

The Professionals Guild of Ohio



PGO UNION NEWS

May 2009

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Amy Whitehair Leaving PGO

Sadly, we announce that Amy Whitehair has submitted her resignation and will be leaving PGO. Amy has been a PGO field representative since 2001 and she has been a familiar face in many of our councils as she represented many of our members over the years. Amy has been a strong advocate for the PGO and its members and we will miss her.

This parting, however, is bitter-sweet. Amy is taking an important position with a national labor union. This is a tremendous career opportunity for Amy and, fortunately for the labor movement, she will continue to be an advocate for working people.

Good luck Amy and thanks for all the hard work you did for our union over the last nine years

In Solidarity,
Chauncey M. Mason
PGO Executive Director

Amy's Good-bye

Dear PGO Brothers and Sisters,

After nearly nine years of employment with PGO, I am sad to say that May 15, 2009 will be my last working day at PGO. I will continue working for the labor movement as a field representative in the Labor Services Division of the National Frater-

nal Order of Police. My new job with the National FOP will involve me flying around the United States to assist FOP members in achieving and enforcing collective bargaining rights.

Though I am moving on to new endeavors in the labor world, I will never forget the time I spent at PGO. I will greatly miss the PGO members and my PGO co-workers. Stay strong Brothers and Sisters in your battle for your rights!

In Solidarity,
Amy Whitehair

PGO State Union Election

PGO members should receive ballots for PGO officers in the next few weeks. Members will have an opportunity to vote for president, vice-president, treasurer and secretary. Ballots will be sent by first class mail to the home addresses of all PGO members listed in our data-base. These secret ballots should be completed by the PGO member, and returned in the enclosed self-addressed, postage-paid envelope.

If you do not receive a ballot by the end of the first week of June, please contact the PGO office.

Voice of a PGO Union Leader

by Christine Doerfler, PGO Organizing Director

This month's interview was held with Kelly Bell, President of PGO Council 11 - Knox County Career Center. The career center is located in lovely Mt. Vernon, Ohio. Kelly has done an outstanding job over the years, not just as a teacher, but as a strong advocate for the PGO and its members.

Where were you born and raised?

I was born in the Linden area of Columbus and moved to Knox County when I was eight.

Tell the readers a bit about yourself, how you got into teaching, your educational background, and anything else you'd like to share.

I graduated from The Ohio State University with a degree in English Education and will receive my Masters in five months from Indiana Wesleyan University. As an undergrad, I majored in English Pre Law, but realized that I truly wanted to teach. While the pay is not as lucrative, I am lucky because I absolutely love what I do. The kids make sure that no two days are the same.

Explain what your position is and describe what your typical day at the office is like?

I teach Applied Communications, Speech and Drama at the Knox County Career Center. I have roughly 100 students a day in the seven class periods in which I teach. Most of my students are not traditional learners, meaning that they do not learn best from reading or lectures. As a result, I rarely sit at my desk, but try to keep my students engaged through a variety of activities.

How long have you worked at Knox County Career Center?

This is my eighth year at the KCCC, but I have taught 21 years.

Explain the reason(s) why workers at Knox chose to organize a union.

The PGO was here long before I began teaching here. My belief is that the vocational instructors were originally from industry, the backbone of organized labor. Those teachers knew the value of a union and wanted the protections that such membership bring.

As Union President, what struggles are you faced with on a day to day basis? Give us an example.

The downturn in the economy is a huge issue right now as so many of the families of our students are struggling.
Kelly Bell, PGO Council 11



gling. My members are most concerned about how to help their students, academically, financially, emotionally, etc.

What do you think is the biggest issue confronting your members?

Uncertainty. The economy is in a state of upheaval and we will have a new superintendent next year. Just how the governor's budget and education plan will shape up is also a huge concern. The impact of all of these factors is unknown, and it is a scary time. We have one more year on our contract and are concerned about possible staff reductions and concessions.

In your opinion, what is the biggest attribute to union membership?

Like John Steinbeck said, people in groups can achieve what individuals cannot. The solidarity of a union offers supports that cannot be found in many other walks of life.

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

At this point, there is probably very little that would surprise any of my co-workers. I am a very open person so there is not much guesswork with me.

What are your three favorite things?

Other than my family and friends, my three favorite things are Bruce Springsteen, laughing and margaritas.

In your opinion, how do you think unions could reach the unorganized workers in this country?

Unorganized workers need to be educated about the benefits of joining a union. There are so many misconceptions about unions that I think a full media blitz might be necessary. Otherwise, workers are going to continue to be taken advantage of by companies that have no loyalty for the working person.

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

Get involved. The union is only as strong as the people in it. Union work is not always confrontational, so do not be afraid. Often, management would prefer to work through unions to accomplish goals because we are so organized.

Collective Bargaining and Statutory Rights

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

State law usually governs public-sector labor relations. But a recent United States Supreme Court decision involving federal law impacts public-sector labor relations in Ohio. This is an important development that directly affects your legal rights.

The decision in question involved illegal employment discrimination. The Age Discrimination in Employment Act ("ADEA" for short) prohibits employers from discriminating against older employees based on their age. In the decision at issue, the union had agreed that arbitration would be the "sole and exclusive" forum for determining whether the employer violated the ADEA. The union later allowed the employer to reassign work that some union members were performing. Some union members became upset because they believed they had been reassigned based on their age. They also believed the employer was violating their union contract by not fairly distributing overtime and in one instance by not respecting seniority.

The union filed grievances over these matters, alleging, among other things, that the employer had discriminated based on age. Because the union had allowed the employer to reassign the work in question, the union later withdrew its grievances concerning discrimination based on age. The union members who believed that they had been discriminated against then filed a charge with the government agency that enforces the ADEA. The agency dismissed the charge.

As is generally permitted, the union members subsequently filed discrimination lawsuits in court. Responding to these lawsuits the employer argued that, because the union contract said that arbitration would be the "sole and exclusive" forum for resolving discrimination claims, the court should prohibit the union members from suing in court. The union, on the other hand, argued that unions cannot waive the right to sue over age discrimination and thereby compel their members to arbitrate discrimination

claims. Ultimately this dispute came before the U.S. Supreme Court.

The Supreme Court decided that unions can waive the right to sue over age discrimination by agreeing in a union contract that bargaining unit members will arbitrate such claims instead of filing lawsuits over them. The Supreme Court's decision probably applies to discrimination claims concerning race and gender as well. Although the Supreme Court decided that unions can waive the right of individual bargaining unit members to sue over age discrimination, the Supreme Court determined that such waivers exist only where the union and employer have agreed in clear and unmistakable language that bargaining unit members can only arbitrate discrimination claims.

The Supreme Court decided that the union involved in the decision at issue had waived the right of individual bargaining unit members to sue over age discrimination. Because the union and employer had agreed that arbitration would be the "sole and exclusive" forum for resolving discrimination claims, the Supreme Court concluded that the union had clearly and unmistakably waived the right to sue over age discrimination. The employees therefore could not sue over their age discrimination claims, and would have been subject to arbitration instead.

Although the Supreme Court decision involved federal law, by concluding that the ADEA does not prohibit unions from waiving the right to sue, the Supreme Court decision also affects public-sector labor relations in Ohio.



"Well if management gets a bailout, you can be sure that somehow we'll pay for the pail."

More Council Election News

As we mentioned in last month's *PGO Union News*, we have held numerous officer elections in our various councils. The following people have been elected to serve as local PGO officers:

Council 4 - Hamilton Educational Service Center (HESC) held its election on May 1, 2009. Congratulations to returning Chief Steward Debbie Clyde and Delegate Terrie Densford. This was PGO's first electronic election (thanks to Sister Clyde), it turned out to be a great success.

Council 8 - Guernsey County Children Services held its officer election on April 16, 2009. Welcome to President Roy Higgins, Vice President Hilaree Homoka, Secretary-Treasurer Elissa Mallet and Delegate Maria Neiswonger.

Council 11 - Knox County Career Center did not need to hold an election as all nominated candidates were unopposed. Welcome back to President Kelly Bell, Vice President Sherry Curry, Secretary Tammy Klein, Treasurer Lyle Reusser and Delegate Bill Harris.

Council 12 - Montgomery County Children Services held its officer election April 14, 2009. President Eric Kathak, Vice President Jenny Gardner, Secretary Jane Hay, Treasurer Julie Pennington, Delegates Joe Atkinson, Bill Stull, Brian Focht and appointed Chief Steward Dan Rice were elected. A big thank you goes out to Jane Hay and Carol Logsdon for their support throughout the day.

Council 16 - Athens County MR/DD held its election April 16, 2009. Welcome to President Mark Shrivvers and Vice President Sarah Hendrickson.

Council 19 - Northridge Board of Education - Thank you Cathy Larson for managing your local election held on April 29, 2009. President David Davis, Vice President Jeff Hatton, Secretary Annie Kirk, Treasurer Desiree Schirack and Delegate Cathy Larson were all elected to office.

Council 20 - Montgomery County MR/DD held its election on April 15, 2009. We're pleased to welcome back President Duane Rucker, Vice President Anita Zachery, Secretary Treasurer Sheila Brannon and Delegate Norman Kellum.

Good luck to all of you in the next two years!

Vacation Season is Here

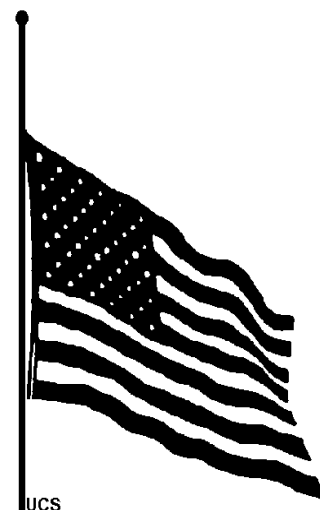
By Amy Whitehair, PGO Field Representative

Its that time of year where many of us hear the ocean waves calling our names. Its also that time of year where you should review your collective bargaining agreement to find out your rights regarding vacation leave and the procedures for applying for vacation leave.

Some contracts call for vacation requests to be granted based on seniority while others have a first come, first serve approach. Many contracts also provide for a time frame for the employer to approve or deny a request. In addition, some contracts state that an employer may not deny a vacation request for arbitrary or capricious reasons.

If you have questions concerning vacation leave, please review your contract and talk to a local Union official .

Memorial Day



Remember Those Who Served