

The Professionals Guild of Ohio



PGO UNION NEWS

March 2017

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Postal Workers Win Fight Against Staples

The Staples boycott is over, and the union won. The Postal Workers (APWU) announced January 5 that the Postal Service will terminate its deal with Staples, closing down 540 "mini-post offices" inside stores by the end of February and nixing plans to expand them to all 1,600 locations.

The union fought for three years against the deal, which amounted to contracting out post office work to the low-wage, non-union office retailer. Staples opened its first postal counters in 2013. They offered a selection of the services APWU members provide at post office windows, including stamp sales, first-class domestic and international mail, and priority and express mail. Customers paid the same rates they would in a real post office—but Staples got a discount from the Postal Service, and pocketed the difference as profit.

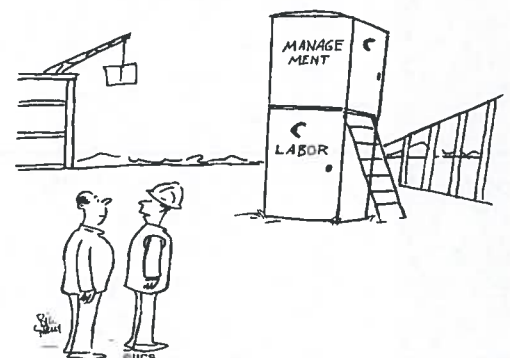
"This victory goes far beyond Staples," said APWU President Mark Diamondstein. "We have strong reason to believe this was their plan for postal retail for most of the country. We believe they had a number of these deals in the pipeline. By us with our allies taking this to the streets, those other deals fell through."

The APWU kicked off its boycott of Staples in 2014. The AFL-CIO, na-

tional teachers unions and your own PGO signed onto the boycott. PGO used to purchase most of its office supplies from Staples. When the boycott started, PGO cancelled its Staples account and sent a letter to the Staples CEO explaining that we stood with our brothers and sisters in the APWU and that we would be joining the boycott against its stores. Teachers were very important participants in the boycott since they are big purchasers of school supplies, often on their own dime.

This is a major victory for workers everywhere because it demonstrates that organized labor has the ability to fight and win for the middle class. Money-loving corporate bosses and their political allies will continue their war on workers, but this is a victory we can all savor. However, lest we forget, the fight continues. "The privatizers and corporations never stop," Diamondstein said, "and neither can we." Amen brother.

Source: Labor Notes, February 2017.



"The union is going all out on this one."

Kitchen-Sink Legislation Includes Unemployment Comp Reform

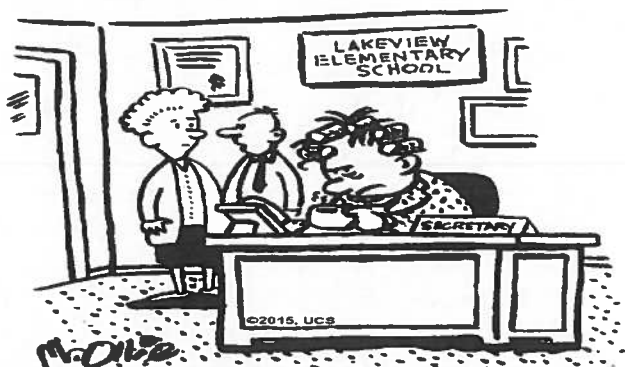
With nearly 20 amendments to cover everything from rogue chickens to jukebox music to rock climbing walls, Senate Bill 235 included compromise legislation, agreed upon by state business groups and the labor community and the Ohio legislature, implementing unemployment compensation reform.

Some of the concessions and provisions regarding unemployment compensation include:

- Increases the taxable wage base from \$9000 to \$9500 for two years beginning in 2018;
- Increases in the maximum weekly benefit amount at the 2017 levels beginning in 2018 for 2 years;
- Recession of the changes in the funding formula created by House Bill 390, which would have been effective in May of this year;
- Creation of a joint labor/business mediation process.

This bill also works to increase private development in Ohio by authorizing property tax exemptions if a property is planned for commercial or industrial development. This allows a developer to not incur increased property taxes if the land is in the development stages.

The unemployment compensation provisions in Senate Bill 235 essentially replaced the ill-fated House Bill 620 which had replaced House Bill 394 reported on in the March 2016 PGO Newsletter. While a little better than HB 394, HB 620 would have reduced benefits from 26 to 20 weeks, eliminated dependency benefits (\$152 dollars per week for persons with 3 dependents/\$92 dollars per week for those with 2 dependents), and froze benefits in place (no annual increases/adjustments) for 10-12 years until program solvency was reached.



"I think Mrs. Holder was expecting a snow day."



"But if everyone knows we're lying, is that really dishonesty?"

In case you are wondering about the legislative provisions addressing "rogue chickens," "jukebox music," and "rock climbing walls," here is the skinny:

- The word "poultry" was substituted for the word "geese" in ORC Sec. 951.02, so that chickens would now be included in list of animals that must be restrained from running at large on public highways;
- ORC Sec. 5739.02 was changed to exclude juke box music from excise sales taxation;
- Manufactured rock-climbing walls was added to ORC Sec. 1711.50, so as to exclude them from the definition of "amusement rides."

Governor Signs Bill Limiting Minimum Wage Increases

In December, Governor Kasich signed Senate Bill 331, blocking the ability of local government to increase minimum wage rates within its jurisdiction. Kasich's signature will prevent a special election regarding a wage hike in Cleveland next May. With the backing of the Service Employees International Union, a wage proposal would have been going on the November 8, 2017 ballot seeking to increase the minimum wage in Cleveland from the current \$8.10 to \$15 per hour.

The most fascinating part of this legislation is that, initially, the bill had nothing to do with wages. Senate Bill 331 began as legislation aimed at overriding city ordinances in Toledo and Grove City prescribing where pet stores can get it animals. Through the magic of a legislative process, law-makers are able to "log-roll" into one bill various provisions that might never pass on their own. This can be done despite the provisions of the Ohio Constitution which states that "no bill shall contain more than one subject."

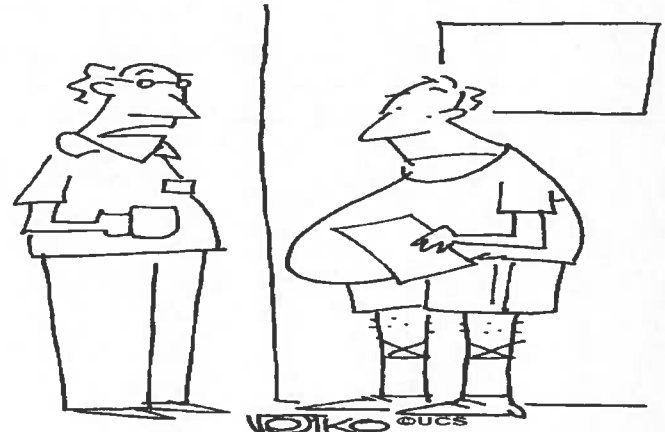
By the time Senate Bill 331 reached Governor Kasich's desk for signature, it contained the following "single subject" provisions:

- Defining bestiality as a crime in Ohio.
- Broadening the definition of what constitutes the crime of animal fighting.
- Requirements on how cities and villages must deal with micro-wireless network equipment, placed by phone companies, in public ways.
- The prohibition preventing Ohio political subdivisions from adopting a minimum wage that varies from the state-set minimum wage (now \$8.10 an hour, rising to \$8.15 in 2017) - an obvious swipe at a May issue on Cleveland's ballot that seeks to phase in a \$15 minimum wage in Cleveland only.

Currently, Republican lawmakers in the State of Iowa are in the process of proposing similar legislations.

Trump Names New Secretary of Labor Nominee

In our last newsletter, we reported that Andrew Puzder had been selected by President Donald Trump to serve as the new Secretary of Labor. After the publication of the newsletter, Puzder withdrew his name from nomination when Republican senators began turning against him amid concerns ranging from his record as a business owner to his employment of an undocumented immigrant working as his housekeeper.



"Ed, you're the reason I'm thinking seriously about cancelling Casual Fridays."

Following the Puzder withdrawal, President Trump named R. Alexander Acosta, a Florida law school dean and former assistant attorney general, as his new nominee for the Secretary of Labor Cabinet post. Addressing concerns about the lack of diversity in the Trump administration, Acosta would be the first Hispanic in the President's cabinet.

Acosta's chances of being confirmed appear strong, since he has made it through the Senate process three times for different government roles. As an assistant attorney general, Acosta served in the Justice Department's civil rights division, one of the highest positions at the agency. Before serving as an assistant attorney general, Mr. Acosta was a member of the National Labor Relations Board.

Acosta also served as the United States attorney for the Southern District of Florida, where his office prosecuted the lobbyist Jack Abramoff, the terrorism suspect Jose Padilla and founders of the Cali Columbian drug cartel. His resume as a prosecutor also includes several bank-related and health care fraud cases.

However, Acosta's confirmation as Secretary of Labor is far from certain. There are allegations that when serving as assistant attorney general, Acosta's hiring practices and case assignments were based on political affiliations. A report on the case found that Mr. Acosta had ignored warning signs about such problems. Also, in 2014, Acosta sent a letter to U.S. District Judge Susan J. Dlott (Akron, Ohio), justifying the practice of "vote caging" in the presidential election. This practice allows private citizens in Ohio to challenge the eligibility of African-American voters, widely regarded as a Republican strategy to disenfranchise minorities.



"Very impressive resume. Especially the part about your father owning the company."



"Do you have any 'get well or you're fired' cards?"

Ohio Courts Limit Union Picketing Rights

As their collective bargaining agreement ended in June 2007, the Harrison Hills Teachers Association and the school board engaged in negotiations for a successor contract. On September 12, 2007, the union provided a notice of intent to strike to take place on October 1, 2007. On September 26, 2007, union members picketed on a public street outside of a school board member's private employer, located outside of the school district. The school board member who worked at this private place of employment represented the school board on the negotiating team.

The school board filed an unfair labor practice charge with SERB. On March 31, 2010, SERB issued an order finding a violation R.C. 4117.11(B)(7) which makes it an unfair labor practice to "[i]nduce or encourage any individual in connection with a labor relations dispute to picket the residence or any place of private employment of any public official or representative of the public employer."

The union appealed the decision to the Court of Common Pleas of Harrison County, claiming that R.C. 4117.11(B)(7) is an unconstitutional restriction on speech in violation of the First Amendment. On July 23, 2015, the trial court issued a decision upholding SERB's order, citing *Carpenters & Joiners Union v. Ritter's Café*, a U.S. Supreme Court case holding that prohibiting the picketing of a business unrelated to the labor dispute is not unconstitutional.

The union then appealed the decision to the Seventh Appellate District Court of Appeals, reasserting its claim that R.C. 4117.11(B)(7) violates the First Amendment.

In support of its claim, the union cited the Ohio case of *United Electrical, Radio and Machine Workers*

of America v. SERB. This case involved the union picketing of the residence of the Executive Director of the Ohio Turnpike Commission. Reversing the SERB order finding the union committed an unfair labor practice, the Eight Appellate District Court of Appeals held that R.C. 4117.11(B)(7) was an unconstitutional restriction on the union's First Amendment rights.

The Seventh Appellate District Court of Appeals distinguished between union picketing on a public street outside a residence and union picketing on a public street outside a private business. The appellate court found that the Harrison Hills picketing of a private place of employment to be similar to "secondary boycott" picketing of a private business. In several cases the U.S. Supreme Court has found Congressional restrictions prohibiting secondary boycott picketing be permissible and not a violation of the First Amendment. On this basis, the Seventh Appellate District Court of Appeals upheld the SERB order against the Harrison Hills Teachers Association.

PGO Election Scheduled

The PGO Constitution requires an election of state union officers this year. Nominations for officers must be made by a Nominations Committee composed of one member chosen by each PGO Council. Additional nominations may be made by a petition signed by one percent of the membership and presented to the executive director by April 15. The candidates for the various union offices will be finalized during the Nominations Committee meeting following the April 22 executive board meeting. Ballots will be mailed to members in May and must be returned by June 15.



"Seems like a nice gesture until you realize all of the treadmills are hooked up to a company generator."