Ohio Legislative Service Commission

Bill Analysis

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H.B. 365

128th General Assembly
(As Introduced)

Reps. Chandler, Hagan, Foley, Oelslager, B. Williams, Yuko, Domenick, Phillips, Skindell, Okey, Harris, Letson, Pryor, Stewart, Fende, Harwood

BILL SUMMARY

- Removes a provision that excludes specified students and part-time faculty of higher education institutions from the definition of "public employee" 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.

CONTENT AND OPERATION

Removal of exemption

Under the Public Employees' Collective Bargaining Law (R.C. Chapter 4117.; hereafter "PECBL"), a public employee, as defined under that law, has the right to collectively bargain with the public employee's public employer. "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 PECBL generally as any person who works for a public employer, whether by employment or appointment. The definition also lists a number of specific exceptions, making those employees not "public employees" for purposes of that law.[1] One

[1] Continuing law states that, with one exception, nothing in the PECBL 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 public employees who are not subject to the PECBL because the public employee is excluded from the definition of public employee for purposes of the PECBL. Thus, these public employees are not completely barred from collective bargaining; however, such a public employee's public employer would not be required to collectively bargain with those employees if the public employer did not elect to collectively bargain. (R.C. 4117.03(C).)

exception is students whose primary purpose in working for a public employer is 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 these 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. (R.C. 4117.01 and 4117.03.)

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 a public employee included in the list of exceptions to the definition of a "public employee" for purposes of the PECBL may not be a member of the Commission. (R.C. 3517.152(F)(1)(g), not in the bill.) Therefore, by removing the students and part-time faculty described above from the list of exceptions from being a "public employee" under the PECBL, the bill has the effect also of allowing these types of students and faculty to be members of the Elections Commission.

HISTORY

ACTION	DATE
Introduced	11-12-09

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