

The Professionals Guild of Ohio



PGO UNION NEWS

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Supreme Court Limits Early Voting in Ohio

*By Nicole D. Jackson, Esq.,
PGO Field Representative*

In late February, the republican-controlled state legislature cut early voting, ended same-day registration, and made it easier to reject provisional ballots. Days later, Ohio Secretary of State Jon Husted announced further cuts to early voting, including the elimination of Sunday voting, which has been especially popular with African-American churches.

It has been reported that in the 2012 election, more than 157,000 Ohioans voted on the days that were cut. A disproportionately high percentage of those were low-income voters, many of whom are also African American. Lower-income voters tend to rely on evening and Sunday voting because they cannot take paid time off from work to vote during regular business hours. Among the African-American church community, Sunday voting has become an important cultural tradition. Many people also rely on the first week of early voting referred to as "Golden Week," in which individuals can both register and immediately cast a vote at the same time.

Voters across Ohio fought back against voter suppression by signing

petitions across the state to challenge the law. In May, The American Civil Liberties Union, ACLU of Ohio, NAACP, the League of Women Voters of Ohio, and several African-American churches filed a lawsuit asking a federal court to strike down the new state law and directive from Ohio Secretary of State Jon Husted that greatly reduced early voting opportunities in advance of the 2014 midterm elections.

The efforts were initially successful, and on September 4, 2014, U.S. District Court Judge Peter C. Economus ruled that cuts to early voting in Ohio must be restored in time for the November 2014 midterm elections. This order by Judge Economus restored "Golden Week," some expanded evening hours, and allowed individual county board of elections to set its own hours.

Ohio Secretary of State John Husted and his lawyer Ohio Attorney General Mike DeWine, also a republican, appealed the district court's ruling and the case went up to the Federal Court of Appeals where a panel of Judges agreed with the U.S. District Court.

On September 29, barely sixteen hours before the start of early voting in Ohio, the United States Supreme Court, by a vote of 5-4 delayed early



voting in Ohio. All five republican U.S. Supreme Court Justices voted yes to grant Secretary of State Husted's request to block the U.S. District Court Judge's order restoring cuts in early voting made by the republican-controlled Ohio General Assembly.

The message is clear: legislators will go to great lengths to implement voter suppression bills to fulfill their political agendas. Early voting is a good thing, it allows more people the opportunity to exercise their civic duty without issues such as work schedules and long lines stopping them. Secretary of State Husted decreed that all counties must have the exact same reduced schedules for their constituents, insisting that this is "fair" for everyone. However, it's not fair and it makes no sense to implement the same voting hours statewide when some counties have hundreds of thousands of registered voters and others have only a few thousand.

Although "Golden Week," was eliminated, Ohioans can still vote early prior to the November 4 general election, starting October 7. Check your local county board of elections for specific locations and times for early voting. **VOTE!**

Butler County Children Services Workers End Strike

By Paul Henry, PGO Field Representative

Butler County Children Services Independent Union (BCCSIU) has ended its three week strike. Employees returned to work on September 9, 2014, without reaching an agreement with the county. Becky Palmer, BCCSIU President, stated "We will continue to do our job like we are supposed to do; we will continue to support the families of Butler County. We want this place to be a place where fu-

ture social workers can come and we want our veteran staff to stay. We are not giving up this fight."

Many of the striking workers received calls from foster parents expressing concerns about the lack of coverage the county was providing while the workers were on strike. It was this concern for the children and the members of the community which led to the decision to end their strike and return to work. When discussing the actions taken by the county in providing services to the community, Palmer stated "It is apparent the steps undertaken have focused solely on attempting to fulfill state mandated requirements. This can hardly be described as providing those services for which the taxpayers of Butler County have come to expect in return for their investment."

Despite not reaching an agreement during the strike, the union and the county have stated they are both willing to continue negotiations. Though the strike may have ended, union leaders have declared that the fight for a fair wage for the workers is not over. We admire the courage and tenacity demonstrated by these workers in standing up to an administration that has such disdain and disrespect for its workers.

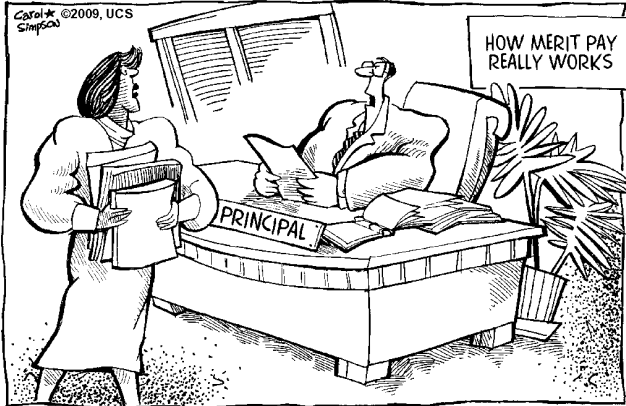
Reynoldsburg Teachers On Strike

By Paul Henry, PGO Field Representative

Negotiations between the Reynoldsburg School Board and the Reynoldsburg Education Association (REA) broke down over the course of the past couple weeks. After the Board's last proposal was rejected, a strike vote was passed on September 18, 2014. Now, about 360 union members are on strike.

Among other things, the board sought to eliminate the teachers' salary schedule to implement a merit pay system and eliminate district-sponsored health insurance. The Union proposed to enhance the educational opportunities for students by incorporating class size maximums.

Both sides rejected the others' proposals. When the community discovered that the board was attempting to force unreasonable demands on their teachers, they rallied around them and their union. Despite this overwhelming community support, the Board refused to back down, provoking the strike.



"Your teaching is fine, Ms. Harmony, but the last time you massaged my ego you missed a spot."

Over time, the board has backed-off some of its initial proposals, offering to maintain district-provided health insurance and the teachers' salary schedule, but only with additional pay based on performance. However, with classroom sizes approaching the mid-thirties, the REA wants to see a proposal which would prevent them from climbing even higher. Teachers believe that the money wasted on merit pay bonuses would be better spent reducing class sizes. The board refuses to meet this demand which has led to the strike continuing.

It is unclear how the issues will be resolved, but PGO wishes its union brothers and sisters success in resolving this dispute.

Public Employee Due Process Rights

By Nicole Jackson, Esq., PGO Field Representative

As a public sector employee, you have certain rights that employees in the private sector do not have. This is because the Constitution protects the public, including public employees, from deprivations of life, liberty, or property without due process of law. In Ohio, property interest in your continued employment is created by civil services laws, as well as under your union contract. This property interest is often described as an employees' reasonable expectation of continued employment. On the other hand, in the private sector, employees may be disciplined or terminated for any reason, as long as it is not in violation of law (discriminatory). Private sector employees that are not part of a union are called "at-will" employees.

Procedural due process requires public sector employers to provide a real opportunity for the employee to present objections to its proposed governmental action, usually before imposing discipline that will result in at least a suspension. In many cases, it is enough for the public employer to provide due process after taking action or to provide employees some minimal opportunity to be heard before taking action with a more thorough opportunity for a hearing afterwards (such as the grievance process). Notice and an opportunity to be heard (a pre-disciplinary hearing) are usually enough to satisfy due process requirements. This property interest in continued employment is one of the advantages of a public sector employee because job security in the private sector is minimal.

In addition to this due process right, public sector employers may not force employees to make statements that can be used against them in criminal prosecutions. The United States Supreme Court in *Garrity v. New Jersey* said that threatening to fire police officers who did not speak with investigators violated the employees' Fifth Amendment protection against self-incrimination. A public employer may require an employee to answer questions in an internal agency investigation if the employee is told that no answers will be used to prosecute the employee. Employees in the private sector do not have these "Garrity" rights since the Fifth Amendment applies only to the government, not private actors. All employees that are members of a union also have the right to the presence of a union representative during an investigation by the employer that may lead to discipline. This right is known as "Weingarten rights."



"I'd like you to keep your eyes and ears open to make sure our office is safe from any charges of sexual harassment. Thanks, babe."

John Kasich: A Man on a Mission

By Paul Henry, PGO Field Representative

Ohio Governor John Kasich felt the power of organized labor back in 2011 when the union-busting Senate Bill 5 was repealed by a voter referendum. In what appeared to be a change of heart, Kasich publicly stated that he had no desire to attack labor and that anti-union right to work legislation was not on his agenda. We hoped that the governor would be true to his word and stop trying to undermine workers and their unions.

Unfortunately, as quickly as Kasich made his promise to end his attack on workers, he broke it. Unable to win the full-scale war, he has chosen instead to chip away at labor’s foundation. Since Governor Kasich took office, the state has eliminated 4,648 union jobs which is approximately 8.6 percent of the its unionized workforce. The majority of these positions were prison staff.

Of course, despite the fact that it has been consistently proven to be untrue, Kasich passed off this elimination of positions as a “way to save the state money.” Since the privatization of prison food services, it has been one scandal after another. These scandals range from unreliable underpaid workers who fail to show up to work to maggots in the food being served to prisoners. It appears the Governor is willing to put the prison staff at risk in order to undermine their unions.

The 4,648 union jobs that were eliminated were positions where the state was the employer. This, however, is only a fraction of the number of unionized positions that have been lost under Kasich’s rule. Funding cuts to counties, townships, and mu-

nicipalities have decimated the ranks of their public servants. It is estimated that over 25,000 teacher, firefighter, and police officer positions have been lost due to these budget cuts.

Clearly, this is not a man who has changed his union-busting ways. Even though it may appear that everything has remained quiet, it hasn’t. So remember in November who came after you and your union when they thought they could get away with. Remember too who will come after you again if they get another chance. Let’s work to elect public officials that will support workers!

The Not So Friendly Skies

By Paul Henry, PGO Field Representative

Starting October 1, 2014, United Airlines is planning to outsource approximately 630 gate agent jobs. This move by the air transit giant would eliminate middle class positions that have historically been staffed by highly qualified union workers. These employees, who were earning a respectable fifty thousand dollars a year, will be replaced by non-union employees making around \$9.50 an hour.

United has claimed that it must outsource these positions to improve its financial performance for its shareholders. Contrary to these excuses, United earned over one billion dollars profit last year. The decision to outsource these positions highlights a trend of corporate interests choosing to hire low wage workers instead of providing a living wage for the highly qualified employees that it already has on staff. Michael Boyd, a consultant on United’s decision to outsource stated “It’s not a \$40,000 job to load bags. Cleaning planes is not a \$20-an-hour-job.”

This lack of respect for workers can be seen in everywhere these days. Managers and supervisors are “rewarded” with outrageous raises for overseeing employees work, but when workers seek to be rewarded for their productivity they are told they don’t deserve a wage increase. The same can be seen in the Postal Service’ attempt to outsource middle class jobs to Staples. This disdain for labor and what it accomplishes is devastating the middle class. Without workers standing up for their rights, this trend will continue.

