



Ohio Legislative Service Commission

Synopsis of House Committee Amendments*

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(H. Commerce and Labor)

Strikes

Removes the proposed requirement in the Senate-passed version that when it appears that public employees or an employee organization threaten or are about to violate any of the prohibitions regarding strikes, the chief legal officer must immediately apply for an injunction against the violation.

Removes the proposed penalties for violating an injunction order described immediately above.

Ability to bargain

Limits the proposed unclassified civil service exemption in the Senate-passed version to certain clerical and administrative employees and certain employees that serve in a fiduciary capacity.

Decertification

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 support the petition.

Bargaining unit determination

Restores to current law with respect to a 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.

Nonexclusive or deemed certified recognition

Expands SERB's proposed authority under the Senate-passed version with regard to making changes with respect to entities with nonexclusive recognition to also

* This synopsis does not address amendments that may have been adopted on the House Floor.

apply to recognition deemed certified previously through an agreement or a memorandum of understanding.

Subjects of collective bargaining

Prohibits certain education-related public employers from including in a collective bargaining agreement any restriction on the public employer's authority to acquire any products, programs, or services from educational service centers in accordance with continuing law.

Makes equipment issues directly related to personal safety subject to collective bargaining, which, in some instances, is a permissive or prohibited subject under the Senate-passed version.

Provisions in a collective bargaining agreement

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 the current law religious exemption.

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.

Dispute resolution timelines

Further extends the proposed extension of the current law timelines relating to negotiations when a collective bargaining agreement exists between the parties.

Extends, rather than eliminates as in the Senate-passed version, the current law timelines for requesting SERB assistance and appointment of a mediator.

Fact-finding

Changes the proposed extension to the current law deadline for a fact-finder (changed in the Senate-passed version from fact-finding panel under current law) to transmit the fact-finder's findings of fact and recommendations to the parties and SERB.

Requires a fact-finder to be appointed if the parties do not reach an agreement 45 days prior to the expiration of the existing agreement.

Requires a majority, rather than a three-fifths vote as under current law and the Senate-passed version, to reject the fact-finder's recommendations.

Final dispute resolution procedure

Revises proposed timelines and procedures proposed in the Senate-passed version for submitting last best offers to the legislative body of the public employer and defines "legislative body" with respect to certain public employers.

Requires the public employer's last best offer to become the agreement if the legislative body fails to make a selection.

Requires the chief financial officer of the legislative body to make specified determinations regarding the last best offers from the parties and with respect to the last best offer that becomes the agreement through the final dispute resolution procedure.

Allows, if specified criteria are satisfied, signatures to be collected to place the last best offers involving certain public employers on the ballot and prescribes procedures for placing the last best offers on the ballot and the election.

Unfair labor practices

Removes the proposed unfair labor practice regarding communicating or attempting to engage in direct dealings with certain individuals during negotiations.

Restores the current law restrictions with respect to when picketing constitutes an unfair labor practice, which the Senate-passed version eliminated and made picketing an unfair labor practice.

Makes insisting that a permissive subject of collective bargaining be bargained to impose an unfair labor practice for an employee organization or public employee.

Restores current law with respect to SERB investigating complaints and determining which charges require a hearing and restores the current law timelines with respect to such hearings.

Makes a charging party or the charging party's representative a party to the hearing.

Effect on existing agreements

Adds to the Senate-passed version that nothing in the bill is to be construed as applying to a collective bargaining agreement that exists on the bill's effective date.

Public employee pay, benefits, and reductions in force

Eliminates the current law statutory schedules and the ranges proposed in the Senate-passed version 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 to fix the public employee's wage or salary based on performance in accordance with the rules the Director adopts.

Requires progression through salary schedules to be based upon performance rather than merit as proposed in the Senate-passed version.

Makes additional changes with respect to the elimination of longevity supplements.

Prohibits, when determining the performance of certain employees, the employer from considering the number or type of citations that the employee issues and includes restrictions with respect to determining supervisor pay.

Specifies the salary and increases to be used for determining death benefits from the Ohio Police and Fire Pension Fund.

Specifies, with respect to employees whose vacation leave is lowered under the Senate-passed version, a maximum accrual amount.

Identifies which laws are applicable in the event of certain reductions in force.

Performance evaluations for education employees

Requires, beginning in the 2013-2014 school year, a board of education to conduct performance evaluations for teachers and other employees based upon a statewide framework adopted by the State Board of Education.

Commission for Excellence in Public Service

Creates the Ohio Commission for Excellence in Public Service and specifies its membership and duties.