



S.B. 142

125th General Assembly
(As Introduced)

Sens. Fingerhut, DiDonato, Zurz, Prentiss, Fedor, Hagan, Dann, Miller

BILL SUMMARY

- Permits specified students and part-time faculty of higher education institutions to engage in collective bargaining with their public employers under the Public Employees Collective Bargaining Law.
- Allows specified students and part-time faculty of higher education institutions likewise to be members of the Ohio Elections Commission but prohibits membership to several other groups of public employees.

CONTENT AND OPERATION

Removal of exemption

Current law grants a public employee certain rights when dealing with a public employer. Many public employees have the right to join an "employee organization," which generally is understood to be a labor or other bona fide organization whose purpose is to deal with employees and employers about grievances, labor disputes, wages, hours, terms, and other conditions of employment. Public employers also may elect to collectively bargain with their public employees. (R.C. 4117.03, not in the bill). "Public employer" includes "the state or any political subdivision of the state located entirely in the state. . ." (R.C. 4117.01(B)).

Current law defines "public employee" for the purpose of the Collective Bargaining Law (R.C. Chapter 4117.) generally as any person who works for a public employer, whether by employment or appointment. The definition also lists 19 specific exceptions, making those employees not "public employees" for collective bargaining purposes. One exception is students who are working for a public employer mainly for educational training, which include graduate assistants or associates, interns, and residents or other students who work part-time for a public employer and whose work is less than 50% of the normal year of the

employee's bargaining unit. Part-time faculty of higher education institutions are also excepted (R.C. 4117.01(C)).

The bill removes students and part-time faculty from the list of exclusions of the definition of "public employee." Therefore, under the bill, each would be defined as a "public employee" for collective bargaining purposes.

Change in membership restrictions of the Ohio Elections Commission

Under existing law, the Ohio Elections Commission has restrictions on who can be members of the Commission. For instance, members of the Commission are not permitted to run for or hold a public office. They also are not permitted to work on a committee for a candidate or an issue. In addition, members of the Commission may not be a public employee in the list of exceptions to the definition of a "public employee" for collective bargaining purposes (R.C. 3517.152(F)(1)(g)). Therefore, by removing the students and part-time faculty described above from the list of exceptions from being a "public employee" under the Public Employee Collective Bargaining Law, the bill has the effect also of allowing these types of students and faculty to be members of the Elections Commission.

At the same time, in what may be a technical update to R.C. 3517.152, the bill adds four additional groups of public employees who cannot be members of the Commission. Current law states that persons described in section 4117.01(C)(1) to (15) of the Revised Code cannot be Commission members. Under the bill, section 4117.01(C)(16) to (19) are added to the list of prohibitions. Therefore, under the bill, a member of the Commission also cannot be: (1) an employee of the Board of Directors of the Ohio Low-Level Radioactive Waste Facility Development Authority, (2) employees who must be licensed to practice law in Ohio in order to perform their duties for their public employer, (3) employees in the "career professional service" under the Department of Transportation, and (4) participants in programs under the Ohio Works First Program, where the participant does work for the employer that is needed but is not provided by an employee of the public employer if the program participant is not paid or subsidized for the activity.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-30-03	p. 1146

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