



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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(H. Commerce and Labor)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Passed by the Senate)	Sub. Version (LSC 129 0241-9)
Strikes	Provides that an employee that strikes in violation of an injunction can be fined no more than \$1,000 or subjected to the penalties for contempt of court, or both (R.C. 4117.27).	Removes the proposed contempt penalty (R.C. 4117.27).
Ability to bargain	Limits the ability of all members of the unclassified civil service to collectively bargain by allowing those employees to bargain only if their public employer elects to do so, instead of just those that serve in a fiduciary capacity under current law (R.C. 4117.01(C)).	Limits the unclassified civil service exemption to certain clerical and administrative employees and certain employees that serve in a fiduciary capacity (R.C. 4117.01(C)).
Decertification of an exclusive representative	Maintains current law (R.C. 4117.07).	Allows specified entities to file a petition for decertification with the State Employment Relations Board (SERB) that is supported by substantial evidence, based on and in accordance with rules adopted by SERB, demonstrating that at least 30% of the employees in the described bargaining unit

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		<p>support the petition, and includes timelines for submitting that petition (R.C. 4117.05(C)).</p> <p>Maintains the current law procedures for a question of representation (R.C. 4117.07).</p>
Bargaining unit determination	Eliminates the current law provision that makes SERB's determination of an appropriate bargaining unit final and conclusive and that prohibits the appeal to the courts of that determination (R.C. 4117.06).	Maintains current law (R.C. 4117.06).
Nonexclusive or deemed certified recognition	Allows SERB to determine appropriate units, remove classifications from a bargaining unit, or hold an election regardless of an agreement or a memorandum of understanding granting nonexclusive recognition (R.C. 4117.05(C)).	Adds that SERB also has this authority with respect to recognition deemed certified previously through an agreement or a memorandum of understanding (R.C. 4117.05(D)).
Subjects of collective bargaining	Prohibits, with respect to education employees, a public employer from entering into a collective bargaining agreement on or after the bill's effective date that requires the public employer to or restricts the public employer from engaging in listed activities (R.C. 4117.081(B)).	Adds to that list of activities that such a public employer cannot enter into such a collective bargaining agreement that restricts the public employer's authority to acquire any products, programs, or services from educational service centers in accordance with continuing law (R.C. 4117.081(B)).
Bargaining regarding equipment	Makes the determination of the type of equipment used and the determination of the making of technological alterations by revising either process or equipment or both permissive subjects of collective bargaining. Prohibits any agreement entered into or renewed on or after the bill's effective date from containing any provision that limits a public employer in determining the number of employees on any piece of equipment or vehicle. (R.C. 4117.08(C) and 4117.106(A).)	Makes, with respect to certain public safety forces, equipment issues directly related to safety subject to collective bargaining (R.C. 4117.08(C) and (F) and 4117.106(A)).

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Fair share fees	Maintains current law <i>(R.C. 4117.09(C) and 4117.11(A)(3) and R.C. 9.81, not in the bill).</i>	Prohibits any agreement from containing a provision that requires as a condition of employment that the employees in the unit who are not members of the employee organization pay to the employee organization a fair share fee. Eliminates religious exemption. <i>(R.C. 9.81, 4117.09(C), and 4117.11(A)(3).)</i>
Automatic contributions to political action committees	Maintains current law.	Prohibits any public employer from agreeing to a provision that provides for the payroll deduction for any contributions to a political action committee using any other method than the method prescribed in the Campaign Finance Law <i>(R.C. 4117.09(C)).</i>
Dispute resolution timelines	<p>Extends the timelines for initial negotiations from 90 to 120 days. <i>(R.C. 4117.14(B) and (C).)</i></p> <p>Eliminates the current law timelines to request SERB to intervene and for SERB to appoint a mediator.</p> <p>Extends the timeline for a fact-finder's findings of fact and recommendations to 30 days after the fact-finding hearing from 14 days after the panel is appointed under current law (see "Dispute resolution and fact-finding" below).</p> <p>Extends the timeline to vote on the findings of fact and recommendations to 14 days after they are sent from seven days under current law.</p> <p>Extends the timeline for going to final dispute resolution procedure to 14 days from the date of publication of the findings of fact or recommendations or the agreement expires,</p>	<p>Extends the current law timelines for negotiations involving an existing collective bargaining agreement from 60 to 90 days.</p> <p>Extends the current law timelines to request SERB to intervene and for SERB to appoint a mediator.</p> <p>Extends that timeline to the date the collective bargaining agreement expires.</p> <p>Extends that timeline to 15 days after they are sent or 15 days after the agreement expires, whichever occurs earlier.</p> <p>Extends that timeline to 20 days after publication or 20 days after the agreement expires. <i>(R.C. 4117.14(C) and (D).)</i></p>



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	from seven days under current law. (R.C. 4117.14(C) and (D).)	
Dispute resolution and fact-finding	Uses a fact-finder, rather than a fact-finding panel. Maintains current law with respect to the parties requesting a fact-finder. (R.C. 4117.14(C).)	Requires a fact-finder to be appointed if the parties do not reach an agreement 30 days prior to the expiration of the existing agreement. Requires a majority, rather than a three-fifths vote as under current law, to reject the fact-finder's recommendations. (R.C. 4117.14(C).)
Final dispute resolution procedure	<p>Eliminates the ability to strike and eliminates the current law final offer dispute resolution procedure. Requires the legislative body of the public employer to be the final decision-maker with respect to any dispute that is unresolved during the fact-finding process. (R.C. 4117.14(D).)</p> <p>Requires the public employer to submit the public employer's last best offer and the findings of fact and recommendations to the legislative body of the public employer within 60 days after the rejection and requires the exclusive representative to submit its last best offer in the same timeframe. Requires the legislative body to hold a hearing as soon as practicable. (R.C. 4117.14(D).)</p> <p>No provision.</p>	<p>Defines legislative body, for purposes of this provision, with respect to the state, a state institution of higher education, and, with respect to certain nurses, hospitals (R.C. 4117.14(D)(3)).</p> <p>Removes the proposed requirement to submit the findings of fact and recommendations to the legislative body. Eliminates the proposed 60-day timeframe, and requires the legislative body to hold a hearing and vote within 30 days after the collective bargaining agreement expires. Maintains current law with respect to when increases in compensation must take effect under the final dispute resolution procedure. Requires, if the legislative body fails to choose a last best offer, the employer's last best offer to become the agreement. (R.C. 4117.14(D).)</p> <p>Requires, with respect to certain public employers, the chief financial officer of the legislative body to determine whether the agreement entered into under the final dispute resolution procedure results in new revenue being needed to fund the agreement. Allows, if</p>



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		the officer determines that additional revenue is needed or if the officer fails to act, signatures to be collected to place the last best offers on the ballot. Prescribes procedures for placing the last best offers on the ballot and the election. (R.C. 4117.141.)
Unfair labor practices	<p>Makes communicating or attempting to engage in other direct dealings during the period of negotiations with certain elected or appointed officials of the public employer regarding wages, hours, and terms and conditions of employment, or with regard to matters that are or may become the subject of collective negotiations an unfair labor practice for employee organizations and public employees (R.C. 4117.11(B)(3)).</p> <p>Eliminates the ability to picket if the required notice was given, thus making any picketing by an employee organization or public employee an unfair labor practice (R.C. 4117.11(B)(8)).</p> <p>No provision.</p>	<p>Maintains current law (R.C. 4117.11(B)(3)).</p> <p>Maintains current law (R.C. 4117.11(B)(9)).</p> <p>Makes insisting that a permissive subject of collective bargaining be bargained to impasse an unfair labor practice for an employee organization or public employee (R.C. 4117.11(B)(10)).</p>
Charges under the Public Employees Collective Bargaining Law	<p>Requires the State Employment Relations Board (SERB) to hold a hearing for all unfair labor practice charges (R.C. 4117.12 and 4117.13).</p> <p>Requires SERB, SERB member, or administrative law judge to hold the hearing on the charge as soon as is practicable rather than ten days after service of the complaint under current law. Removes the current law ability of</p>	<p>Maintains current law (R.C. 4117.12 and 4117.13).</p> <p>Maintains current law (R.C. 4117.12).</p>



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	<p>SERB to amend a complaint and the requirement that charged party file an answer to the complaint or amendment. (R.C. 4117.12.)</p> <p>Maintains current law (R.C. 4117.12(A)(1)).</p>	<p>Specifies that the charging party or the charging party's representative is a party to a hearing and may appear or otherwise give evidence, in addition to SERB agents and the person charged under current law (R.C. 4117.12(A)(1)).</p>
Conflict of interest	<p>Prohibits any public official or employee from participating on behalf of a public employer in the collective bargaining process with respect to any matter in which the official or employee, or the immediate family of the official or employee as defined in the bill, has a direct interest in the outcome of the matter (R.C. 4117.20(B)).</p>	<p>Limits the prohibition to those matters in which the official's or employee's immediate family has a direct interest in the outcome (R.C. 4117.20(B)).</p>
Public employee pay	<p>Requires merit-based pay for most public employees, including board and commission members. Creates salary ranges by removing the steps from the current law salary schedules, and generally requires progression through those ranges or other salary schedules to be based on merit. (See generally R.C. 124.15 and 124.152.)</p>	<p>Eliminates the statutory schedules and requires the Director of Administrative Services to adopt rules to develop a performance pay system that applies generally to most public employees except teachers. Requires an appointing authority, unless otherwise provided, if an appointing authority is authorized by the Revised Code to fix the wage or salary of a public employee without reference to the Department of Administrative Services – Personnel Law or other parameters, to fix the public employee's wage or salary based on performance in accordance with the rules the Director adopts. Requires board and commission members to be paid based upon performance within the ranges established or modified in rules adopted by the Director, unless compensation for members of a board or commission otherwise is specifically provided by law. Requires progression through salary</p>



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		schedules to be based upon performance rather than merit. (See generally R.C. 124.15 and 124.152.)
Performance evaluations for education employees	Requires performance based pay for teachers and reductions in force for teachers to be based in part on the results of the teacher's performance evaluations conducted under continuing law, any peer review program created by an agreement entered into by a board of education and representatives of teachers employed by that board, or any other system of evaluation used by the board (R.C. 3317.13 and 3319.17).	Requires, beginning in the 2013-2014 school year, a board of education to conduct performance evaluations for teachers based upon a statewide framework adopted by the State Board of Education. Requires an evaluation to be conducted annually unless specified circumstances apply. Requires these evaluations or any peer review program to be used, in part, to determine performance-based pay and reductions in force for teachers. (R.C. 3319.13, 3319.02, 3319.11, 3319.111, 3319.112, 3319.17, and 3319.61.)
Longevity supplements	Eliminates the current law pay supplements for longevity (R.C. 124.181(E)).	Additionally eliminates the requirement that credit for prior service that is a longevity supplement, take effect during the first pay period that begins immediately following the date the Director of Administrative Services approves granting that credit. Eliminates the current law prohibition against have an officer's or employee's longevity reduced or eliminated except as provided under law. (R.C. 124.134, 124.34, and 124.181.)
Number of citations issued	No provision.	Prohibits, when determining the performance of an employee who is a member of a police department or police district or is a trooper in the State Highway Patrol, the employer from considering the number or type of citations that the employee issues (R.C. 124.14(H) and (J) and 505.49).
Supervisor pay	No provision.	Prohibits the compensation of a supervisor who is not a member of an employee organization from being automatically tied to the



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		compensation negotiated in a collective bargaining agreement that applies to other public employees of the public employer that employs the supervisor <i>(R.C. 4117.10(D))</i> .
Death benefits under the Police and Fire Pension Fund Law	Maintains current law <i>(R.C. 742.63, not in the bill)</i> .	Specifies that the salary upon which a death benefit under the Police and Fire Pension Fund Law is the salary received by the deceased member immediately prior to the bill's effective date and that any increases in that salary are those permitted by law in effect immediately prior to the bill's effective date <i>(R.C. 742.63)</i> .
Vacation leave accrual	Caps vacation leave for certain public employees at 7.7 hours per biweekly pay period <i>(R.C. 124.134)</i> .	Requires an employee who is accruing vacation leave at a rate of 9.2 hours per pay period and whose vacation leave balance exceeds 600 hours on the bill's effective date to forfeit the employee's right to take or be paid for any vacation leave to the employee's credit that is in excess of 720 hours <i>(R.C. 124.134)</i> .
Reduction in force	Requires, rather than permits under current law, rules adopted by the Director regarding the order of layoffs to include efficiency in service, appointment type, and other similar factors <i>(R.C. 124.322)</i> . No provision.	Removes requirement to include those factors in the rules <i>(R.C. 124.322)</i> . Requires layoffs, job abolishments, and displacements to be governed by the Revised Code or the rules adopted pursuant to it that are in effect at the time the appointing authority files the statement of rationale and supporting documentation in accordance with continuing law, as applicable, or otherwise by those laws or rules in effect at the time of notification of layoff or displacement to the employee <i>(R.C. 124.322)</i> .

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Commission for Excellence in Public Service	No provision.	Creates the Ohio Commission for Excellence in Public Service and specifies its membership and duties, which include establishing and guiding programs that foster best practices for developing and maintaining healthy working relationships in public service workplaces (<i>R.C. 124.94</i>).
Effect on existing agreements	Specifies that the bill's amendments to the Public Employees' Collective Bargaining Law apply to a collective bargaining agreement entered into on or after the bill's effective date and to versions of a collective bargaining agreement in effect on the bill's effective date that result from extension, modification, or renewal of the collective bargaining agreement on or after that date (<i>Section 4</i>).	Adds that nothing in the bill is to be construed as applying to a collective bargaining agreement that exists on the bill's effective date (<i>Section 4</i>).

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