

The Professionals Guild of Ohio



PGO UNION NEWS

November 2015

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Staples Finally Listens

By Paul Henry,

PGO Field Representative

It finally appears that Staples may be listening to the millions of working Americans in this country. In recent years, in an attempt to out-compete other big box retailers, Staples chose to open on Thanksgiving to extend Black Friday shopping. This decision was based solely on the interest of corporate greed. The store believed that adding an additional day of door-buster sales would boost corporate profits. However, this was not the case.

The attempt to turn Thanksgiving into a shopping holiday has created some very unhappy people. Americans have made it clear—enough is enough. Depriving workers of the right to spend a holiday about giving thanks with their families for the love of money is contrary to what Thanksgiving is about.

Despite its typical anti-labor positions, it appears that for once Staples has listened. Staples says that it will remain closed this coming Thanksgiving, allowing its workers to spend time with their families. Maybe Staples has finally figured out that mistreating its workers is not good business. At a minimum, this is a move in the right direction.

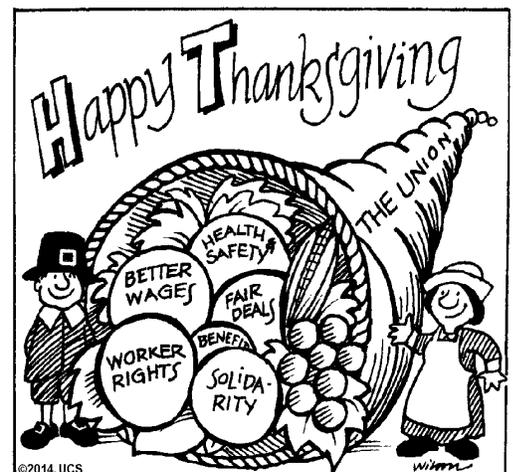
Staples profits have plummeted since it began its battle against the

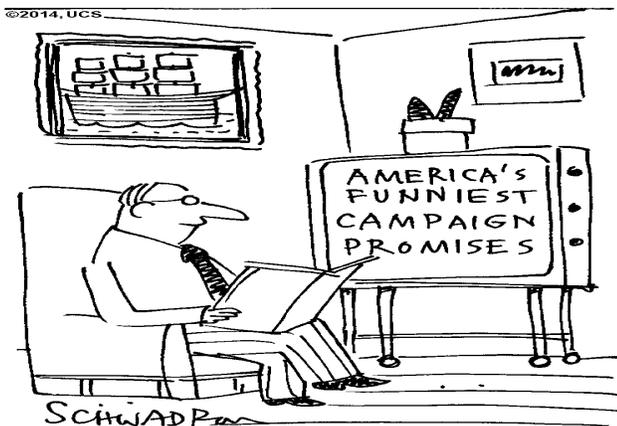
American Postal Workers Union and organized labor. The war to eliminate good middle class postal worker positions and replace them with postal kiosks staffed with minimum wage workers has not earned the retailer many allies.

We hope the fall of Staples profits has been a wake-up call to all corporate bosses much like the one Ebenezer Scrooge received in a Christmas Carol. Allowing employees to spend Thanksgiving with their families is at least a step away from “Bah Humbug.”

Thank You!

The officers and staff of the Professionals Guild of Ohio want to take this opportunity to thank you, our members, for your dedication and support of your Union and working people everywhere...Have a wonderful Thanksgiving!





A Defeat For The Anti-Labor Movement

By Paul Henry, PGO Field Representative

It is impossible to turn the news on without hearing about the upcoming 2016 Presidential election. The Republican Party has had an abundance of candidates to begin this election cycle. One of these was particularly concerning to the labor movement—Scott Walker. Walker made a name for himself by trying to bust unions in his home state of Wisconsin. He proudly touted this “achievement” on the national stage. Despite appearing to be the darling of his party, something unexpected happened to his campaign: his anti-labor rhetoric fell on deaf ears. A man who was expected to be a serious contender for his party’s nomination lost all momentum and withdrew from the race.

Walker’s entire platform was based on his anti-labor beliefs. Prior to withdrawing from the race, Walker delivered a speech in Las Vegas where he stated “[c]ollective bargaining is not a right—it is an expensive entitlement.” He also stated that he would eliminate the National Labor Relations Board, enact a national right to work law, and block President Obama’s proposal to expand overtime protection to an additional 5 million workers. Despite his success in Wisconsin, feelings towards labor have changed. Unions have been gaining greater public approval in recent years. Union approval has risen from 48 percent to 58 percent for all voters and from 29 percent to 42 percent for Republican voters over the course of the past six years. With union approval on the rise, Walker’s message fell flat.

Walker underestimated how his message would resonate on the national stage. Fortunately, it appears the majority of people understand that union jobs are good paying, middle class jobs. When he threatened to

bust unions all across the country, Walker threatened to end the wages and benefits of America’s middle class. Setting out a plan of attack against middle class workers proved not to be the best strategy. We hope that a corner has finally been turned on how unions are viewed in this country and that we are seeing the end of the anti-labor movement.

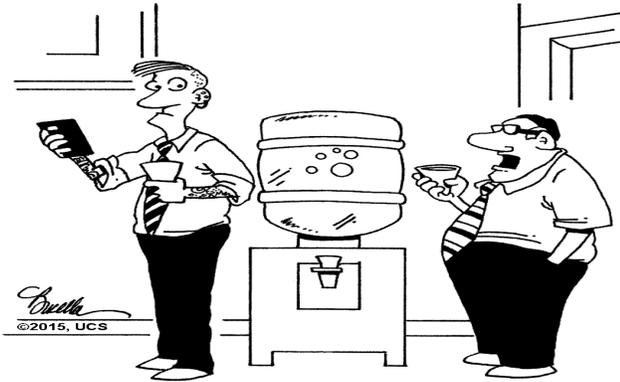
Give Thanks, Buy Union

It’s a day of family, friends and anyone who is special to you. Thanksgiving is the ultimate comfort day and if you’re helping with the meal this year, there are union-made goods that will comfort you at the checkout too. Put on a great feast all while supporting good jobs.

- **Whole Turkeys:** Butterball; and, Foster Farms.
- **Ham:** Boars Head; Hormel; Farmland; Cooks; Hillshire Farm; Thurman’s; John Morrell; Alexander & Hornung; and, Sahlen’s
- **Potatoes/Sweet Potatoes:** Betty Crocker; Dole; Ore-Ida; Homestyle Bakes; and, Mann’s.
- **Stuffing:** Stroehmann Bakery Products; and, Kraft.
- **Cranberries/Cranberry Sauce:** Dole; and, Ocean Spray.
- **Salad/Vegetables:** Amaral Ranches Broccoli and Romaine Lettuce; Andy Boy Broccoli, Cauliflower, Lettuce; Birds Eye and Mann’s Green Beans; Del Fresh Mushrooms; Dole Salads; Fresh Express Salad; Gargiulo Tomatoes; and, Monterey Mushrooms.
- **Pie:** Entenmann’s; and, Marie Callender’s.



“It’s called orientation, not brainwashing!”



“Just so you know, I only tolerate your generation because you can troubleshoot my technology issues.”

What You Should Know About Drug/Alcohol Testing at Work

By Paul Henry, PGO Field Representative

Employers have the right to maintain drug and alcohol free work environments pursuant to state and federal law. The use of drugs or alcohol before or during work can create dangerous conditions both in the workplace and in the community at large. Most employers have policies in place to prevent this from happening. These policies typically allow drug/alcohol testing under certain circumstances. Even though the employer has a right to conduct these tests, there are limitations on when it should be done. An employer has the ability to conduct tests: 1) before an employee is hired; 2) when there is reasonable suspicion to do so; or 3) after an accident on the job occurs.

Pre-employment testing is done to weed out potential employees who may take part in the use of illegal drugs. Generally, the pre-employment drug testing is done after the employer has made a conditional offer of employment. Potential employees who fail this test are not hired.

Employers can require a test when there is a “reasonable suspicion” that alcohol or drugs have been used. For an employer to have a “reasonable suspicion,” it must be able to articulate observable signs or symptoms that would lead a supervisor to suspect drugs or alcohol have been consumed. Basically, any observable fact that would lead the employer to believe drugs or alcohol have been used (erratic actions, slurring of speech, or the odor of drugs or alcohol to name a few) would be enough to illicit a drug/alcohol test. If a reasonable suspicion exists and an employee refuses to take a drug/alcohol test, he/she could risk termination.

Employers can require drug/alcohol tests for employees if an accident occurs on the job. Requiring a test after an accident allows the employer to determine whether drugs or alcohol were a factor. There are generally a number of objective criteria an employer will look at to determine if a test is needed. These can include whether or not property was damaged, someone was injured, or if police citations were issued. Post-accident drug/alcohol tests should be administered as soon as practicable after an accident occurs.

If you believe your employer is not properly issuing drug/alcohol tests contact your PGO representative.

PGO’s Mission

What is the Professionals Guild of Ohio? PGO’s Executive Board spent some time considering this question and recently adopted a Mission Statement to provide an answer and give direction to its officers, members and staff. PGO’s Mission Statement says, “The Professionals Guild of Ohio exists to serve its members and advance the labor movement through the institution of collective bargaining. To accomplish these purposes the PGO will:

- Diligently pursue its members interests at the bargaining table;
- Vigorously defend its members rights in the workplace; and,
- Persistently strive to improve the lives of workers everywhere.”

PGO believes that its members are entitled to the best working conditions, pay and fringe benefits possible. We also understand that we are part of a larger labor movement that requires us to stand with other workers whenever they need our support. PGO’s Mission Statement clearly articulates our objectives and the action required to accomplish them.



“I was hoping for a more positive mission statement.”

FMLA—Return to Work

By Paul Henry, PGO Field Representative

The Family Medical Leave Act (FMLA) is a federal law that requires employers with fifty or more employees to provide eligible employees who have worked over 1,250 hours in a twelve month period with up to twelve weeks of unpaid leave. This leave can be used in the case of a medical condition, to care for immediate family who have a condition, after the birth of a child (or adoption), or to care for a service member in your family with an injury that occurred in the line of duty. If you have taken an extended leave of absence, your employer must follow certain guidelines when you return to work.

When returning from FMLA leave, your employer must reinstate you to your previous position or one that would be considered equivalent. An equivalent position is one that is nearly identical in terms of pay, benefits, and other working conditions. The position must also be substantially similar in terms of duties, responsibilities, privileges, and skill required to perform the job. Your employer must also reinstate you in a timely fashion. If your employer has been notified in advance of your return date, then it must allow you to return to work on that date. If the return to work date changes, then the employer can have up to two business days before reinstating you.

Before you are allowed to return to work, the employer can request a fitness for duty certification if you have been out for a serious medical condition. The fitness for duty certification is a written statement from your medical provider stating that you are medically able to return to work. Once this is done, then there should be no barriers preventing your return. Once an employee returns from FMLA leave, an employer may require a medical exam by its own health care provider

and at its own expense if the exam is “job-related and consistent with business necessity.” This means that a second medical opinion can be sought if the returning employee had a condition that would prevent him or her from properly performing his or her job. If an employee goes in for an employer required medical examination, and the doctor finds that the employee can return to work, then the employee should be reinstated as soon as possible after receipt of the doctor’s report.

**Union Tips:
Investigations and Interviews**

By Paul Henry, PGO Field Representative

An employer has the right to investigate the alleged misconduct of its employees. In the investigative process, employees who are witnesses that are asked about what occurred but are not under investigation must give a statement if the employer orders them to do so. To refuse to give a statement after receiving a direct order could result in a charge of insubordination and discipline. If a person being interviewed believes that the discussion revolves around his or her actions and discipline could result, then he or she may invoke Weingarten Rights and ask for Union representation.

A Union steward representing an employee should be informed of the situation and told what the employee is being accused of. Management must state the purpose of the meeting if asked. Additionally, the Union representative has the right to speak to the employee before the employer asks questions. Employees should answer questions truthfully but should not volunteer additional information the employer has not expressly asked for. Some unscrupulous employers will use every statement employees make against them, even if it wasn’t the initial reason for the investigation.

It is important to note that the investigatory process of the employer is not an adversarial hearing. This is the time allegations are investigated; it is not the time to cross examine managers and supervisors about their motives. An employee is not required to cooperate if the employer engages in badgering or harassment during the meeting. The employer has no right to intimidate or bully the Union representative; at these meetings, representatives of the Union and the employer are equals and should be treated as such. Knowing and understanding your rights in workplace can make a difference. If you have questions about your rights, contact your Union representative.

