

# Workers Comp Institute More Important Than Ever Before

**Submitted by: Amanda Sabol**

This year's Annual Ohio AFL-CIO Workers' Compensation Institute proved to be another great success. Over 230 attendees hailed from across the state to take part in the five-day event held in Columbus. A diverse collection of unions participated in a wide range of sessions, topics and skill levels.

Ohio AFL-CIO President Joe Rugola opened the conference with welcome and then spoke about the current economic climate here in Ohio and nationally. At least one-third of the participants have only been involved in Workers' Compensation for two years or less, so the an introductory class taught by Peggy Griffith (CWA 4302) and Joe Sterling (USW) was given after President Rugola's talk. The rest of the week was filled with Bureau of Workers' Compensation (BWC) representatives, attorneys, members of the Industrial Commission (IC), as well as many others. We were pleased that BWC Administrator Marsha Ryan and IC Chairman Gary DiCeglio were on hand to make remarks and take questions.

A favorite class among attendees was a mock hearing session where the attendees acted out scenarios and presented in front of hearing officers. Tuesday evening the attendees enjoyed a banquet and encouraging words from Rep. Kenny Yuko, Chairman of the Ohio House Commerce and Labor Committee, and member of Laborers Local 863. The week ended with a presentation from OSHA representative, Howie Eberts, stressing the



*State Representative Kenny Yuko talks with Conference Delegates during the Ohio AFL-CIO Workers Compensation Institute. Rep. Yuko, Chairman of the House Commerce and Labor Committee, and member of Laborers Local 863 told conference delegates that he will fight to protect benefits for injured workers.*

importance of safety in the workplace.

The Ohio AFL-CIO would like to give special thanks to Peggy Griffith for her leadership and hard work to make the Institute a success and to Amanda Sabol from the Ohio AFL-CIO for her dedication to the success of this event.

We also owe a special thanks to Bill Preacher, CWA 4322, Lusta Anderson, CWA 4322, Kim Liska, CWA 4302, Connie Edwards, Bev White, and Kit Walker, USW 2737.

# Attorney General Cordray Cracks Down on Misclassification, Save \$Millions

What is the difference between an “employee” and an “independent contractor?” For Ohio government entities, it can be the difference between receiving and not receiving hundreds of millions of dollars in revenue each year.

Last month, the Attorney General’s Office issued a report that included the estimated costs of misclassification in Ohio. The results are staggering.

By our estimates, misclassification might cost up to \$100 million in unemployment compensation, more than \$510 million in Bureau of Workers’ Compensation premiums and almost \$180 million in lost state income tax revenues *each year*. In addition, misclassification is estimated to have cost Ohio cities and villages more than \$100 million in local income tax revenues in 2006, and school districts \$7.8 million in 2008. In sum, that is about a \$900 million problem annually.

In a nutshell, businesses can save money by misclassifying their workers as independent contractors instead of as employees. But they do so at the expense of taxpayers and the employees themselves, and the practice squarely violates the law.

Defining the difference between an independent contractor and an employee can be tricky in some situations, but in most instances the distinction is clear. Independent contractors are typically hired for short terms and generally use their own materials and methods to create a product by a scheduled deadline. Employees, by contrast, are typically hired for a longer expected term subject to an established schedule, and they use the employer’s materials to do their work. Misclassification of employees is sometimes referred to as the “1099” issue, after the specific federal tax form that covers independent contractors.



*Attorney General  
Richard Cordray*

In the standard workplace, employers pay half of their employees’ Social Security and Medicare taxes, as well as premiums for workers’ compensation and unemployment insurance coverage. Employers also typically withhold federal, state, and local income taxes. The workplace is very different for

independent contractors. They pay all of their own Social Security and Medicare taxes and have no income taxes withheld, but remain responsible to pay them in full, on their own. Independent contractors are not covered by workers’ compensation or unemployment insurance (though misclassified employees may believe they are until they find out later they were wrong).

It is easy to see the financial incentive for businesses to misclassify employees as independent contractors: They pay less, which gives them an unfair and illegal advantage over their competitors.

But an employee by any other name should still be treated as an employee.

When businesses misclassify workers, taxpayers and the state and local governments that they support are the losers. Misclassification also hurts law-abiding businesses that play by the rules and gives all businesses a perverse incentive to break the

## Cordray

Continued from page 2

law. It also directly harms the misclassified workers themselves, who do all the work of an employee but receive few of the benefits that they are entitled to in the workplace.

Having identified the likely scope of the problem, I convened a state task force that has brought together the Ohio Department of Job and Family Services, the Ohio Department of Taxation, and the Ohio Bureau of Workers' Compensation to join forces in attacking it. These agencies have now reached agreement to release and exchange information about the problem, which has never been done before. That will allow them to coordinate and combine what had been separate investigations to combat violations in a

## Steelworkers Rapid Response Lobbies Capitol Hill

**Submitted by: George Shafer**

The United Steel Workers Rapid Response Conference was held Feb.3- Feb. 6 2009 in Washington D.C. Over 800 Rapid Response Team Members attended workshops and plenary sessions. They also lobbied their Senators and Representatives on issues such as The Employee Free Choice Act, trade policies, health care reform, as well as the BUY AMERICA provision of President Obama's Stimulus Package and other issues as well that concern all working men and women, their families and neighbors,

On Feb. 4 USW Members joined thousands of other union members and activists from across the country on Capitol Hill who rallied for passage of the Employee Free Choice Act and an Economic Renewal Program to put



unified effort. We have no doubt that if employers are cheating one agency, they are cheating all three. We will stop the cheating faster by putting aside these bureaucratic divisions that have hampered effective enforcement of the law.

In the meantime, businesses should respect their workers, their competitors, and their communities by complying with the law. They will do that, very simply, by accurately classifying many "independent contractors" as what they actually are: employees.

*Richard Cordray is Ohio Attorney General. To read the full report about worker misclassification, visit [www.ohioattorneygeneral.gov](http://www.ohioattorneygeneral.gov) and click the "press" tab.*



Americans back to work.

This Conference was unique in that a large part of it was merged into the Good Jobs / Green Jobs Conference held Feb. 4- Feb. 6. The United Steel workers have a strong history of partnering with other international labor advocates, students, and other community groups in reaching common goals. By working together we can confront the energy crises and environmental concerns that confront us now as well as future generations.

For more information, pictures, and videos of this Conference, Lobbying, and the Rally on Capitol Hill go to [www.usw.org](http://www.usw.org) and click on Fighting For Choice.

# West Central CLC Continues Giving Tradition

*Submitted by: Laura Faught*

For the 3<sup>rd</sup> year in a row, the West Central CLC sponsored a soup kitchen on Ash Wednesday. Dave Roberts from OAPSE local 175 helped to serve lunch at the Salvation Army on Center Street in Findlay to about 50 people. "We do it every year, and we think its always a good idea to help out the community," Roberts said.

Shane Henley and Joe Vandeneayne from USW local 207L both took some time off to make sure they were having an impact on their hometown this winter. Shane made it a family affair. While his wife Susan Henley prepared and served the potato soup, their daughter Laura and her friend Katherine helped to take plates over to the tables and clean up.

"It was a lot of fun and everything was good. People came back for seconds and one lady came back for thirds! It was really fun serving the little kids especially," said Laura. She and Katherine are 8<sup>th</sup> graders at Donnell Middle School and felt lucky to be able to take a half-day from school to help out their community.



# Dayton CLC Draws A Big Crowd For Employee Free Choice Act Information

*Submitted by: KellieKnott*



At the Dayton CLC meeting held Monday Feb. 23, 2009, with 55 members in attendance, Executive Director Wes Wells discussed the importance of the Employee Free Choice Act battle, the urgency and time line to the Executive Board and Delegate meetings. He asked all leaders and members to get involved and help make this legislation become the law of the land. Kenny Woolum, Southwest Ohio ALF Coordinator, gave Coordinators report, thanked all local leadership who had invited him to their membership meetings for hte Employee Free Choice Act presentation. He also encouraged any others who had not done so to please contact him and set up a time.

# Fair Trade Agreements As Much a Financial Issue as A Civil Rights Issue in America

*Submitted by: Ken Barger from FLOC*

Baldemar Velásquez, the founder of the FLOC movement, gave the keynote address at the 2009 Martin Luther King, Jr. Commemorative Event hosted by the Smithsonian Institution's Anacostia Community Museum.



*Baldemar Velásquez*

In this address, Baldemar states that the Immigrant Rights Movement is a continuation of the Civil Rights Movement in pursuing self-determination. It is not enough to have laws - the structures of society must be changed so people have a direct voice in advocating for themselves. Baldemar also gives his personal story in the struggle for migrant worker rights and self-determination.

Regarding the immigration debate, Baldemar says that American is reaping what it has sowed. Migration does not happen on its own, he says, and gives the example of how the NAFTA trade agreement has displaced over six million Mexican corn farmers, who have not other option than to go to the U.S. seeking a way to support their families. He points out how anti-immigrants think history only just started. He quotes the Bible which says to not mistreat or oppress the alien... yet we are terrorizing a whole segment of the population. Christians believe that we have received the greatest amnesty known to man, he says, "How can we deny this to others?"

On "guest workers" in agriculture, Baldemar points out how the current system pits family farmers and farmworkers against each other. Farmers can't afford to bring in legal temporary workers, so in North Carolina 90 percent of field workers are undocumented. Critics of guest worker programs say with some validity that to open the door to temporary foreign workers leads to exploitation. But, he says, this does not have to be the case if these workers can

advocate for themselves. He cites how FLOC currently represents about 7,000 guest workers who have an immediate grievance system for addressing problems. We need to shift the whole paradigm of immigration, he says. The agricultural procurement system is designed for the benefit of the large transnational corporations... but, he points out, this makes them responsible for the people at the bottom, both farmers and farmworkers.

Baldemar presents the FLOC solution to the migrant workers "problem". He argues that codes of conduct and other such measures are not the answer, because these still leave the decisions solely up to those who dominate the system for their own benefit. In contrast, FLOC seeks to **empower people to defend themselves**. Then, they do not have to depend on others to advocate for them... they can advocate for themselves.

In reference to the Civil Rights Movement, Baldemar says he had the privilege of working with Dr. Martin Luther King Jr. in the Poor People's Campaign. He reflects how Dr. King laid out the cornerstone of the strategy the FLOC movement has used in its struggle with the agricultural corporations: "When you impede the rich man's ability to make money, anything is possible." He also remembers that Cesar Chavez once said that "all we have to invest is ourselves". Baldemar states that the opposition measures things in terms of money. But, he says, "We have more time than they have money. How can we lose if we don't give up?"

The great lesson of the Civil Rights Movement, Baldemar says, is "Why do we have to discriminate against others? Why does there have to be an exploited group? Everybody has the right to a quality life, to not be exploited." He notes how the next great doctor, scientist, artist is out there in some poor neighborhood.

"Don't lose hope", Baldemar says. "We have to adjust to the realities." We can create laws that are just, make trade deals that are fair. "We hope to be a light to the whole world. Well, let us be that."

# Ohio AFL-CIO's Rapid Response Workforce Development Program Southwest Field Staff receives Award

**Submitted by: Marcia Tolles, Director, Rapid Response**

Tina Kavanaugh, Southwest Field Staff Representative for the Ohio AFL-CIO Rapid Response Workforce Development Program was recognized by the Southwest Ohio Region Workforce Investment Board at its 2009 Annual Meeting. "These individuals, have helped set the statewide pace in employment services," states Sherry Kelley-Marshall, president of the board." The "Super Connectors Award," was presented to Tina on February 12<sup>th</sup>, 2009, in Cincinnati, Ohio at the first Annual Super Awards Ceremony.

The 2009 Super Connector Award represents demonstrated efforts to connect existing and new employment related partners in new and better ways to improve the workforce development system. Tina is recognized for her work throughout Southwest Ohio in assisting One-Stops to interact with and serve unions, labor organizations and non-union and dislocated workers. Her work to build peer-to-peer support services and arrange rapid response opportunities for the One-Stop staff have been instrumental in helping dislocated workers to become knowledgeable about services in Southwest Ohio.

## 2009 Ohio AFL-CIO Legislative Conference

*April 22-23, 2009*



The Ohio AFL-CIO's Biennial Legislative Conference will be held April 22-23, 2009 at The Renaissance Hotel, 50 North 3<sup>rd</sup> Street, Columbus, OH 43215.

The registration for the Conference will be \$75 per participant. Please make your check payable to the Ohio AFL-CIO and mail it with the form to the Ohio AFL-CIO attn: Legislative Conference, 395 E. Broad St., Suite 300, Columbus, Ohio 43215. For more information, to make your payment or to receive a registration form, please call Amanda Sabol at 614-221-8271 or [asabol@ohaficio.org](mailto:asabol@ohaficio.org)

We have made arrangements with the hotel to set aside a block of rooms for Wednesday night (4/22) for those who will be attending the Conference. Please make your hotel room reservations directly with the hotel by calling 800-417-1057. When making your reservation, identify yourself as being with the Ohio AFL-CIO to ensure the special rate of \$119 plus tax for a single or double. Parking will be \$10.00 for overnight valet and day of event parking, one vehicle per room, based upon availability. Please keep in mind that the **room cut-off date is March 30, 2009**. We suggest you make your hotel reservation as early as possible.

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# Update from the Alliance of Retired Americans

*Submitted by: Norm Wernet*

## **Advocacy Network Meeting Sets 2009 Agenda and Initiates Statewide Petition Drive**

The OARA and Community Advocacy Networks leaders meeting February 13 affirmed the coalitions goals to be security in health care, income, housing and community-based services and initiated a statewide petition campaign to restore Medicare. Forty activists from ten areas across Ohio gathered in Columbus and shared the growth of their advocacy network, its focus and concerns, and current activities in 2009. These leaders found the common thread of concern is the need to restore Medicare and secure its funding. To that end the gathering adopted the 6 point program of the Alliance to Restore Medicare <http://www.alliancetorestoremedicare.org/> as a petition campaign to Congress



## **An Appeal to Congress and President Obama: Save Medicare**

To ensure that Medicare will continue to provide health care access to older Americans and people with disabilities, the Alliance to Restore Medicare asks Congress and President Obama to commit to:

- o **Creating a prescription drug benefit entirely within the original Medicare program**
- o **Ending the overpayments to private “Medicare Advantage” plans.**
- o **Eliminating the “premium support” voucher experiment that is due to start in 2010.**
- o **Ending the new higher-income premiums now being phased in for Part B**
- o **Repealing the arbitrary 45% cap on Medicare paid from federal general revenue funds**
- o **Launching a congressional study of Medicare’s long-term finances.**

## **Toledo - Alliance of Informed Citizens of NW Ohio Confirm Plans for April 27 Event**

The Toledo coalition of labor and community retirees and seniors has firmed up plans for a public forum to be held at the WPOS Fellowship Hall just off I-475 in western Lucas County on April 27 from 10AM to 2:30PM.

The Alliance of Informed Citizens has asked Ohio US Senator Sherrod Brown to speak on health care reform and retirement security. The program will include a panel from Area Office on Aging on community based services, the Center for Successful Aging will tackle communicating with your doctor, a pharmacist will present how prescription drugs work and interact. He keynote address by David Kessler will focus on the issues of elder abuse and protection.

The “Do You Know” forum is open to the public and all labor retirees. Pre-registration is suggested with lunch being provided contact Rod Farnsworth [rodemma@buckeye-express.com](mailto:rodemma@buckeye-express.com) or Sam Burnett [principalsam@hotmail.com](mailto:principalsam@hotmail.com).

## **Ohioan Elected ARA National President**

Ohio CWA leader Barbara J. Easterling was elected President of the Alliance for Retired Americans February 19, succeeding George J. Kourpias who retired earlier in the month. Easterling, the former Secretary-Treasurer of the Communications Workers of America, began her labor career as a telephone operator in Akron, Ohio and a member and officer of Communications Workers Local 4302. She has pledged that the Alliance will aggressively educate both retirees and lawmakers on ways to strengthen Medicare, lower prescription drug costs, and preserve Social Security for future generations.

“It is a great honor and privilege to be elected President of the Alliance for Retired Americans. This is a critical time for our nation. Our economy is in crisis, and our health care system is dire need of reform – it is more important than ever that we mobilize retirees on these issues,” Easterling said.

“Barbara Easterling has dedicated her life to the fight for social and economic justice. She believes deeply in the power of grassroots organizing and collective action. She will be a great Alliance president,” said Kourpias, who had led the Alliance since its inception in 2001.

# North Shore Area Keeping Busy

**Submitted by: Les Wiley**

The Ashtabula CLC is planning a Town Hall meeting in the City of Ashtabula that will be open to the public in regards to the Employee Free Choice Act. Information about dates and time will be announced once the program is finalized. They also will be conducting a letter writing campaign to Congressman LaTourette and Senator Voinovich about co-sponsoring the Bill. Ray Gruber will be setting up meetings with Congressman LaTourette and Senator Voinovich about co-sponsoring the bill. Once he has the meeting dates and times set, he will notify the affiliates to see who

wish to attend the meeting.

The North Shore CLC is developing a candidates school and recruiting future union members with Political aspirations. They are also working on a Speakers Bureau for the Employee Free Choice Act.

All the North Coast Area Labor Federation CLC's have had their Employee Free Choice Turn Around America meeting in a box with much success. The USW along with Senator Sherrod Brown held a " Buy American Event " at the USW 979 Dave McCall Hall in Cleveland.

# United Way Helping Many Families Keep Their Tax Refund in Their Own Pockets

**Submitted by: Peter C. Fraser**

Each year, millions of low-income workers and families are eligible for the Earned Income Tax Credit (EITC) but don't realize they qualify or don't know how to claim it. Don't miss out on the credit you deserve!

Now there's FREE help to find out if you qualify, plus you can receive FREE Income Tax Preparation and Electronic Filing of your tax return!

The Earned Income Tax Credit - it's not just a tax deduction. It's money hard-working American families can use to get a break on their taxes and make a real difference in their lives.

If you earned less than \$38,646 (\$41,646 if married filing jointly) for families with two or more children; \$33,995 (\$36,995 married filing jointly) for families with one child or \$12,880 (\$15,880 married filing jointly) if there are no children, find out if you qualify at [www.irs.gov/eitc](http://www.irs.gov/eitc) or call 1-800-TAX-1040.

Local volunteers, trained and certified by the IRS



*Families are helped at the MYCAP EITC Super Saturday session in the Mahoning Valley.*

are available to help you find out if you qualify for the EITC. They can also prepare and electronically file your tax return for FREE!

FREE tax preparation sites are available throughout the 2008 Filing Season at MYCAP, various universities, and local branches of the Public Library around the state. To find FREE tax help at a Volunteer Tax Preparation Assistance Site near you call Help Hotline by dialing 2-1-1 or call 1-800-906-9887.



**FRIDAY, JUNE 12, 2009**

THE OHIO AFL-CIO

ANNUAL GOLF OUTING @  
WILLOW RUN in PATASKALA, OHIO

Registration @ 9:00 a.m.

Shot Gun Start @ 10:00 a.m.

Invitation and Details to Follow

## Working America Working For American Workers

Like the rest of our brothers and sisters in this movement, Working America has been working to make sure our politicians deliver on their promises to working families. In Ohio, we are currently operating offices in Cleveland and Columbus, and have been focused on mobilizing members to take action and write hand-written letters in support of Green Jobs and the Employee Free Choice Act.

Our 789,000 members in Ohio continue to join their voices together with the rest of the labor movement to win on the issues that impact their lives. Our members have been glad to hear about the passage of expanded children's health coverage early this year, which they worked hard to help make a top issue last year. We look forward to more victories in job creation, health care and, of course, the Employee Free Choice Act.

We also recently completed an innovative randomized controlled experiment on the effects of



Working America membership on voting patterns. The Analysts' Institute study deems our work "highly impactful." Being successfully recruited to join Working America (and receiving Working America's election program) increased a person's likelihood of voting for Obama by between 5.2 and 7.4 percentage points (i.e., increasing Obama vote margin by between 10.4% and 14.8%).

Successfully recruited members were between 26.5 and 37.9 percentage points more likely to say that health care was either very or somewhat important to them when deciding which candidate to vote for than if they had not been recruited. Cohabitants of successfully recruited members were between 11.4 and 21.2 percentage points more likely to report that as well. Successfully recruited members were between 17.2 and 24.6 percentage points more likely to say that the economy was either very or somewhat important to them when deciding which candidate to vote for than if they had not been recruited.

## Have A Story for the Newsletter?

Email your submissions and photos to Jeanette Mauk at [jmauk@ohafclcio.org](mailto:jmauk@ohafclcio.org) or call Jeanette at 614-224-8271. Stories can also be turned into the local ALF Coordinators.

# Central Ohio Labor Council AFL-CIO

## 50th Anniversary

Date: Thursday March 26, 2009

Location: Villa Milano

1630 Schrock Road

Time: Cocktails 6:00 p.m.

Dinner 7:00 p.m.

Tickets: \$65 per-person

\$500 per table (seats 8)

### PROGRAM SPONSORSHIP AVAILABLE

Full page (8½X11) for \$300

Half page=\$200; Quarter page=\$125; Business card=\$100

**Deadline for ad's is February 20, 2009**

Send or e-mail your camera-ready logo to the  
Central Ohio Labor Council, AFL-CIO, 1545 Alum Creek Dr., 2<sup>nd</sup> Fl.  
Columbus, OH 43209:

Phone 614-257-1920

Rick@columbusaflcio.com

Make your check payable to Central Ohio Labor Council, AFL-CIO

# Employee Free Choice Act Getting Ready For Its 2009 Introduction

The Philadelphia Inquirer quoted President Barack Obama as saying he didn't "buy the argument that providing workers with collective-bargaining rights somehow weakens the economy or worsens the business environment." Moreover, the paper reported that Obama "would not urge a delay in consideration of the Employee Free Choice Act."

As the Employee Free Choice Act gets ready for its 2009 introduction to the House of Representatives, Ohio affiliates and members have been working hard to secure endorsements and urging Senator George Voinovich to support the effort which will help restore Ohio's Middle Class.

Members from around the state have been asked to write hand-written letters to Sen. Voinovich urging his support of the Employee Free Choice Act, thousands of phone calls have been made to members into the Central Ohio, Cincinnati and Dayton-Miami Valley CLCs asking them to call Voinovich, and leaders from around the state went to Washington, DC to lobby House members on the Employee Free Choice Act. Those efforts have led to every Democrat in the House signing on as a co-sponsor as well as Senator Sherrod Brown.

Progress Ohio, a non-partisan progressive organization, has also been working hard to pass the Employee Free



*Members at the Worker's Compensation Institute write letters to Senator Voinovich.*

Choice Act is it launched with the help of the Ohio AFL-CIO and other organization, the website [www.restoreohio.org](http://www.restoreohio.org). This site has already been visited by business leaders in the state who are looking to spend tens of millions of dollars nationally to fight this effort. In fact, the business community used the past election cycle to attack candidates across the country as being anti-Democratic if that candidate supports the rights of workers in forming their unions.

During a forum conducted by the National Black Chamber of Commerce Feb. 24, President and CEO Harry Alford said Card Check "will cost African-Americans jobs—absolutely."

"I know plenty of business owners who will go to hell soaked in sulfur before they let this thing pass," he told CNSNews. "We will lock horns with unions when they try to block our members and entrepreneurs from doing business the way it's supposed to be done."

When asked about President Barack Obama's promise to sign the Employee Free Choice Act if passed, Alford said he didn't want to pick a fight with the president.

"But on this one, we have got to butt heads," he said, adding the unions can expect a "mother of a fight."

This is a fight Ohio members have been gearing up for and are getting ready to have. We all know the only way to restore and rebuild Ohio's middle class is for workers to join unions to raise wages and benefits so the American Dream can become a reality for so many families who have suffered the past eight years under an administration that continually allowed the rich to get richer while good, hardworking families were steadily declining. The Employee Free Choice Act is the only solution to bring back an economy where the average family can afford a house, healthcare and to send their kids to college.



*Members of the Tri-County CLC write letters to Senator George Voinovich urging him to support the Employee Free Choice Act.*