The Professionals Guild of Ohio

PGO UNION NEWS

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GOP Seeks to Strip Medicaid Coverage

By Paul Henry,
PGO Field Representative

A state plan is being proposed to add a fee to Medicaid. The proposed change would require Medicaid beneficiaries to contribute to a monthly health savings account. The amount must be equal to 2 percent of income but not exceed $99 per year, or $8.25 per month. Medicaid recipients, who are unable to make the payment and fall behind by 60 days, would be dropped from the program. The state is hoping to implement this plan by January 1, 2018.

This proposal has drawn widespread criticism throughout Ohio. Senator Sherrod Brown stated that the Republican backed plan would be used to gut the recent Medicaid expansion through the Affordable Care Act (aka, Obamacare), which has extended tax-funded health coverage to more than 600,000 poor Ohioans.

John Corlett, a former Ohio Medicaid director and executive director of the Center for Community Solutions, a not-for-profit, nonpartisan think tank stated "If this gets approved, a large number of people will lose coverage," and that other states which have imposed premiums on low income people tend to see enrollees drop coverage.

There is a saving grace to this madness. The Department of Health and Human Services, with the federal government, would have to approve the state's plan before it could be implemented. HHS has yet to OK a waiver that allows individuals below the federal poverty level to lose coverage for not paying into an HSA.

It is deeply troubling that the state would attempt to cut benefits to people below the poverty level because they can't afford to pay money into an HSA. Clearly, this logic makes no sense. Fortunately for those most at risk, it looks like the federal government will prevent them from losing their coverage.

Senate Republicans Attack Workers' Rights

By Paul Henry,
PGO Field Representative

The Ohio General Assembly is at it again. Republican Senator Bill Seitz introduced Senate Bill 268, also known as the Employment Law Uniformity Act. The sole purpose of S.B. 268 is to make Ohio's employment discrimination statute, R.C. Chapter 4112, more restrictive.

Current Ohio law allows up to six years to file a claim for discrimi-

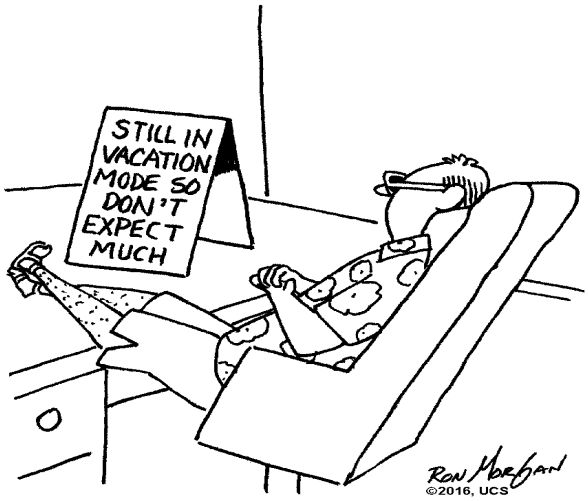
nation against an employer. SB 268 would shorten the statute of limitations to one year. S.B. 268 would also place a cap on noneconomic and punitive damages based on the size of the employer. Additionally, the bill would require that the only procedures and remedies which could be pursued for a discrimination claim would be the procedures and remedies set forth in the Ohio Civil Rights Law. Causes of action found in state, federal, or local fair employment laws would be barred.

Proponents of the bill argue that it makes Ohio law consistent with federal law. It is true that federal law caps damages and has a shorter statute of limitations, but is it really necessary to change the law in order to make it more difficult for workers to get restitution from a bullying employer?

Federal law is often described as being a "floor"; it is the baseline for your rights wherever you may go. State law is often described as a "ceiling"; state legislatures can provide greater protections for people in their state well beyond what the baseline "floor" provides. The Ohio legislature is trying to drop the ceiling completely to the floor with this bill.

In the end, who suffers from this change? The workers have their rights limited while employers don't have to worry about claims being brought against them after several years or how much they would have to pay. Clearly, this bill has nothing to do with federal law. It is just another pro-employer piece of legislation designed to weaken workers' rights.

"Sorry, I'm busy today and the 24th isn't looking good either. Can we make it some other time?"



Sunshine Law Update

By Paul Henry, PGO Field Representative

PGO has previously discussed the inherent problems with Ohio's Public Records Law. Oftentimes, when employers refuse to comply, a mandamus action must be pursued through the courts to compel them to provide the information. Seeing how this is inherently unfair to those without the resources to take something to court as well as clogging up an already overwhelmed court system, new legislation has been proposed to streamline the process.

Senate Bill 321 would create a number of changes. If someone makes a request for public records and is denied or delayed, he or she can file a complaint in their county clerk's office for the Ohio Court of Claims with a filing fee of $25. The public body the claim is being made against would then have seven days to respond. The court of claims would then mediate the problem between the two parties. If the mediation is not successful, then a special master will render an advisory opinion that would then be considered by a court of claims judge. The judge would then issue a legally binding decision with either party retaining the right to appeal. If appealed, the process would be expedited so that a final decision would be forthcoming.

This bill is ready to be signed into law any day. It should provide the everyday average Joe the ability to hold governments accountable when they would normally just ignore a request. This is a welcome change and will hopefully create a more open and honest system.

Wisconsin Judge Challenges Right to Work

By Paul Henry, PGO Field Representative

In a controversial decision, Dane County Circuit Judge William Foust ruled that Wisconsin's right to work law (RTW) was unconstitutional. The AFL-CIO and several Wisconsin unions sued the state after RTW was signed into law by Governor Scott Walker on March 9, 2015. The unions argued that the law results in an unconstitutional taking of their property without just compensation and that enforcing the law would cause them irreparable harm.

The unions argued that the law violates the takings clause of the state constitution which states "[th]e property of no person shall be taken for public use without just compensation therefor." The unions stated that RTW forces them to transfer property (services) to nonmembers to a degree that will cause irreparable harm to their organizations. Judge Foust agreed with their position.

The ruling has been appealed and a stay was granted on May 24. This means the RTW law currently remains in effect. When the stay was issued, Judge Lisa Stark of the court of appeals stated "we conclude the State has established there is sufficient likelihood of success on appeal to warrant the grant of the stay" and that the lower court erred in concluding unions would suffer harm if a stay were issued. More than likely, the court of appeals will rule to reverse Judge Foust's earlier decision. This means that next step for the unions will be the Wisconsin Supreme Court.

Even though the court of appeals stay is a setback, there is hope for unions in Wisconsin. If the unions' legal challenge of the RTW law were to be successful, it could open the door for rolling back these anti-labor laws across the country. Here is hoping that Wisconsin will be the first state of many to use the courts to run RTW out of their state.

"Life isn't fair, but I find the more money you have, the fairer it is."

PGO Contract Negotiations

PGO Council 12

Members at Montgomery County Children Services recently concluded wage reopener negotiations by ratifying a 2.5 percent increase and a $250 lump sum payment effective April 1, 2016.

The Council 12 bargaining committee included president ***Jane Hay***, vice president ***Deborah Wilson-Robinson***, secretary ***Charity Loranzan***, treasurer ***Dan Rice***, chief steward ***Erick Kanthak*** and PGO executive director ***Chauncey Mason***.

PGO Council 13

PGO members employed by the Lucas County Children Services Board approved a 3 percent general wage increase effective May 1, 2016 negotiated pursuant to a third-year wage reopener. In addition to the wage increases, all bargaining unit employees will be paid $500 on their anniversary dates.

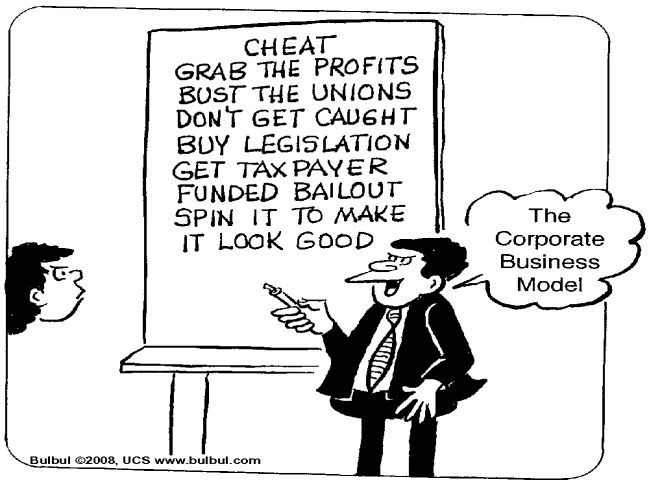
The Council 13 bargaining committee included president ***Joe Destazio***, vice president ***Lynn Pinkelman***, vice president ***Dave Rudebock***, treasurer ***Nancy Reineke***, steward ***Becky Davenport***, steward ***Vonda Williams***, AFSCME regional director ***Steve Kowalik***, and PGO executive director ***Chauncey Mason***.

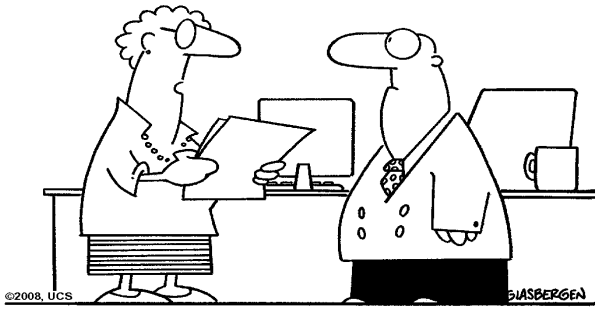
Social Media in the Workplace

By Paul Henry, PGO Field Representative

Ten years ago, there were no issues being discussed in the workplace regarding who posted what on someone's Facebook page, or whether someone sent out an appropriate "tweet." The world has drastically changed in those ten years. The Pew Research Center has reported that almost 70 percent of Americans now have smart phones. Clearly this access to the internet also allows access to social media across the web. Employers are scrambling to come up with policies regarding their employees' social media activities. With unforeseen issues popping up, conflicts with employers run rampant and the intricacies of social media policies will continue to be hashed out in litigation for years to come. The National Labor Relations Board (NLRB) has already stepped into the fray and has offered some encouraging guidance for employees.

The NLRB first addressed this issue in the *Karl Knauz Motors* case. A car salesman was fired for posting snarky comments on pictures posted by his dealership. The employer attempted to justify its position by citing a "courtesy policy" it had implemented. This policy required all employees to be courteous, polite and to not use any language that could injure or damage the reputation of the dealership. The NLRB did not agree with the employer's position and took the position that any policy that "would reasonably tend to chill employees" in the exercise of their right to engage in "concerted activities" is invalid. Because the employee's comments could be broadly interpreted as a response to the employer's actions and the employer's courtesy policy may prevent employees from objecting to their working conditions or from soliciting others to improve them, the policy was found to be invalid.





"To balance our Diversity Profile, we need fewer office martyrs, more people who like to bake stuff to share with coworkers and fewer people who sing along with their iPods!"

It is important to be aware that this broad interpretation of concerted activity does not allow employees to discuss business secrets, privileged communications, or confidential issues online. It only addresses when an employer tries to prevent employees from discussing their working conditions and what may affect their working conditions. It is not a blanket rule allowing anything and everything to be discussed.

This is big news for workers. The NLRB's decision explains social media comments and communication as concerted activity, the same type of activity which protects employees who organize a union. The NLRB handles private sector labor issues across the country. Ohio's public sector unions are under the State Employment Relations Board (SERB). Even though it does not appear that SERB has directly addressed the issue of whether or not social media qualifies as concerted activity in Ohio, the guidance from the NLRB would suggest that is the direction they should go.

Striking Verizon Workers Win New Contract

Thirty-nine thousand Verizon strikers returned to work June 1 with their heads held high, after a 45-day strike in which they beat back company demands for concessions on job security and flexibility, won 1,300 additional union jobs, and achieved a first contract at seven Verizon Wireless stores.

The Communications Workers of America and Electrical Workers (IBEW) won a 10.5 percent wage increase over four years, increased contributions to their pensions, protections against outsourcing of call center jobs, and a reversal of the sub-contracting of some pole work.

Verizon workers stood strong and forced a corporate bully to back down and give them a fair deal!