



Lynda J. Jacobsen

*Bill Analysis*  
Legislative Service Commission

## **H.B. 297**

125th General Assembly  
(As Introduced)

**Reps. Buehrer, Hoops, Setzer, Gilb, Schaffer, Trakas, Husted, Latta, Gibbs**

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### **BILL SUMMARY**

- Prohibits collective bargaining or other forms of collective negotiations between county boards of elections and their employees.

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### **CONTENT AND OPERATION**

#### *Existing law*

##### *Overview*

The current Collective Bargaining Law grants defined "public employees" certain rights when dealing with a public employer. These public employees have the right to join an employee organization, which generally is defined as a labor or other bona fide organization whose purpose is to deal with public employers about grievances, labor disputes, wages, hours, terms, and other conditions of employment. These public employees, then, may collectively bargain through their "exclusive representative" employee organizations with their public employers over those types of matters and enter into collective bargaining agreements. (Sec. 4117.03(A) and sec. 4117.01(D)--not in the bill.)

Public employers must engage in collective bargaining with these public employees through their "exclusive representative" employee organizations. But, the Collective Bargaining Law does not preclude public employers from engaging in collective bargaining or in any other form of collective negotiations with their employees who *are not* subject to the Law. In the latter instances, public employers may elect to collectively bargain with, or engage in other forms of collective negotiations with, their exempted employees. (Sec. 4117.03(C) and secs. 4117.04 and 4117.05--not in the bill.) "Public employer" includes the state or any political subdivision of the state located entirely in the state (sec. 4117.01(B)--not in the bill).

### *Covered and exempted employees*

Current law defines "public employee" for purposes of the Collective Bargaining Law generally as any person who works for a public employer, whether by employment or appointment. But, the definition also lists 19 specific categories of exempted employees, causing those employees not to be "public employees" for collective bargaining purposes. (Sec. 4117.01(C)--not in the bill.) One of those categories of exempted employees is employees of county boards of elections (sec. 4117.01(C)(12)).

However, as mentioned above, nothing in the Collective Bargaining Law prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with their employees who are not subject to the Law. Thus, even though their employees are not technically covered by the Collective Bargaining Law, county boards of elections as such public employers and their otherwise exempted employees may engage, under current law, in collective bargaining or other forms of collective negotiations if the boards so elect.

### *Changes proposed by the bill*

The bill generally retains the provisions of the Collective Bargaining Law discussed above, but it prohibits a "public employer" from engaging in collective bargaining or other forms of collective negotiations with the otherwise exempted employees of county boards of elections. It does not affect, then, the ability of other exempted employees and their public employers to engage in collective bargaining if the employers elect to do so. (Sec. 4117.03(C) and (D).)

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	10-08-03	p. 1097

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