

Frequently Asked Questions About Ohio's Public Employee Collective Bargaining Law

And The Answers You Need to Win a Union and Strong Representation



The American Federation of State, County and Municipal Employees, AFL-CIO

After decades of struggle, Ohio's public employees won the legal right to collective bargaining on July 6, 1983, when Ohio's collective bargaining act for public employees, was signed into law.

AFSCME Ohio Council 8 led the effort to pass the Ohio Public Employee Collective Bargaining Law, and our union has defended that statute for more than 20 years.

In this guide we answer frequently asked questions about your rights as a public service employee to form and join a union — which is guaranteed by this law.

Q What is collective bargaining?

A Collective bargaining is the way to win real improvements on the job by speaking with one voice through a union. Through their union, employees win decent pay, better benefits, improved working conditions, greater job security, and increased job satisfaction by participating in the decision making process.

Through collective bargaining, the union and management meet as equals and negotiate over pay, benefits, and working conditions. It's a process which results in a legally binding, written agreement signed by your employer and, after a vote of the membership, your union. The contract establishes work rules, pay, holidays, vacation, and other conditions of employment guaranteed over the life of the agreement.

In addition, representation rights and a formal grievance process often result in increased job satisfaction. Many growth opportunities occur when the union and management work together building a skilled and professional workforce that provides excellent public services.

Q How can we win the right to union representation?

A Public employee representation elections in Ohio are conducted by the three-member State Employee Relations Board (SERB), appointed by Ohio's governor. It takes a simple majority of those who vote for AFSCME to win the right to union representation.

The first step to an election is identifying a "bargaining unit." A bargaining unit consists of workers who share a "community of interest" — people working for the same employer, department, or performing similar jobs.

Under the law, an election must be held in any bargaining unit where the union demonstrates a "showing of interest" from 30 percent of the employees. A "showing of interest" can include "authorization cards" signed by employees.

Q What does signing an AFSCME union authorization card mean?

A Signing the card means that you are joining with other employees who want the right to vote for AFSCME representation in a secret-ballot election.

AFSCME will use the card to demonstrate a showing of interest in order to petition the State Employment Relations Board (SERB) for your right to an election.

The card will not and cannot be used to deduct union dues from your paycheck.

AFSCME will keep your card confidential and will use it only to petition the SERB Board for your right to an election.

Q Do supervisors and professionals have collective bargaining rights?

A The law guarantees professional employees the right to collective bargaining. However, certain employees in confidential or sensitive positions may not always be included in a bargaining unit with other workers.

The law excludes supervisors, but they may bargain collectively with their employer if their employer agrees.

However, every public employee whose job title includes the word "supervisor" is not automatically excluded.

With input from the union and the employer, the State Employment Relations Board decides which job classifications will be included in the bargaining unit and be eligible to vote in the union election.

Q Does having a union make a difference in how grievances are resolved?

Yes! Without a union, the final decision on public employees' grievances is made by the employer or an appointed representative of management.

That system favors management over the employees. Winning rights under the collective bargaining law allows for the resolution of employees' grievances by a neutral third party through arbitration or other binding alternative dispute resolution process agreed to by both parties.

Q What are my rights under the collective bargaining law?

A Ohio's collective bargaining law guarantees public employees the right to: Organize a union; join a union; be represented by a union; and declare that you want to be represented by a union.

In addition, you have the right to vote in a secret ballot election to choose a union to represent you, and the right to bargain collectively with management to win improvements in pay, benefits, and working conditions. And if you choose, the right to file grievances against unfair treatment on the job and be represented by the union. You are guaranteed the right to exercise free speech in support of a union. And you have the right to engage in all of the above activities free of intimidation, harassment or coercion by your employer.

Q Can management deny me my rights?

A **No! The law makes clear that management shall not:**

- Interfere with or "coerce" employees who are organizing a union.
- Discriminate against you because of union activity or union membership.
- Refuse to bargain with the union that you and your co-workers elect to be your exclusive representative.
- Fail to respond to a grievance the union files on behalf of a bargaining unit member.

Q How will AFSCME represent us at the bargaining table?

A With AFSCME Ohio Council 8 as your union, collective bargaining will be a thoroughly democratic process:

- You and your co-workers will elect your negotiating committee.
- You and your co-workers will decide what union will propose at the bargaining table.
- AFSCME will assist you with professional as experienced negotiators, research experts, economists, and attorneys-to help you win your contract proposals.
- You and your co-workers have the right to vote to ratify (accept) or reject the union contract before it goes into effect.

Q Why is AFSCME the best choice for public employees?

A AFSCME is made up of 1.3 million people who serve the public every day. We represent nurses, clericals, "blue-collar" workers, professionals, corrections personnel, technicians and caregivers. AFSCME members work in offices, schools and universities, corrections facilities, hospitals, government facilities, child care centers — even in homes. Many AFSCME members have special training or are certified in their respective fields.

AFSCME represents over 105,000 public employees in Ohio. Ohio Council 8 represents more than 400 city, county, classified school employees and public university employee bargaining units across the state.

Q What makes Council 8 the best choice for Ohio's public employees?

A AFSCME Ohio Council 8 has a proven record and experienced professional staff able to assist local unions in all disputes with management. More important, Ohio Council 8 provides the training and resources enabling your fellow union members called "stewards" to have the tools and training they need to represent union members every day on the job.

While AFSCME contracts provide for binding arbitration of grievances, many members find that negotiating a union contract that defines work rules and working conditions that both sides have agreed to, eliminates

AFSCME Means Fairness

With AFSCME, public employee professionals meet the bosses at the bargaining table as equals. With Council 8's professional representation, and the power of our 41,000 members, local unions consistently win solid contracts, and decent pay and benefits.

Having a voice on the job means equal treatment and equal pay. Union members win fair pay and promotion policies, consistent work rules and a formal process to resolve disputes.

AFSCME Means Respect

Your individual right to form and join a union is protected by Ohio's public employee bargaining law and the State Employee Relations Board (SERB).

These are answers to many of the questions public employees have asked about collective bargaining.

If you want to find out more about AFSCME Ohio Council 8 — the union for Ohio's public employees, visit our web site at: www.afscmecouncil8.org

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