leave benefits of various sorts to yield cash income until no vacation, compensatory, or sick



"I asked for a new position with opportunity to grow. They moved my desk next to the vending machines."



"That's me at fantasy camp."

leave days remained in her respective leave banks. The arbitrator called this conduct "egregious," and ordered the employer to restore the member's various leave benefits and ordered back pay for the two months she was out on unpaid leave.

The arbitrator also agreed with the Union's position that various leave benefits are exclusively employee-managed and cannot be exercised or otherwise invaded by the employer. The concurrent EEOC charge the Union filed on the members' behalf for failure to provide a reasonable accommodation under the Americans with Disabilities Act is still pending.

How to File a Grievance

By Nicole Jackson, Esq., PGO Field Representative

PGO receives a lot of questions from members regarding complaints in the workplace. Many employee problems can be resolved by filing a grievance. Here is a quick and easy guide on how to write and process a grievance.

1. Gather information on the 5 W's (**Who?, When?, Where?, Why?, What?**) and **How?**:

- **Who** was involved in the grievance? This information would include the grievant's name, work area, supervisor's name, and job classification.
- **When** did the grievance occur? Be sure to give the date and time as accurately as possible.
- **Where** did the grievance occur? Give the exact location (e.g., office, while traveling, etc.)
- **Why** is this a grievance? What has been violated? The contract? Agency Policy? A state or federal law? Remember, in order to have a valid grievance, there must be a violation of something.
- **What** is the employee's story? What is the supervisor's/management's position? What about witnesses? What do they say? What do the personnel records show?
- **How** do we remedy this situation? What adjustments are necessary to completely correct the injustice? What is needed to place the grievant in the same position she/he would have been in, had this injustice not occurred?

2. Once you gather all of the above information, complete a PGO Grievance form, make a copy and give it to the appropriate management person. Under the "Grievance Procedure" article of your PGO contract, it will outline the deadlines and management person you should file your grievance with. It is very important to follow the time limits for filing a grievance because if you miss a deadline, your grievance is automatically lost. Usually employees have between five to fourteen days after the event occurred to file a grievance.

Ask your local Union officers and stewards anytime you have a question about filing a grievance. You can also call the PGO office at 1-800-331-5428.

2015 IRS Mileage Rate

Effective January 1, 2015, the standard IRS mileage rate for business miles driven is 57.5 cents per mile. The business expense rate increased one-half cent from the 2014 rate.

"You can flip that chart right-side-up, sir. I'm not here to ask for a raise."

PGO Contract Negotiations

PGO Council 14

PGO members in Council 14 entered into reopener negotiations with their employer, Toledo's Aurora Academy, in April 2014. After reaching impasse, the respective positions were presented to a fact finder. The fact finder issued her recommendation providing a 1 percent wage increase and step increases for returning employees. The recommendation was deemed accepted by the Union and the employer.

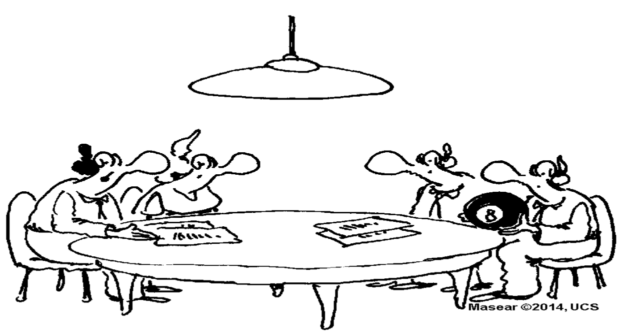
Surprisingly, the employer has since refused to implement the fact finder's recommendations. In response, PGO has filed an Unfair Labor Practice Charge against Aurora Academy. The ULP is pending an investigation by State Employment Relations Board (SERB). The Union and employer have also agreed to SERB mediation of the dispute.

The Union bargaining committee included Council 14 president ***Kimberlie Todd***, PGO field representative ***Paul Henry*** and PGO executive director ***Chauncey Mason***.

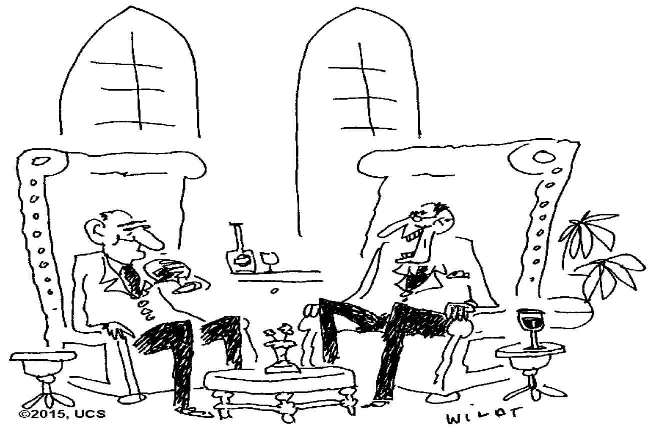
PGO Council 21

PGO members working for the Butler County Department of Developmental Disabilities negotiated and approved a three year contract effective October 1, 2014. The first year of the contract, the members will receive a lump sum payment of $550. The second and third year of the contract, they will qualify to receive a possible 2.5 percent based on their performance evaluations. The life insurance coverage for the members was increased as well as the number of vacation days which they will be allowed to cash in.

The Union bargaining committee included Council 21 president, ***Mindy Flora***, steward, ***Beverly Nagel***, ***Christine Obregon-Anderson***, and PGO field representative ***Paul Henry***.



"We would prefer an actual mediator for the contract negotiations."



"I leave worrying about taxes to those who pay them."

UN to Investigate...Detroit?

By Paul Henry, PGO Field Representative

When it didn't appear Detroit could receive any more bad news, it did. With its financial situation remaining in dire straits, it started shutting off the water supply of residents who were behind on their payments. The cost of water in Detroit is well above the national average due to its crumbling infrastructure and its inability to make repairs to its own water and sewer systems. Due to the number of residents these water shut offs have been extended to, the United Nations has become involved. The deprivation of water and sanitation to such a large amount of residents is being classified as a human rights violation.

This matter has become increasingly complicated for the city. In order to provide sufficient access to water, which the UN refers to as a basic human right, it must find a way to resolve who is just refusing to pay their water bill and who is unable to pay. Detroit will now be facing another uphill battle. Detroit must find the resources to attempt to subsidize the water bills for one of the most impoverished populations in the United States. Unfortunately, it no longer has the tax base to do so.

When a city in the United States suffers, we all suffer. Detroit used to be one of the greatest cities in our country. To allow it to deteriorate and fail should not be an option. Clearly there are major financial issues going on, but there has been little to no intervention (aka, help). Obviously the problem is out of hand when the United Nations must intervene and no one else will. What a shame.