

Voice of a PGO Union Leader

By Amelia Woodward, Esq., PGO Field Representative

Eric Kanthak is our featured leader this month. Eric is a veteran Child Welfare Caseworker with Montgomery County Children Services. He is a three-term president of PGO Council 12 and the vice president of PGO. Eric is a committed union leader who tirelessly and enthusiastically represents his fellow workers.

How long have you worked at Montgomery County Children Services? *Twenty-one years.*

What did you do before you started with MCCS?

I grew up in Toledo and went to Wright State University. I have an Associates Degree in Sociology.

What is your position?

I have worked in the intake department for the last 21 years. My main role is working with the Juvenile Court in assessing and referring kids who may be delinquent to Children Services. They refer to me as a Delinquency Liaison.

As Council President, what struggles are you faced with on a day to day basis?

It is a struggle to deal with the expectations that management has of the caseworkers to produce work when the workload is unmanageable and the units are understaffed. The ongoing intake workers are expected to produce work, but they can't get it all done because there is too much work, then management wants to discipline people for not getting their work done. It's just nuts.

What would you tell someone who is not unionized about why they should be in a Union?

What I tell people about why they should join the union is that they will not be marginalized if they join a Union. If someone is in a Union, they are not going in front of management by themselves. If a person does not have a union backing them up, and they are called into the office and a supervisor makes a wrong decision, the employee catches the flack and there is no one there to challenge management on the employee's behalf. A Union represents



**PGO Council 12 President and PGO Vice President
Eric Kanthak**

all the workers and is there to support the workers, just like managers have people to support them. I also think that having colleagues and lateral people who are supporting one another is a good reason to have a union because a union provides a foundation for workers to support one another.

What are the biggest advantages to union membership in your opinion?

First of all a Union can negotiate a contract for all the members of the bargaining unit. Once a contract is in place, members have something to look at to help them understand their rights regarding pay, work hours and working conditions. The Union also gives members a voice because they have a say in their working environment. Members can go to the union for assistance with work related issues. Members aren't alone when they need to speak out about what needs to happen in the workplace to make it better for everyone, especially in public sector jobs. Members know that the union will work with them and be supportive of them. People recognize what the union does and that the contract is there for them.

How can the PGO improve in helping you in your role as council president?

I think the PGO does a good job in providing us with representation. Chauncey Mason, the executive director, is well versed in labor issues and has a solid background and knowledge of labor relations

and employee rights. PGO has a good staff, and it's very beneficial to have two attorneys in the office now who can assist the members with their issues, especially now that most human resources directors and administrators are attorneys themselves.

What activities are you involved in outside of the Union and your job?

I have three teenagers, so their activities keep me pretty busy. I spend a lot of time going to soccer games, watching the band, and attending football games.

Public Health Insurance Offsets Large Losses in Private Coverage

One detail often lost in the heated debate over the creation of a public health insurance option is that the government is already providing health care to many children who would otherwise go without. Had it not been for public insurance, the share of children without any coverage would have grown from 2000 to 2008. Over that eight-year period, children under the age of 18 lost employer-sponsored health insurance at a faster rate than adults aged 18 to 64, but children also picked up public health insurance coverage at a faster rate.

The share of children without insurance dropped 1.7 percentage points between 2000 and 2008, while the share of adults under the age of 65 without insurance rose 3.1 percentage points. By contrast, the share of children with public coverage grew 8.8 percentage points, as compared to only a 3.5 percentage point increase for the adult population under 65. Public insurance in the form of Medicaid and the State Children's Health Insurance Program (SCHIP) provided a safety net source of insurance coverage for 23 million children in 2008.

The differences in the overall coverage rates between children and adults reflects a somewhat more comprehensive system of public health insurance for children than for non-Medicare eligible adults. While Medicaid provides coverage primarily to poor children and adults, SCHIP was designed to cover uninsured children in families with incomes that are modest but too high to qualify for Medicaid. That said, there were still 7.3 million uninsured children and 38.3 million uninsured adults under age 65 in 2008.

Lucas County Children Services ULP Settlement

PGO and Lucas County Children Services (LCCS) have settled an unfair labor practice charge that PGO filed during the recent contract negotiations. The union contracts covering LCCS employees expired while contract negotiations were ongoing. Under state law employers are required to abide by the terms in an expired union contract until the union and employer have exhausted negotiations.

Provisions in the union contracts covering LCCS employees provided for annual step increases based on each employee's anniversary date. However, when the union contracts expired, LCCS notified PGO that it would not provide employees with the step increases provided for in the union contracts. PGO consequently filed an unfair labor practice charge with the State Employment Relations Board.

In the charge PGO alleged that LCCS violated the law not abiding by the expired union contracts with regard to step increases. The SERB found that there was probable cause to believe that LCCS had violated the law. After contract negotiations were successfully settled through the fact-finding process, PGO and LCCS engaged in discussions about settling the unfair labor practice charge. PGO and LCCS have agreed that LCCS will post a notice at the work site acknowledging that LCCS must abide by the terms in an expired union contract while negotiations are ongoing.



"Would you like your paycheck sent directly to your mortgage holder, your oil company or your health insurance provider?"

Slippery Slope: FMLA Eligibility Requirements

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

The Family and Medical Leave Act (FMLA) entitles qualifying employees to 12 weeks of unpaid leave each year. FMLA leave provides employees with two primary benefits. First, FMLA leave prevents employers from terminating employees who are unable to work due to serious illness or who cannot work because they need to care for certain close relatives who are suffering from serious illness. Second, in addition to providing job protection, FMLA mandates that employers continue to pay their share of health insurance premiums when an employee is on FMLA leave.

All state and local government employers are subject to FMLA. However, not all such public employees qualify for FMLA leave. Your coworker may qualify for FMLA, but you may not. Each public employee must satisfy three requirements to qualify for FMLA leave. First, the employee's employer must employ 50 or more employees within 75 miles of where the employee works. This requirement is typically satisfied in the public sector. Second, the employee seeking FMLA leave must have worked for the employer for at least 12 months total. These months need not be consecutive however. Lastly, the employee must have worked 1250 hours during the 12 months preceding the employee's request for FMLA leave. This last requirement probably is the most confusing and therefore deserves special attention.

Many employees assume that time spent on FMLA leave does not "count against" the 1250 hours that each employee must have worked in the previous 12 months to qualify for FMLA leave. However any hours an employee misses due to FMLA leave are held against the employee when determining whether the employee has worked 1250 hours in previous twelve months. This is true even if the employee uses sick leave, vacation leave, personal time or other paid leave to "cover" FMLA absences. In fact, while many employees assume that vacation leave and sick leave are counted as hours worked for FMLA, such paid leave does not count as hours worked for the 1250 hour requirement.

Taking twelve weeks (the full annual allotment) of FMLA leave generally would not reduce a full-time employee's hours to below 1250 during the previous twelve months, but it can easily for part-time employees. In fact, employees who work around 25 hours per week on average will be close to slipping into FMLA ineligibility. For such employees missing a few days of work can make them FMLA ineligible, at least temporarily. Thus part-time employees in particular who either have serious illnesses or ill family members whom they anticipate caring for should be careful to ensure that they satisfy the 1250 hour requirement.

The good news is that once an employee had satisfied the 1250 hour requirement, if the employee requests FMLA leave for a particular FMLA-qualifying condition, the employee will retain FMLA rights for that *particular condition* even if the employee's hours later slip below 1250 in the previous twelve months. However, it is important to note that after one year the employee must again satisfy the 1250 hour requirement to remain FMLA eligible for the condition. It also is important to note that if an employee requests FMLA leave for a *different condition* after the employee's hours have fallen below 1250, the employee will not be FMLA eligible for the new condition.

Careful planning can maximize the protections provided by FMLA. Consequently all employees, and in particular part-time employees, should carefully watch how many hours they have worked in the previous 12 months, especially if they anticipate that they or a FMLA-qualifying family member may become seriously ill.

Author's note: The information in the preceding article is intended as general information and not legal advice. Please consult with an attorney or call PGO if you need FMLA assistance.

Has Your Personal Information Changed? Let Us Know

If your name has changed, if you have moved, or if you have a new telephone number, please let our office know. You can help us maintain accurate membership files by contacting the PGO office to update your personal contact information. Keeping us informed will allow us to serve you better.