



**Voice of a PGO Update Leader**

*by Christine Doerfler, PGO Organizing Director*

Dave Rudebock is PGO Council 13 President at Lucas County Children Services. Dave has served several terms as council president and continues to do an outstanding job advocating for his members. This council is unique because it has five different bargaining units and four union contracts covering the membership at this agency. The deemed certified unit was the first contract established back in the late 1970s. Later, the nurses decided they too wanted to have union representation, followed by the secretaries, the attorneys and finally the residual unit. While each of these contracts have similarities, they also have their own unique differences, which can be a challenge to officers and stewards.

**Dave, how long have you been employed at Lucas County Children Services? Explain what it is that you do for the agency.**

*"I have been with the agency since May 1999, as a staff attorney. Some of a staff attorney's responsibilities are to draft legal pleadings, prepare cases to present in court, advise agency staff on how to proceed legally, advocate in court on behalf of the agency, draft appellate briefs and argue before the court of appeals and Ohio Supreme Court if necessary. All of these duties fall within the realm of children who are alleged to be dependent, neglected, and/or abused."*

**Explain why the attorneys chose to organize a union in the 1990's when the deemed certified unit had been in place since 1980.**

*"The attorneys were facing some difficult times in the 1990's. The agency had moved to a different location and during the transition some of the benefits the attorney's had previously enjoyed were being taken away without justification. Management was also pursuing unjust discipline against one of the staff attorneys at that time, which made it necessary for that staff attorney to retain legal counsel to challenge the unjust discipline. With a union in place, retaining legal counsel would be unnecessary as the union would provide protection against this occurring and would assist in fighting against inappropriate discipline through the grievance procedure established in a collective bargaining agreement."*



*Dave Rudebock, President, PGO Council 13*

**Do the attorneys have any regrets since organizing their union?**

*"The attorneys have no regrets and enjoy the additional protection the union has provided for them."*

**As union president, what struggles are you faced with on a day-to-day basis?**

*"The primary challenge I have is balancing the demands the membership ask of you and the work load of the job as a staff attorney. Many people will stop me in the middle of the day or call with a union related question. I attempt to defer some of these demands by referring what I can to our elected stewards and officers."*

**Is there anything that the PGO could do to better assist you in your role as President of Council 13?**

*"The PGO could probably assist by arranging for the officer's in their larger units to have a reduced work load and distribute some of the responsibilities outlined in the contract to other officers. Of course this would have to be bargained with the employer."*

**What is something about you that would surprise your co-workers?**

*"I do not think there is anything about me that would surprise my co-workers."*

## **PGO Update News**

### **March 2009**

**In your opinion, what would be the best attribute to having union membership in the workplace?**

*“I believe some of the strongest attributes of union membership would be the solidarity and unity that enable us to achieve things that benefit the membership as a whole. I also think that we have a tremendous amount of political persuasion when we act in a unified manner.”*

**Any ideas of how unions could reach unorganized workers in this country?**

*“Why limit union membership to this country? I think we should aim for the international community with the types of agreements the politicians are making with other countries. We should have workers’ rights riders on all of these agreements. I also think additional public service announcements through the media and the Internet need to be pursued to educate the public of the benefits of union membership and dispel myths that are promoted by anti-union factions.”*

**If you had just one thing you would like to say to your membership and other PGO members across the state, what would it be?**

*“The one thing I would like to say is to be tenacious in pursuing and upholding your rights and the rights of your fellow members. Someday you may find yourself in their shoes.”*

### **Keeping Watch**

*by John Campbell-Orde, Esq., PGO Field Representative*

Unionized employees have certain rights that non-unionized employees do not. For every employee right, there is a corresponding restriction on employer authority, and vice-versa. But employees who have their union rights violated generally must inform the State Employment Relations Board (SERB) within 90 days. Failing to inform SERB in time can temporarily erase those important rights.

State law makes it unlawful for government employers to violate the union rights of their employees. When government employers violate such rights, they commit an “unfair labor practice.” SERB prosecutes government employers who commit unfair labor practices. However, SERB cannot prosecute unfair labor practices that are more than 90 days old. Thus, if your employer commits an unfair labor practice, PGO must

inform SERB as soon as practicable.

There are several types of unfair labor practices. Failing to bargain with the union probably is the most common. Your employer must bargain with PGO over certain matters. Even if your union contract does not expire for years, your employer still may have to bargain with PGO before making certain decisions. And if your employer makes certain decisions without first bargaining with PGO, your employer may have committed an unfair labor practice.

Even if your employer commits an unfair labor practice by not bargaining with PGO if SERB does not know about the legal violation soon enough, it is like the violation never happened. When informed that an employer may have committed an unfair labor practice, PGO’s Columbus headquarters investigates the matter and, where appropriate, notifies the SERB. If you are concerned that your employer may have committed an unfair labor practice, let your local union representative know about your concerns, so that PGO can investigate the matter in a timely manner.

### **The Stimulus Plan’s Impact on Workers**

*by Amy Whitehair, PGO Field Representative*

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act (ARRA). The ARRA is also referred to as the Stimulus Plan. Included in the Stimulus Plan are several items that are intended to help American workers such as the following:

- A tax cut for workers will show up as an additional \$13 (\$26 for couples) in weekly paychecks.
- Unemployment benefits will be increased by \$25 per week through the end of 2009.
- The length of time for drawing unemployment benefits will be extended.
- Those receiving unemployment benefits won't have to pay federal taxes on the first \$2400 received.
- States will receive funding to make unemployment benefits available to more workers.
- Unemployed workers who want to utilize COBRA to extend their health benefits will get a government subsidy to pay for it.

### **COBRA**

## PGO Update News March 2009

The Stimulus Plan provides for a 65 percent reduction in COBRA premiums for certain assistance eligible individuals for up to 9 months. An assistance eligible individual is a COBRA “qualified beneficiary” who meets all of the following requirements:

- Is eligible for COBRA continuation coverage at any time during the period beginning September 1, 2008 and ending December 31, 2009;
- Elects COBRA coverage (when first offered or during the additional election period), and
- Has a qualifying event for COBRA coverage that is the employee’s involuntary termination during the period beginning September 1, 2008 and ending December 31, 2009.

Those who are eligible for other group health coverage (such as a spouse’s plan) or Medicare are not eligible for the premium reduction. Other limitations may also apply.

### Unemployment

The new Stimulus Act amends the Unemployment Compensation Extension Act of 2008, by extending state unemployment benefits (Emergency Unemployment Compensation) to eligible unemployed workers for up to 33 weeks through December 31, 2009, instead of August 27. Eligible unemployed workers in states with high unemployment rates will receive the most weeks of stimulus extended unemployment benefits.

The Stimulus Act also increases weekly unemployment compensation by \$25 in all states, and it suspends federal income tax on the first \$2,400 in unemployment compensation that unemployed workers collect in 2009. Ordinarily, the IRS taxes all unemployment compensation.

## Genetic Discrimination: Discrimination for the 21<sup>st</sup> Century

by John Campbell-Orde, Esq., PGO Field Representative

To most people, “genetic discrimination” probably sounds like something from a science fiction movie. However, the U.S. Congress recently enacted a law that prohibits employers from engaging in genetic discrimination. The new law prohibits employers from firing, refusing to hire, or otherwise discriminating against employees on the basis of genetic information. The law also prohibits group health plans and health insurance

issuers from discriminating against people based on genetic information. In addition, the law prohibits health insurance plans and insurers from requesting or requiring individuals to take genetic tests; prohibits employers from collecting genetic information in all but the rarest circumstances; and requires employers to keep confidential any genetic information they do possess.

The law has several main goals. By eliminating concerns that information revealed through genetic testing might make it harder for people to get health insurance or jobs, the law encourages people to undergo genetic testing, which may provide them with important medical information. While many business organizations, including the U.S. Chamber of Commerce, opposed these new protections, Congress overwhelmingly voted to pass the new law.

Many states had already enacted similar law prohibiting genetic discrimination. As long as the state laws are no less protective than the federal law, the state laws are still effective, which gives people an additional layer of protection. The Equal Employment Opportunity Commission (EEOC) will enforce the federal law. Those believing that their rights under the federal law have been violated, should promptly contact the EEOC.

## PGO Executive Board Meeting

The next meeting of the PGO Executive Board will begin at 10:30 a.m. on April 18, 2009 at the Montgomery County Children Services offices located at 3304 N. Main Street in Dayton, Ohio.



"We're streamlining operations, Smith.  
You'll be doing everything starting Monday."