

Senate Higher Education Sub-Committee
Senator Gardner, Chair
May 25, 2017
Opposition Testimony on H.B. 49
David E. Logan, President AFSCME, Local 1699 and
Vice President of Ohio Council 8, AFSCME, AFL-CIO

Good morning Chairman Gardner, Vice Chair Williams and Members of the Sub-Committee. My name is David E. Logan, I currently serve as the President of AFSCME Local 1699 which represents a bargaining unit of approximately five hundred and eighty (580) employees of Ohio University. I also serve as a Vice President of Ohio Council 8, AFSCME, AFL-CIO which represents over thirty eight hundred (3,800) service, maintenance, clerical, technical, nursing and trades employees at the University of Cincinnati, Kent State University, Ohio University, Cuyahoga County Community College, Miami University, and the University of Toledo. It is an honor for me to speak to you today on behalf of all of the university employees across the State represented by AFSCME.

I am currently employed by Ohio University in the Life Safety Department. My job is to make sure that the fire alarms, sprinklers and other components of the fire suppression system are operating properly in the residence halls, academic and other buildings on the Ohio University campus. I have been employed with Ohio University for the past thirty three (33) years.

In addition to working for Ohio University, I have been a member of the union's bargaining team and participated in contract negotiations between AFSCME and Ohio University on three occasions over the past twelve years. During each set of negotiations, I have found that Ohio University has been expertly represented by labor and employment professionals employed in its human resources department. They have proven to be more than capable of identifying and arguing for the university's interests at the bargaining table. And I can say that each collective bargaining agreement that I have assisted in negotiating with the University has resulted in an equitable and balanced compromise to provide both the University and its employees with a fair package of benefits given the University's financial condition at the time.

This successful bargaining history, is in part, due to the wide range of bargaining issues that the parties can discuss in crafting a compromise that works for both parties under Ohio's Public Employee Collective Bargaining Act. And these subjects of bargaining currently include sick leave accrual rates, accumulation balances and payout percentages, if any, at retirement.

The Ohio Public Employee Collective Bargaining Act incorporates management's rights and recognizes a state university or colleges' inherent right to manage its own operations. Further, nothing in the Act compels a public employer to reach agreement on any issue or proposal, including sick leave accrual rates. O.R. C. 4117.08 specifically provides, "The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession." Therefore, nothing in the current law prohibits a state university or college from limiting sick leave accrual rates, accumulation or payout at retirement if the university or college is experiencing sick leave abuse or budgetary constraints.

And even though sick leave accumulation is a mandatory subject of bargaining under current law, which means unions could demand more time not less, in reviewing each of the collective bargaining agreements between AFSCME and a state university or college employer, I have found that the parties agreed to an accumulation rate consistent with O.R.C. 124.38 capping sick leave accumulation at 4.6 hours of sick leave for each 80 hours of service. This fact underscores that both parties to these contracts, the colleges and universities and the union, have agreed that this accumulate rate is reasonable and fair to both the employer and its employees. As importantly, however, current law gives state university and college officials flexibility over their bargaining priorities, budgets and human resources policies in the event their circumstances change over time.

And, I would argue that colleges and universities, more than other public employers, need flexibility given the wide range of jobs that are required to be performed in college or university setting. The college and university employees represented by AFSCME include equipment maintenance employees, grounds crews, trades workers, housekeepers, cooks, nurses, phlebotomists, lab technicians, and university police, to name a few. These jobs are not desk jobs. Our members are exposed to the elements, run heavy equipment, are exposed to chemicals

and contagious diseases. Their jobs are more apt to make them ill or cause injury. Reducing their sick leave accumulation to the extent proposed in House Bill 49 will simply put their health at greater risk, risk the health of their co-workers and the students they come into contact with. At Ohio University, the health and safety of students is our number one priority. House Bill 49 is contrary to that goal.

According to one estimate, seven million people were infected by the HINI flu virus in 2009 because employees came in to work sick.¹ Other studies confirm that having sufficient sick leave to cover preventative care, as well as, illness is correlated to employees using fewer sick days.² Decreasing available sick time will not decrease personnel or student health costs in the long run. It will increase them.

Further, good employees who themselves or their family members, have the misfortune of experiencing a serious health condition that does not result in a disability, will find themselves facing disciplinary action or separation from employment, not for sick leave abuse, but for simply not having enough paid time to cover their illness.

Finally, a significant number of the jobs our members do are held by single parents who utilize sick leave to take care of their children. Reducing sick leave accumulation rates will place an additional burden on them. One study found that low income mothers are more likely to come into work sick because they are less likely to be able to afford unpaid time off.³

In conclusion, I am convinced that universities and colleges have the expertise to form their own personnel policies and negotiate fair and equitable employee benefits. AFSCME's bargaining history with universities and colleges across Ohio shows that a sick leave accrual rate

¹ See, Robert Drago and Kevin Milles, *Sick Leave at Work, Infected Employees In the Workplace During HINI Pandemic* (2010), Penn. State Univ., IWPR.org/publications/B284.pdf.

² See, Karin Davis, Sara Collins, Michelle Doty, Alice Ho, Ayssa Holmgren, *Health and Productivity Among U.S. Workers*, (2016), *The Casual Workforce*, www.cwf.org/usr_doc_856_Davis_hlt_productivity_U.S.worker.pdf.

³ See, LeAnn DeRyne, Portia Stoddard-Dare, Linda Quinn, *Workers Without Paid Sick Leave Less Likely To Take Time Off For Illness or Injury Compared to Those With Paid Sick Leave*, Florida Atlantic Univ, (2016), www.nyt.com/2016/11/01/upshot/The-High-Cost-Of-Not-Offering-Paid-Sick-Leave.html.

of 4.6 hours of paid sick leave for every 80 hours of service is fair and reasonable in the eyes of the union, its members and state university and college employers. Further, leaving this issue to the parties to consider through collective bargaining, rather than statutory dictates, offers the parties the most flexibility in seeing that the work of the employer is efficiently carried out at the lowest costs with the least amount of disruption.

I appreciate the opportunity to present these comments to the Committee. I would be happy to meet with members of the Committee to discuss House Bill 49 or answer questions.