

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
7.16		NEW PROVISION: Establishes state public notice website. (pp. 16-17) See also § 125.182 (pp. 252-54).		
9.482		NEW PROVISION: Authorizes political subdivisions, upon authorization by their respective legislative authorities, to enter into shared service agreements with other political subdivisions to provide services for each other. Political subdivision "shall not enter into an agreement to levy any tax or to exercise, with regard to public moneys, any investment powers, perform any investment function, or render any investment service on behalf of a contracting subdivision." pp. 50-51, ll.1533-70		
9.81	Health care benefits for employees of political subdivisions	Adds requirement that political subdivision's self-insurance program must be approved by the DAS pursuant to 9.901. (p. 51) (Maintains provision that political subdivisions may provide joint self-insurance programs.)		--removes reference to 4117.09(C) regarding authorized deductions
9.90	Authorizes institution of higher education to contract for insurance and related benefits for its employees and make payments into 403(b)(7) retirement funds. In (C) of the section the same	Adds – Once the DAS releases in final form health care plans under § 9.901, all health care benefits provided to persons employed by state institutions of higher education, school districts, or educational service centers may be through those plans.	Keeps all current language and adds to the end of (C) " <u>Nothing in this division shall be construed to allow a board of education to bargain collectively regarding the provision of health care benefits as that term is defined in section 124.81 of the Revised</u>	

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 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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	authority is granted to school district boards of educations except that any health care benefits must be provided by the best practices established pursuant to 9.901.	School Employees Health Care Board abolished.	<u>Code.</u> This amendment emphasizes that provision of health care is not an appropriate subject of bargaining. (p. 4)	
9.901		<p>(A)(2) All health care benefits provided to employees of political subdivisions, public school districts, and state institutions of higher education may be provided by health care plans designed by the DAS. The DAS shall use the competitive bidding procedure in Chapter 125 to negotiate and contract with one or more insurance companies authorized to do business in the state. (pp. 60-61)</p> <p>(A)(3) Before soliciting proposals, the DAS shall determine what geographic regions exist based on availability of providers, networks & costs & other factors relating to provision of health care benefits.</p> <p>(A)(4) DAS shall determine what strategies are used by existing plans to manage health care costs & shall study the potential benefits of state or regional consortiums.</p> <p>(A)(5) No political subdivision shall receive state aid if it's in violation of this</p>		Added to edit reference to salaries as paid by 124.15(J) changes to 124.15(A) for members of the school employees health care board elsewhere in the section adds paragraph numbers and changes capitalization

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 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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		<p>provision. (p. 61)</p> <p>Political subdivisions offering health care through a consortium of 2 or more subdivisions representing 2500 or more employees as of the effective date of this amendment may request permission from the DAS to continue offering consortium plans (at the discretion of the DAS). (p. 62)</p> <p>"Health care plan" does not include an individual plan offered to the employees of a political subdivision, public school district, or state institution, or a plan that provides coverage only for specific disease or accidents, or other plan that provides only supplemental benefits. (pp. 62-63)</p> <p>(B) Creates the Public Employees Health Care Fund as a party of the state treasury. (p. 64)</p> <p>(C) The DAS shall design health care plans for political subdivisions, public school districts & state institutions of higher education & shall set employee and employer health care plan premiums. (p. 65)</p> <p>(D) Before releasing initial health care plans, the DAS shall contract with a consultant to analyze costs of existing plans, cost-sharing arrangements & potential benefits of state or regional</p>		

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		consortiums. (pp. 66-69) (G) Health care plans providing coverage to public employees shall provide nonidentifiable aggregate claims data for coverage within 30 days upon request from the DAS. (p. 70) (I) Not more than 90 days before coverage begins, the political subdivisions governing body, bd of ed, or board of trustees/managing authority shall provide detailed information about the health care plans to the employees. (p. 71) (Under 305.171, 505.60, & 1545.071, health care provisions for boards of county commissioners, boards of township trustees, and boards of directors of park districts remain as is unless and until DAS implements health care plans for those entities.)		
102.02				--removes reference to schedules within section 124.15 just leave 124.15 regarding who must file ethics reports --makes the same revision page 25, in (H) related to exceptions to filing requirement
103.74	Authorizes the correctional institution inspection committee		Maintains all current language and adds a requirement that merit shall be the only basis for establishment	--keeps language added by senate regarding pay but change

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	(within the LSC) to hire certain staff and contract for needed services. Requires the LSC director to establish compensation including salary schedule for such staff		or movement through the salary schedule. (p. 5)	"merit" to "performance"
109.33				--specifies that AGA will be paid as "fixed <u>by the attorney general based on performance</u> "
122.40				-- says members will be paid per diem as established by rules of DAS as opposed to step 1 pay range 31
122.64	Creates within the department of development a division of economic development and authorizes the staffing of the division and creation of relevant salary schedules by the director of the DOD		Maintains all current language and adds a requirement that merit shall be the only basis for movement through the salary schedules. (p. 7)	--keeps addition from senate version but changes "merit" to "performance" in new (C)
122.72	Establishes and grants certain authority to a "minority development financing advisory board" and explains how such board members will be reimbursed for travel		Maintains all current language except that a reference to a "step" for purposes of per diem reimbursement is removed and changed to reflect pay range. (p. 8)	--Changes the senate changes to have per diem paid by rules established by DAS

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	and expenses.			
124.09	Duties of Director of Administrative Services	Adds requirement that director retain records of all applications for exams and exams conducted by director's designee. (p. 205)		
124.11				-- (A)(26) deals with the EEs specially exempted from civil service changes how they will be paid from steps to a pay range prescribed by rules adopted by the DAS
124.134 --See 124.13	Establishes vacation leave accrual rates and related policies for exempt employees and those not subject to collective bargaining. The vacation time accrues per pay period: EE's w/ less than 4 years services 3.1 hrs., 4-9=4.6, 9-14=6.2, 14-19=6.9, 19-24=7.7, 24 and up=9.2		<p>Mostly maintains current language, except changes top out to those with more than 19 years at 7.7 hrs. per pay period. (P. 9)</p> <p>Big change, adds: <u>"(F) Notwithstanding any provision of 4117. Of the Revised Code to the contrary, no collective bargaining agreement that is modified, renewed, extended, or entered into on or after the effective date of this amendment shall provide vacation leave in an amount greater than the vacation leave provided by this section."</u> (P. 12)</p> <p>This addition is problematic on a couple levels, first, even though it's buried in this section that generally governs non-bargaining unit state employees its plain language</p>	<ul style="list-style-type: none"> • Maintains changes to vacation pay from Senate • Removes reference to "longevity supplement" as related to vacation accrual • In (B) adds a further cap on accrual for EEs at the 9.2 hrs per pay period accrual rate: "an employee who is accruing vacation leave at a reate of 9.2 hours per pay period and whose vacation leave balance exceeds six hundred hours on the effective date of this amendment shall forfeit the employee's right to take or be paid for any vacation leave to the employee's credit that is in excess of seven hundred twenty hours" • This will result in employees losing already earned pay.

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p>applies this cap to all CBAs. Second (less concerning), vacation accrual rates for state employees and county JFS's covered by 124.13 has not been amended. This cap on what can be placed in a CBA is different from, but on the whole better than the structure in 124.13.</p>	<ul style="list-style-type: none"> • Keeps (F) related to collective bargaining limit --No disability leave in a lot of contracts, vacation bank is disability leave. So for top earners this is a particularly onerous provision. Plus state employees also now limited to 1 year so the same argument comes into play. The 9.2 stand to lose a good chunk.
124.14	<p>This section instructs the director of administrative services to establish classification plans, assign such classifications to the pay range under 124.15 or 124.152, reassign improperly assigned classifications (and explains EE's who are reclassified into a lower rated class will be "placed in pay step X" won't get an increase until they are again making less than the max for the position, and provides detail instruction to the director on how to draft rules governing the</p>	<p>Eliminates requirement that director of DAS establish job classification plans "by rule adopted under R.C. Chapter 119". (pp. 208-11). Director DAS shall establish an experimental classification plan. (p. 209)</p> <p>The director of DAS shall send written notice of a modification to the appointing authorities of affected employees when a classification or the assignment of classes to appropriate pay ranges is to be changed. The appointing authorities shall notify affected employees regarding the modification 30 days before the modification occurs. (p. 211)</p>	<p>Current law is largely maintained with two notable exceptions.</p> <p>--In (A)(2) language that protects employees from a pay cut if their position is reassigned to a "proper classification" is removed. (p. 13)</p> <p>--In (H) and (I) which instructs the director of admin services to set compensation rate for certain employees, language is added to require such compensation be based on merit (p. 20-21)</p>	<ul style="list-style-type: none"> • (A)(2) puts back some of the language removed by the senate such that a reassigned employee who makes more than the range in the new assignment shall be paid as determined appropriate to the director • In (G)(6)(a) the requirement for county personnel departments adhere to merit system is changed to "performance" • In (H) the merit reference added by the senate is changed to "performance" and language is added to prevent number of citations issued from being a factor in police performance evals line • reverts to current law • (J) completely new section to again emphasize you can't

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 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	classification system and the interaction between exempt and nonexempt, county jfs departments, etc. The director of administrative services is also tasked with setting the compensation for employees paid directly by warrant of the director of budget and management along with intermittent, seasonal, temp, emergency, and casuals who are not covered by 4117.01.			base performance on issuing of tickets
124.141	Director of DAS may establish by rule an appointment incentive program.	Changes provision so that Director may establish program without using rulemaking procedure per R.C. Chapter 119. (p. 217)		
124.15	Establishes the ranges and steps for "board and commission members" and sets out the classifications to be used by DAS in its rules --Explains how part time employees are to be compensated --Division (E) deals with how new hires should be	(Conflict with SB 5: maintains salary schedules)	Several changes made largely to incorporate the merit pay into the rangers: --"(A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with <u>based upon merit</u> within the following <u>schedules of rates</u> ranges: " The section then sets out the ranges for each classification, typically by keeping the first and last step and	•gets rid of ranges new language is "Board and commission members shall be paid a salary or wage line baed upon performance within the ranges established or modified in rules adopted by the director of administrative services, unless compensation for members of a board or commission otherwise is specifically provided by law. The director shall adopt rules

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COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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	<p>assigned to steps and under what circumstances other than just time served employees could advance through steps and how employees moved from unclassified (no steps) to classified (steps) are to be assigned for EE's under 124.15 or 124.152</p> <p>--Division (G) explains the timing of step increases, how such timing is to be calculated, and under what circumstances the timing can be adjusted for EE's paid by 124.15 or 124.152</p> <p>--Division (K) explains special circumstances for classification within the DAS who serve on an academic calendar</p> <p>--(L) instructs the superintendents for the state schools for the deaf and blind to annually set hourly rates for the compensation certified employees and</p>		<p>setting those as the min and max. (p. 21-24)</p> <p>--Changes are made to part time compensation to make it consistent with (A) (p. 25)</p> <p>--Significant changes are made to (E) to remove reference to steps and replace such references with "<u>salary or wage</u>" incorporating the merit pay system and pay ranges into this section (p. 26-28)</p> <p>--In (G) all references to step increases and increases based only on time served are removed and replaced with language moving employees to "<u>a higher salary or wage</u>" "<u>based upon merit</u>" (p. 28-30)</p> <p>--In (K) reference to steps and length of service as a criteria for step advancement are removed through the deletion of (K)(3) (p. 32)</p> <p>--In (L) hourly "rates" are replaced with hourly "<u>rate ranges</u>" and the formula for their establishment is removed. Other changes in the division reflect numbering changes within section 124.181 (p. 32-34)</p>	<p>to develop a performance pay system. 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 this chapter or other parameters, the appointing authority shall fix the public employee's wage or salary based on performance in accordance with the rules the director adopts." THIS provision appears to require non 124 bound employers to use performance pay. Throughout 124 massive authority is shifted to DAS through the rule making process.</p> <ul style="list-style-type: none"> • Literally this means every pay range could start at minimum wage, regardless of what classification the bottm line could be minimum. Right now 124 civil service exempts out home rule who can have their own civil service rules, they normally don't deal with pay. Now whatever, the DAS does will apply to home rule. This will be litigated. • Changes made to (C) and (D) by

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Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	provides a detailed formula for setting those rates			senate are maintained •(E) changes by senate maintained further amendment to remove reference to schedules •(G) (1) many changes by senate kept plus references to schedules removed throughout, merit changed to performance in new (2) intermittent EEs are only to be paid at low end of range •(J) is deleted entirely to reflect that all pay ranges will be set by rules of the DAS this section let the DAS by rule set pay ranges for those not covered by (A) now everyone covered by (A) •Old (K) changed to (J) otherwise changes made by senate maintained •(L) and (M) renumbered but otherwise same as passed by Senate
124.152	This section establishes pay scales and guidance for pay for exempt employees including the grandfathering in of certain pay systems and establishes pay ranges and steps for exempt		In (B) changes are made to go from steps to pay ranges with merits pay such that any employees paid under this section "shall be paid a salary or wage in accordance with <u>based upon merit, within</u> the following schedule of rates <u>ranges</u> ." Changes are then made to set up the minimum	•For exempt employees, eliminates the minimum and maximum ranges from the senate bill and replaces it with wages based on performance rather than merit in a system to be established by the DAS

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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	classifications.		<p>and maximum for each range by setting the first step as the minimum and the last step as the maximum (35-37)</p> <p>In (C), curiously, some references to a “step seven” remain although the actual dollar amounts are called “ranges” there is no range only one number for hourly and annually. (p.37-38)</p>	<p>director</p> <ul style="list-style-type: none"> • This section does not include the home rule intrusion for exempt employees • Local government front line workers will be subject to DAS rules, but supervisors and above are totally exempt from that. <p>Note on this, unions could theoretically bargain something other than performance based pay, but you will get to performance if employer insists through the negotiation process.</p>
124.181	This section outlines circumstances under which an employee’s pay under 124.15 or 124.152 can be supplemented (e.g. holding of an advanced degree, hazard pay), shift differential, and other reasons to increase pay above the ranges, and notably longevity.		<p>Big change here is the entire removal of longevity pay through the deletion of section (E) (p. 40-41)</p> <p>In current (M), new (L), any supplementary compensation for licensed physicians must be based upon merit (p. 46)</p> <p>Section (N) is deleted referring to options to collect over payment from 1987-1993, since time bound shouldn’t really matter. (p. 46)</p> <p>Other changes reflect the renumbering throughout, changing a reference from steps to salary (p.</p>	

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 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			44 and 46)	
124.23	All applicants for positions in the classified service shall be subject to exam.	<p>(B) Amends provision to grant director's designee authority to determine limitations as to citizenship, age, experience, education, health, habit and moral character. (p. 231)</p> <p>(C) Allows additional credit for service in active duty and adds that person's ranking on an eligible list shall reflect the passing grade plus the additional credit. (p. 231)</p> <p>(E) When a position in the classified service of the state is to be filled, an exam shall be administered. The director shall by rule adopted under Chapter 119 proscribe a notification method to be used by an appointing authority to notify the director that a position in the state is to be filled. The director shall establish by rule adopted under Chapter 119 standards that the director shall use to determine when positions may be filled by <u>noncompetitive exam</u>. (p. 232)</p> <p>(G) Director or <u>director's designee</u> shall give reasonable notice <u>via electronic media (posted on the director's internet site for a minimum of 1 week)</u> of the time, place & scope of every competitive exam. (p. 233)</p>		
124.231	Administration of civil service exams to legally	Director's designee may arrange for special exams of legally blind/deaf		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	blind/deaf persons	applicants. (pp. 233-34)		
124.24	Civil service examination requirements for certain natural resources employees	Examinations for gas storage well inspectors are to be conducted by the division of oil & gas resources management, department of natural resources (p. 235)		
124.25	Applications shall be furnished by, & submitted to, Director of DAS	Application forms may be supplied by, submitted to, director's designee (pp. 235-36)		
124.26	Civil Service Eligibility Lists: Director can fix the term at not less than 1 nor more than 2 years	Director's designee may determine eligibility order Amends provision: an eligible list expires upon the filling or closing of the position. An expired eligible list may be used to fill apposition of the same classification within the same appointing authority for which the list was created. But, in no event shall an expired list be used more than 1 year past its expiration date. (p. 237)		
124.27	Civil Service Appointments: The appointing authority may generally appoint a person from a list of 10 names standing highest on the eligible list, but appointment from that list is not mandatory if less than 10 names are	Changes appointment procedure: Selection must be made from one of the names that ranks in the top 25% of the eligibility list unless 10 or fewer names are on the list, in which case the appointing authority may select any of the listed candidates. (p. 239)		

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 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	on the list.			
124.31	Preference for filling vacancies in the classified service by promotion.	Changes provision to indicate the preference is to fill vacancies in the classified service <u>of the state</u> by promotion. Eliminates requirement for competitive promotional exams; retains language that promotions are to be based upon the employee's record of efficiency and on the basis of merit. (p. 240)		
124.322	Deals with layoffs/RIFs and requires the director of admin services to adopt rules to determine layoff procedure. Current law requires length of service be a consideration and gives the option of including other criteria such as efficiency, appointment type or such as the director consider appropriate, gives guidance on retention points as used to evaluate "relative efficiency"		Changes to this section require that length of service not be the only factor: "The order of layoff in those rules shall be based in part on length of service and may; however, the rules shall prohibit an agency from using an employee's length of service as the only factor to determine whether to lay off the employee. The rules shall include efficiency in service, appointment type, or and similar other factors the director considers appropriate. If the director establishes relative efficiency as a criterion to be used in determining order of layoff for state and county employees, credit for efficiency may be other than ten per cent of total retention points. " (p. 47-48)	<ul style="list-style-type: none"> •Add language that layoffs shall be governed by the O.R.C. or rules adopted pursuant to it in effect at the time the appointing authority files a statement of rationale per 124.321, or whatever is in effect at the time of layoff. This is grandfathering language that will essentially not retroactively effect in process layoffs.

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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124.325	This section instructs an appointing authority to calculate retention points to determine who should be laid off based on length and efficiency of service. If there is a tie, shortest service gets laid off first although the director of administrative services can also make rules governing how to break a tie in retention points.		<p>Additions are made in (A) to reflect the greater emphasis on factors other than length of service, as indicated in 124.322. (p. 48)</p> <p>In (C) instead of breaking ties by length of services, an appointing authority is instructed to create rules governing breaking of ties subject to (C)(2). (C)(2) incorporates all the language found in current (E) regarding rules to break ties created by the director of administrative services but add <u>"The rules shall permit an appointing authority to consider the number of management and nonmanagement employees when determining which employees to lay off."</u> What that means would be entirely determined by rule. (p. 48-49)</p>	
124.34	This section covers discipline/removal of employees in the classified civil service.	Adds that the section does not apply to modifications in work week (civil service protections would not apply to mandatory furloughs for exempt employees under 124.394 (see below); i.e., furloughs not considered discipline). (p. 241)	Only change is to reflect a numbering change in a cross reference to 124.181 changing a (Q) to an (O). (p. 50)	This section deals with discipline and discharge of non-unionized public workers. Allows (does not require) the employer to eliminate or reduce longevity, so reduction in longevity is a valid discipline.
124.38 --3319.141	Governs the accrual of sick leave for the listed employees, which includes most employees within civil		<p>--Accrual rate changed from 4.6 to 3.1. (p. 54)</p> <p>--Removes employees of boards of ed from this section and adds to</p>	

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 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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	service, state college or universities, and board of ed EE's not governed by an independent sick leave policy under 3319.141, sets accrual at 4.6 hours per 80 hours worked.		the end of the section " <u>Any sick leave that a board of education awards shall be awarded in accordance with the leave policy the board adopts pursuant to section 3319.141 of the Revised Code.</u> " (p. 54, 56)	
124.382				Changes "base rate of pay" definition to comply with 124.152
124.388 --3319.141	This section governs when and how administrative leave with or without pay is to be used by an appointing authority.		Changes to this section note that current law is to be used " <u>Except as otherwise provided in division (C) of this section</u> " which provides: That city school districts may use administrative leave in accordance with policies adopted under 3319.141 (p. 56-57_	
124.39 --3319.141	This section governs the payout of accrued sick leave upon retirement.		Only change is to the section regarding policies adopted by political subdivisions to allow for greater payout, shorter service needed for payout, and payout under circumstances other than retirement. The addition requires any such policy created by a city school district complies with the policy adopted by 3319.141.	
124.393	Fiscal emergency provisions: counties.	Expands coverage to townships or municipal corporations.		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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		<p>Adds to definition of "fiscal emergency" for purpose of this section, "[a] fiscal watch has been declared or determined under section 118.023 or 118.04 of the Revised Code". (p. 246).</p> <p>Adds that, in addition to counties, townships or municipal corporations may establish a mandatory cost savings program for exempt employees. (pp. 246-47)</p>		
124.394		<p>NEW PROVISION: Modified Work Weeks for Exempt Employees</p> <p>"Exempt employee" = a permanent full-time or permanent part-time employee of a county, township, or municipal corporation who is not subject to a CBA.</p> <p>"Fiscal emergency" = (a) a fiscal emergency declared by the governor under 126.05; (b) a fiscal watch or emergency declared by the state auditor under 118.023 or 118.04; (c) lack of funds as defined in 124.321; or (d) reasons of economy as described in 124.321.</p> <p>A county, township or municipal corporation appointing authority may establish a mandatory modified work</p>		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		week schedule program applicable to exempt employees (provided the modification is a reduction of not more than 50% of work week immediately preceding furlough). (pp. 247-48)		
124.81	Governs the negotiation and selection of insurance policies including life, health care or other combined policies either through contract with an insurance provider or through a jointly administered trust fund between a public employer and a collective bargaining representative.		<p>Big changes found at the end of the section adds the following language:</p> <p><u>“(H) The health care benefits provided to a management level employee, as defined in section 4117.01 of the Revised Code, under a contract entered into under this section shall be the same as any health care benefits provided to other employees of the same public employer.</u></p> <p><u>(I) A public employer, including the state and any of its political subdivisions, shall not pay more than either-five per cent of the cost of the provision of health care benefits pursuant to this section.</u></p> <p><u>(J) As used in this section and section 124.82 of the Revised Code, “health care benefits” includes hospitalization, surgical, major medical, dental, vision, and medical care, disability, hearing aids, prescription drugs, or a combination of these benefits.” (p.</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>64)</p> <p>--See below, but odd that (I) of this section and (H) of 124.82 use different language to try to get to the same split</p> <p>--Other changes require that health care benefits provided through a joint trust fund must be the same as those entered by contract and the contract must be available to the trustees. (p. 62, 63) This is odd as otherwise the statute allows the joint trust to determine the nature of benefits, seems to tie the hands of the trust a bit.</p> <p>--In three places the phrase "health care benefits" replaces a lengthy description of benefits, with the addition of the definition at the end of this section there is no substantive change here. (p. 60, 62, 63)</p>	
124.82	This section governs, in a very similar fashion to 124.81 the provision of health care benefits to employees paid directly by warrant of the director of budget and management including state elected officials.		Like with 124.81 the trust fund provision is amended to require that health care benefits provided through a joint trust fund must be the same as those entered by contract and the contract must be available to the trustees. (p. 66) Same with the changes to 124.81, the discretion of the trust seems	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>In section (E) it allows the OCB to enter into an agreement for the provision of benefits through a jointly administered trust fund.</p>		<p>bound.</p> <p>Additions to reflect same benefits to everyone and required premium payment divide:</p> <p><u>“(G) The health care benefits provided to a management level employee, as defined in section 4117.01 of the Revised Code, under a contract entered into under this section shall be the same as any health care benefits provided to other employees of the same public employer.</u></p> <p><u>(H) A state employee who receives insurance under this section shall pay at least fifteen per cent of the cost of the premium assessed for any insurance policy issued pursuant to this section that covers health, medical hospital, or surgical benefits.”</u> (p. 67)</p> <p>--Odd that (H) doesn't use the same language as in 124.81(I), not clear that there is any difference in affect.</p>	
124.94				<ul style="list-style-type: none"> •Creates “Ohio Commission for Excellence in Public Service” will have voting and nonvoting members appointed by DAS director who must consult to

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p>determine that membership with public employee labor organizations, public employers, and public and private organizations with expertise in fostering healthy workplace conditions.</p> <ul style="list-style-type: none"> • Commission may partner with existing organizations to perform its functions in order to maximize resources and to demonstrate lean and efficient practices. • Its mission is to establish programs to foster those healthy working relationships, to emphasize approaches to implement programs and to promote those programs in public and private high schools, colleges, university, public employee organizations, government associations in order to teach best practices. • This is very much just fluff regarding the bringing of interested parties to the table. There is no requirement for who or how many people are voting members or who they

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				represent. This is how the study is going to get done to reach performance pay system.
126.32				changes made to how reimbursement occurs to reflect changes to 124.15
126.60-.605		<p>NEW PROVISIONS:</p> <p>Director of Budget & Management and the authorized representative of a responsible state agency may take any action and executive any contract (defined to include contracts for services and leases) for the provision of a public service to more efficiently and effectively provide public services</p> <p><u>126.602</u>: notice publication requirement (30 days) and procedure for acceptance of proposals;</p> <p>(C) director in consultation with responsible state agency determine, select and rank qualified proposers;</p> <p>(C)(5) contract's duration may not exceed 75 years;</p> <p>(C)(6) Neither 4115 nor 4117 shall apply to employees working at or on a project</p>		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		to provide a public service 126.604: "The gross receipts and income of a successful proposer derived from providing public services under a contract through a project owned by the state shall be exempt from taxation levied by the state and its subdivisions. . . ."		
141.01				changes made to how reimbursement occurs to reflect changes to 124.15
141.02				changes made to how reimbursement occurs to reflect changes to 124.15
145.012				In (A)(4) Changed reference to 124.15 from division (J) to division (A) to reflect consistent application of rules by DAS
145.47	Sets up contribution to PERS, employee and employer and details how such deductions will be made and any penalties for failure to make them. Employee contribution rate: 10% of earnable salary; Employer contribution	Changes contribution rates effective July 1, 2011: Employee: 12% Employer: 12% (§§ 145.47-.48) pp. 306-09; ll. 9558-60; ll. 9634-37	Original language maintained except in (A) covering the employees contribution the following is added: " <u>The contributions required under this section shall not be paid by an employer on an employee's behalf, but may be treated as employer contributions for purposes of state and federal income tax deferred income provisions.</u> " This is the section that bars PERS pickup. (p.	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	rate: 14%		67)	
145.49	PERS law enforcement officer contribution rates: PERS Law Enforcement Employee: 11.6% PERS Public Safety Employee: 11% (Employer 18.1%)	Changes contribution rates effective July 1, 2011: PERS Law Enforcement Employee: 13.6% of salary PERS Public Safety: 13% (Employer 16.1%) pp. 310-12, ll. 9670-9711		
305.23		NEW PROVISION: Authorizes boards of county commissioners to require county offices (including auditor, treasurer, engineer, recorder, prosecuting attorney, sheriff, coroner, park district, clerk of courts and county agencies/departments) to use centralized services for purchasing, printing, transportation, vehicle maintenance, IT services, human resources, revenue collection & mail operations. p. 421, ll. 13057-83		
306.04	Deals with special powers and civil service requirements of a county transit board or board of county commissioners operating a transit		Only changes are to the grandfathered civil service boards in (B). First, a date certain of October 25, 1995 is used as the grandfathering date. Second, language is added: "When a	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>system. Currently some of those boards have their own civil service organization and procedure if they established such a thing prior to the effective date of a previous amendment to this section, see division (B). Those boards are grandfathered in.</p>		<p><u>reduction in force is necessary, the board shall not use an employee's length of service as the only factor to determine whether to lay off the employee.</u>" (p. 70) This brings these civil service orgs closer in line with Chapter 124.</p>	
307.054	<p>Instructs the board of trustees of a joint emergency medical services district in the hiring of a director including authorizing the board to set compensation and duties as governed by the section. The section provides that as a general matter, the director shall be treated as an unclassified civil service employee of the county.</p>		<p>Some minor changes for gender neutrality at the top.</p> <p>Merit pay requirement added by new division (C) which requires the board to use merit as the only basis for establishing a salary schedule and the director to use merit as the only basis to progress through that schedule. (p. 78)</p>	<ul style="list-style-type: none"> • Jt. EMS Districts – changed “merit” to “<u>performance</u>” as the “only basis . . . for an employee’s progression through the schedule.”
307.86		<p>Contracts between county boards of commissioners and educational service centers are not subject to competitive bidding.</p>		<ul style="list-style-type: none"> •

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
339.06	Establishes duties and obligations of a board of county hospital trustees. These relevantly include at (J)(1) adopting a wage and salary schedule.		Changes add (K) which requires the board to use merit as the only basis for progressing through the salary schedule. (p. 85) Other changes only reflect re-numbering of divisions after inserted (K)	<ul style="list-style-type: none"> • County Hospitals – changed “merit” to “<u>performance</u>” as the “only basis for an employee’s progression through the schedule.”
339.07	Directs a board of county hospital trustees to employ a hospital administrator and lays out some of the duties and obligations of the administrator. The administrator is generally given the ability to hire and fire necessary hospital personnel. The board may delegate certain duties to the administrator.		Additional language requires that if the board delegated setting compensation schedules to the administrator, the administrator may only base progression through the schedule on merit. (p. 87)	<ul style="list-style-type: none"> • (B) County Hospitals - changed “merit” to “<u>performance</u>” as the “only basis for an employee’s progression through the schedule.”
340.04	Lays out duties of the executive director of a board of alcohol, drug addiction, and mental health services including in (E) hiring and firing of classified employees and other employees and consultants as needed and fix compensation and		<p>Addition of Division (B) which requires the board when setting and the executive director when using a salary schedule to use merit as the only basis. (p. 88)</p> <p>Changes renumber all of current law so instead of an opening paragraph and divisions it falls under Division (A) with numbers. (p. 87-88)</p>	<ul style="list-style-type: none"> • (B) ADMH Boards – changed “merit” to “<u>performance</u>” as the “only basis for an employee’s progression through the schedule.”

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	salary schedule.			
505.101	Township competitive bidding	Townships may enter into contracts to receive services from educational service centers; such contracts are not subject to competitive bidding.		
505.38	Provides direction and responsibilities for management of a township or fire district fire department including in relevant part (C)(4) which directs the hiring of personnel by the board and establishment of salary schedules and conditions that do not conflict with Chapter 124.		Maintains all current language but adds a requirement that merit be the only basis for progression through the salary schedule. (p. 92)	<ul style="list-style-type: none"> •(C)(4) – Township Fire Department – changed “merit” to “<u>performance</u>” as the “only basis for an employee’s progression through the schedule.”
505.49	Provides standards for establishment of a township police district both for small (under 10,000 residents) and large townships. This includes the ability to determine number of personnel, salary schedules and the like. For large townships, the rules must be consistent with Chapter 124 or the townships own civil		For both small and large townships language is added that requires merit to be the only basis for the establishment of or progression through a salary schedule. (p. 93, 94-95)	<ul style="list-style-type: none"> •(B)(2) Township Police District - changed “merit” to “<u>performance</u>” as the “only basis for an employee’s progression through the schedule.” Also adds: “<u>The Township Trustees shall prohibit, for purposes of determining performance, any consideration of the number or type of citations that the employee issues.</u>”

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	service commission.			<p>And, <u>“For purposes of determining performance, the chief of police shall not consider the number or type of citations that the employee issues.”</u></p> <ul style="list-style-type: none"> •(C)(4) Civil Service Township Police - changed “merit” to <u>“performance”</u> as the “only basis for an employee’s progression through the schedule.” Also adds: <u>“In no case shall performance be determined based on the number or type of citations that the employee issues.”</u>
505.60	Authorizes a board of township trustees to procure insurance benefits for township officers and employees and provides significant guidance for how such plans should be managed including the option of a joint trust fund.		Language is added in division (A) and (E) that requires the township plans comply with the requirements of 124.81. (p. 97, 99)	
709.012	This section establishes procedure for a reduction in force of a township or joint		Changes are made to the opening paragraph of the section requiring that seniority not be the only factor in determining dismissals, but	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	township fire district resulting from annexation by a municipal corporation including provisions that requires, under certain circumstances, vacancies in the municipal fire department to the dismissed township firefighters by order of seniority.		maintains the existing list of factors for when township firefighters should be hired. (p. 100)	
742.31	Requires affected employees to contribute 10% of the employee's salary to the Ohio police and fire pension fund and explains how it shall be deducted.	Changes employee contribution rates effective July 1, 2011 to 12%. (p. 473; ll. 14677-82) Employer rate changes in § 742.33: change from 19.5% to 17.5% effective July 1, 2011. (pp. 473-74; ll. 14702-05)	Language is added preventing pickup: " <u>The contributions required under this section shall not be paid by an employer on an employee's behalf, but may be treated as employer contributions for purposes of state and federal income tax deferred income provisions.</u> " (p. 102)	
742.63				<ul style="list-style-type: none"> •(A)(11) Police and Fire Pension definitions – specifies that "death benefit amount" will be based on the monthly salary "<u>in effect immediately prior to the effective date of this amendment that was</u>" received by a deceased member, and the amount will be increased as "<u>permitted by</u>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p><u>law in effect immediately prior to the effective date of this amendment.</u> This does not include highway patrol retirement system.</p>
749.082	Provides instructions and rights to the “board of hospital commissioners” regarding its employees and employees for hospitals set up under 749.02 to 749.14 of the O.R.C. including the ability to adopt wage and salary schedules		Language is added to (A)(1) that requires any salary schedule adopted by the board must require merit to be the only basis for progression. (p. 103)	<ul style="list-style-type: none"> •Municipal Hospitals - changed “merit” to “<u>performance</u>” as the “only basis for an employee’s progression through the schedule.”
749.083	Requires a board of hospital commissioners to provide for administration of the hospital through employing a hospital administrator and assign certain duties to that administrator.		Language is added in (B) that requires, if the board delegates to the administrator the right to fix employee compensation within the salary schedule, the administrator to use merit as the only basis for progression. (p. 106-107)	<ul style="list-style-type: none"> •(B) changed “merit” to “<u>performance</u>” as the “only basis for an employee’s progression through the schedule.”
755.29	Competitive Bidding: Municipal Park Improvements totaling \$10,000	Increases the threshold amount that triggers competitive bidding to \$25,000.		
917.03				<ul style="list-style-type: none"> •Milk Sanitation Board – adjusts compensation of Board

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				members per 124.15 (A).
927.69	Outlines the rights and obligations of the director of agriculture in relation to inspections and pest control in the transportation of agricultural products including what fees may be charged relating to certificates and agreements for cross-border transport.		One section regarding fees is changed to accommodate the removal of steps from Chapter 124. Under the amendment, when a plant pest control specialist conducts an inspection, instead of the fee being the highest step multiplied by hours actually spent it's the highest hourly rate multiplied by hours spent. (108)	
991.02				<ul style="list-style-type: none"> •Ohio Expositions Commission – “clean-up” language regarding titles of Commission members; adjusts compensation of Board members per 124.15 (A).
1349.71				<ul style="list-style-type: none"> •Consumer Finance Education Board - adjusts compensation of Board members per 124.15 (A).
1509.35				<ul style="list-style-type: none"> •Oil and Gas Commission - adjusts compensation of Board members per 124.15 (A).

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
1513.182				<ul style="list-style-type: none"> • Reclamation Forfeiture fund advisory board - adjusts compensation of Board members per 124.15 (A).
1513.29				<ul style="list-style-type: none"> • Unclaimed Strip Mines council - adjusts compensation of Board members per 124.15 (A).
1545.071	Governs the provision of health and other insurance benefits by a board of park commissioners of any park district including an optional health and welfare trust through a CBA.		Language is added to make both the basic provision of benefits and the administration of the trust subject to 124.81. (p. 108-109)	
1551.35				<ul style="list-style-type: none"> • Coal Technical Advisory Committee - adjusts compensation of Board members per 124.15 (A).
1707.36				<ul style="list-style-type: none"> • Division of Securities – Attorney-Inspector minimum pay in accordance with prior version

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				of 124.152.
1707.46				<ul style="list-style-type: none"> • Division of Securities – Commissioner minimum pay in accordance with prior version of 124.152.
3302.042		<p>NEW PROVISION: Parental Takeover of Schools</p> <p>(A) DOE shall annually rank all schools statewide that are operated by a city, exempted village or local school dist</p> <p>(B) For schools in the lowest 5% of the performance index scores for 3 or more consecutive school years: parents or guardians of at least 50% of the students enrolled may sign a petition requesting the school dist to implement one of enumerated reforms:</p> <ul style="list-style-type: none"> • reopen as community school • replace at least 70% of school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than 30% of personnel 		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		<ul style="list-style-type: none"> • contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school • turn operation over to DOE • any other major restructuring <p>No later than 30 days after the receipt of a petition, the school dist. treasurer shall verify the validity and sufficiency of the signatures. Appeals may be filed to the county auditor.</p> <p>Sch. dist. may not implement changes for any of enumerated reasons, including</p> <ul style="list-style-type: none"> • bd determined the request is for reasons other than improving academic achievement • St. Supt. determined requested reformed would not comply with the model of differentiated accountability described in 3302.041 • After public hearing, dist issued statement explaining unable to implement; the dist submitted to 		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		the st supt its position & evidence; & the st supt & st bd have approved implementation of the alternative reform.		
3302.06		<p>NEW PROVISION: Innovation Schools and Innovation School Zones</p> <p>A school operated by a city, exempted village, or local school district may apply to the district board of ed. to be designated as an innovation school. (Application must contain, among other things, a description of the innovations the school would implement, staffing levels & a description of the provisions of any CBA that would need to be waived to implement.) pp. 1288-90; ll. 40100-56.)</p>		
3302.061		<p>NEW PROVISION: School districts must review each application for "innovation school" designation & approve based on criteria, including curriculum, student assessments, class scheduling, accountability measures, provision of student services, compensation for school personnel, teacher recruitment and evaluation.</p> <p>The board may approve an application that would allow a school to determine the compensation of employees, and the school shall not be required to comply with a salary schedule established under</p>		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		3317.14. But no employee may be terminated except as provided in §§ 3319.081 or 3319.16. (pp. 1290-92; ll. 40157-40227)		
3302.062		NEW PROVISION: School districts must apply to the State Board of Ed after approving/designating innovation school/zone (pp. 1292-93; ll. 40228-58)		
3302.063		NEW PROVISION: Upon designation of a school district of innovation, the State Bd. of Ed. shall waive any laws in Title 3319 of the Revised Code, except: <ul style="list-style-type: none"> • School funding under 3317 • Requirements in 3323 & 3324 for provision of services to students with disabilities & gift students • Requirements re: provision of career-tech educ that are required to comply w/ federal law • Administration of assessments/standardized tests • Requirements to issue report cards • Implementation of model of differentiated accountability under 3302.041 • Reporting of data to DOE • Crim records checks for EEs • Requirements of 3307 & 3309 for pension systems (pp. 1293-95) 		
3302.064		NEW PROVISION: For innovation schools/zones, CBAs		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		entered into after effective date of Bill may be waived: <ul style="list-style-type: none"> • 60% of members of bargaining unit who work in the school must approve the waiver by secret ballot; • For innovation school zones - If 60% of the members do not to approve the waiver, the board may revise the innovation plan to remove that school from the zone. • "A waiver approved under this section shall continue to apply to any substantially similar provision of a CBA entered into after the approval of the waiver." • Waiver ceases when designation as an innovation school is revoked. (pp. 1295-96)		
3302.065		NEW PROVISION: Every 3 years, the school district shall review the performance of the innovation school or school zone & determine if it is achieving or "making sufficient progress achieving" the "innovations" set out in the plan. School dist. may revoke designation. (pp. 1296-97, ll. 40346-62)		
3302.066		NEW PROVISION: The school district may revise an innovation plan to further improve student academic performance. "The revisions may include identifying additional laws in Title XXXIII of the		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		Revised Code, rules adopted by the state board of education, requirements enacted by the district board, or provisions of a collective bargaining agreement that need to be waived. Any revisions to an innovation plan shall require the consent, in each school participating in the plan, of a majority of the administrators assigned to that school and a majority of the teachers assigned to that school. p. 1297; ll. 40363-74.		
3302.067		NEW PROVISION: School districts may receive gifts, grants or donations from any public or private entity to support the implementation of an innovation school plan.		
3302.068		NEW PROVISION: DOE shall issue by July 1 every year a report on school districts of innovation, which shall include the number of innovation school districts & number of students served & recommendations for legislative changes. pp. 1297-98		
3302.23 & .24		NEW PROVISIONS: Teacher Incentive Payment Program "Department of education shall pay to eligible classroom teachers [English language arts & math in grades 4-8] an annual stipend of \$50 for each of the teachers' students in classes that have achieved more than a standard year of academic growth, as defined in the rules adopted under R.C. 3302.021, in one or more eligible subject areas taught by the		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		<p>teachers, as measured by the value-added progress dimension, as determined by the dep't."</p> <p>It isn't clear whether the teach is to be paid \$50 for each student in the class or when the class on average achieves more than a standard year of academic growth.</p> <p>First stipends are to be paid for the 2011-2012 school year as computed for the school district and school report cards issued by the DOE in 2012.</p> <p>Stipend must be shared among teachers when students have different teachers for English language arts & math.</p> <p>3302.24. Establishes the teacher incentive program fund in the state treasury.</p>		
<p>3306.01. Annual calculation and report of school district's adequacy amount; distribution and use of funds.</p>	<p>(A)(3) School districts must pay in accordance with salary schedules.</p>		<p>(A)(3) City, exempted village, local and joint vocational school districts shall pay teachers' salaries based upon performance as required under 3317.13. (p. 113)</p>	
<p>3307.26</p>	<p>Teacher contributions to STRS</p>	<p>Changes contribution rates effective July 1, 2011:</p> <p>Employee contribution rate to change from 10% to 12%.</p>		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		p. 1311; ll. 40802-05		
3307.27. Employer payment of teacher contributions.	Employer may pay employee contributions to STRS.	Employer contribution rate to STRS changed from 14% to 12% effective July 1, 2011 (§ 3307.28, pp. 1313-14)	STRS contributions shall not be made by an employer on a teacher's behalf but may be treated as paid by the employer in accordance with IRC, 26 U.S.C. § 414(h). (p. 114)	
3307.77. Purchase of service credit for period of approved absence or leave.	(B) Employee on leave may purchase STRS service credit.		(B) A member of STRS who has been prevented from making contributions due to educational, professional or other leave; sick leave under a plan established under 3319.141 (added); or may purchase service credit not to exceed 2 years. (p.115) <i>Note: this removes ability to buy service credit for leaves for professional improvement under 3319.131 (school teachers) & 3345.28 (univ. faculty).</i>	
3309.47.	SERS contributor contributions; payment to expense fund; additional payments. Employee contributions to SERS: 10%; employer contributions, 14%	Changes contribution rates effective July 1, 2011: Employee contribution rate: 12% Employer contribution rate:12%. (§ 3309.49) pp.1326-27 (ll. 41199-41202; ll. 41302-05)	SERS contributions shall not be paid by an employer on an employee's behalf but may be treated as employer contributions for purposes of state and federal income tax deferred income provisions. (p. 118)	
3311.19. Joint			JVSD board may provide by	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
vocational school district board; treasurer; executive officer; compensation and mileage allowance.			resolution for the deduction of amounts payable for health care benefits under 3313.202(C) (see below). (pp. 122-23)	
3313.12. Compensation and mileage for boards of education.			City, local or exempted village school districts may provide by resolution for deduction of amounts payable for health care benefits under 3313.202(C) (see below). (p. 123)	
3313.202 Member's option to be covered under health care plan.	Any member of a board of education may elect to be covered under health care plan containing best practices prescribed by school employees health care board.		(B)(1) School districts may procure and pay up to 85% of the cost of a health care plan for teachers, nonteaching employees, and dependent children and spouses of employees. (p. 125) (B)(2) Any health care plan must include best practices prescribed by the school employees health care board under 9.901. (p. 125) (B)(3) The benefits provided to management-level employees shall be the same as any benefits provided to other employees of the board. (B)(4) School district shall continue to carry on payroll records for insurance purposes all school	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>employees whose sick leave accumulation has expired, or who are on disability leave or an approved leave of absence. (p. 125)</p> <p>A school district may pay all or part of any insurance coverage except when employees are on approved leave of absence or on disability leave for period exceeding 2 years. (p. 125)</p> <p>(C) Any elected or appointed member of a school board may be covered as an employee of the school district. (p. 125)</p> <p>The benefits provider shall certify to the board the provider's charge for coverage and the member shall pay to the school board the amount certified. (pp. 125-26)</p> <p>Payments for the member's coverage must be made in advance in a manner prescribed by the board (not the school employees health care board). (p. 126)</p>	
<p>3313.23. Absence or incapacity of treasurer.</p>	<p>If incapacitated, treasurer may be placed on leave.</p>		<p>Board of education may award sick leave pursuant to a written policy in accordance with the general leave policy the board adopts under 3319.141. (p. 126)</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
3313.24. Compensation of treasurer.			(C) Boards of education may establish vacation leave for treasurers in accordance with the general leave policy adopted under 3319.141. (p. 128)	
3313.33. Board of education conveyances and contracts.	Prohibition against pecuniary interests in contracts & exceptions.		(D) Section does not apply where a member of the board elects to be covered under health care plan under 3313.202(C) (above). (p. 129)	
3313.42. School district of this state and another state may maintain a school jointly.	State minimum teacher salaries in 3317.13 do not apply if the total expenditures by the school district for teachers salaries in any school year equals or exceeds the total minimum expenditures that would have been required in that year if such minimum teacher salary requirements did apply.		Removes provision. (p. 130)	
3313.846		NEW PROVISION: Political subdivisions may contract to receive services from an educational service center. (Not subject to competitive bidding, see §§ 307.86 & 505.101.) Contracts must be filed with the Dept' of Educ. the first day the contract is in effect.		
3314.10.	Employees may		(A)(2) Removes provisions	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
Community schools: teaching and nonteaching employees.	organize and collectively bargain under 4117; that a unit containing teaching and nonteaching employees shall be considered an appropriate bargaining unit; and that employment is subject to either Chapter 3307 or 3309.		<p>referenced to the left (permitting employees to organize and bargain under 4117, permitting teaching & nonteaching unit, and employment is subject to 3307 or 3309). (pp. 130-31)</p> <p>Adds that the governing authority of a conversion community school (public school that is converted to charter) may submit a statement to SERB under 3314.10(A)(3) to challenge the bargaining unit that was in existence at the time the school was converted. (p. 131)</p> <p>Changes provision that new hires are automatically in bargaining unit as it existed prior to conversion and subject to the CBA in effect, to add: unless the governing authority of the conversion charter school submits a statement to SERB under (A)(3). (p. 131)</p> <p>Board of education, not the governing authority of the community school, is the "public employer" for purposes of 4117. Removes provision that representation petition may be filed to certify employee organization as representative of bargaining unit of employer governing authority community school. (pp. 131-32)</p>	
	Employees of		(A)(3) Employees of a conversion	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	conversion community school may petition and be part of a new and separate bargaining unit, with governing authority to be regarded as public employer.		<p>community school shall not be subject to subsequent CBAs and shall not be a member of the bargaining unit if the governing authority submits a statement to SERB that all employees be removed from the bargaining unit. (p. 132)</p> <p>Removes provisions that employees may petition and be certified by SERB as a new and separate bargaining unit and that governing authority be regarded as the public employer. (p. 132)</p> <p>(A)(4) Removes provision that, when employees of a conversion community school file a decertification petition or petition to be removed from the bargaining unit, they must request that governing authority be regarded as the public employer under 4117. (p. 133)</p>	
3316.07. Fiscal watches, emergencies: Powers, duties and functions of school district financial planning and supervision commission.	Reductions in force when fiscal watch is declared.		In making reductions in force of nonteaching employees, the commission shall not use seniority as the only factor in determining dismissals. (p. 138)	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
3317.01. School foundation program; eligibility; administration of funds.			(C) School foundation program payments shall only be made to school districts who, among other requirements pay teachers' salaries based upon performance as required under 3317.13 (see below). (p. 143)	
3317.018. Conditions for calculation and payment of state aid; payments or adjustments after fiscal year 2009.	Provides generally that to receive state aid, school districts shall report enrollment data; tax commissioner must report tax valuation and receipts data; and that the department of education shall continue to make payments to school districts under variety of provisions		Change: "This section does not affect the provisions of sections . . . 3317.12 [salary schedules for nonteaching employees], 3317.13, 3317.14 [annual adoption of teacher salary schedules]. . . ." (p. 146)	
3317.11. Supervisory services provided by governing board; payments to service center.			Changes the calculation of cost of "supervisory units" provided by ESCs to school districts it has contracted with to reflect performance-based salary (not minimum salary) set out in 3317.13 for the licensed supervisory employees.	
3317.12. Salary schedules and job classification for nonteaching school employees. NO	NO CHANGE: "Any board of education participating in funds distributed under Chapters 3306 and 3317 shall annually adopt a		NO CHANGE.	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
CHANGE.	salary schedule for nonteaching school employees based upon training, experience, and qualifications. . . . The compensation of all employees working for a particular school board shall be uniform for like positions except as compensation would be affected by salary increments based upon length of service. "			
3317.13. Minimum salary schedule for teachers.			<p>(A) Eliminates definition of "years of service" (which included all years of teaching in private and public schools, as well as years of active military service) (pp. 150-51)</p> <p>(B) Eliminates minimum salary schedules for teachers altogether; eliminates years of service as factor for determining salary. (pp. 151-52)</p> <p>Eliminates procedure by which complaint may be filed with superintendent of public instruction alleging school district has failed to adopt salary schedule or pay salaries in accordance with provision. (p. 152)</p> <p>Provides that each teacher shall</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			be paid a salary based upon performance. (p. 153)	
			(C) Provides that "performance" is to be measured by considering (1) level of educator license teacher holds; (2) whether the teacher is "highly qualified" as defined in chapter 3319; (3) the value-added measure the board uses to determine the performance of the students assigned to the teacher's classroom; (4) the results of teacher's performance evaluations, peer review program; and (5) any other criteria established by the board.	
3317.14.	Annual adoption of teachers' salary schedule by board of education or governing board of ESC. "Notwithstanding 3317.13 . . . the board may establish its own service requirements and may grant service credit for such activities as teaching, for service as an educational assistant, and for service in the military . . .	Requires sch dists/bds of eds to establish salary schedules based on licensure level. (pp. 1576-77; ll. 49052-71) In determining the teacher's salary within that range, the board shall consider the following factors: (1) teacher evaluations; (2) whether the teacher is highly qualified; (3) any other factors considered relevant by the board, including whether it's a hard-to-staff school or subject area. (pp. 1577-78; ll. 49068-84)		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>provided no teacher receives less than the amount required to be paid pursuant to section 3317.13 and provided full credit for a minimum of 5 years of actual teaching and military experience as defined in 3317.13(A) is given to each teacher."</p> <p>"Each teacher who has completed training which would qualify such teacher for a higher salary bracket pursuant to this section shall file by September 15 with the treasurer of the board of education or ESC satisfactory evidence of the completion of such additional training. The treasurer shall then immediately place the teacher, pursuant to this section and 3317.13 in the proper salary bracket in accordance with training and years of service before certifying such salary, training, and years of service to the superintendent of</p>	<p>If a teacher's salary exceeds the max on the salary schedule, then the teacher may maintain the higher salary without receiving any increase until (1) the teacher's salary becomes less than the max on the salary schedule & (2) the board determines the teacher has earned an increase. (Note: contracts clause savings provision; section applies to school districts upon expiration of CBA that's in effect on effective date of Bill.) p. 1578; ll. 49085-49109</p> <p>Salary schedules may not be waived in a CBA. p. 1579; ll. 49130-34</p>		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	public instruction. No teacher shall be paid less than the salary to which such teacher is entitled pursuant to 3317.13."			
3319.01. Appointment and duties of superintendent.			Adds that a board of education may establish vacation leave for its superintendent in accordance with the general leave policy the board adopt pursuant to 3319.141. (p. 156)	
3319.011. Superintendent pro tempore.			Adds, when a superintendent is incapacitated, the board shall award leave pursuant to its written policy adopted in accordance with 3319.141. (p. 157)	
3319.02. Employment of administrators and supervisors.			Adds that a board of education may establish vacation leave for its assistant superintendent, principals, assistant principals and other administrators in accordance with the general leave policy the board adopt pursuant to 3319.141. (p. 164)	
3319.06. Internal auditor.			Adds that a board of education may establish vacation leave for its internal auditor, if any, in accordance with the general leave policy the board adopt pursuant to 3319.141. (p. 165)	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
<p>3319.08. Teacher employment and re-employment contracts.</p>			<p>(A) Eliminates reference "the base salary scheduled stated in the teachers' salary schedule". (p. 166)</p> <p>(C) Adds to definition of "limited contract": (3) For a classroom teacher, in the case of a contract entered into <i>prior to</i> the effective date, a term not to exceed 5 years; (4) For a classroom teacher, in the case of a contract entered into <i>after</i> the effective date, a contract authorized under (D):</p> <p>(D) Adds, the term of an initial limited contract for a classroom teacher shall not exceed 3 years; subsequent limited contracts shall be for a term of not less than 2 years and not more than 5 years. (p. 167)</p> <p>(As law exists now, duration of limited contracts for teachers is not to exceed 5 years.)</p> <p>(E) Continuing contracts: (1) Changes provision so that only teachers who hold a professional, permanent, or life teacher's certificate shall be granted continuing contracts. (2) "Grandfathers" teachers who met the conditions for continuing</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			contracts prior to effective date of amendment. (pp. 167-68) (F) Provides that division (E) only applies to continuing contracts entered into on or after the effective date of the amendment. (1) The requirements set forth in current section (D)(3) prevail over conflicting provisions of a CBA entered into between 10/16/09 and effective date. (2) Requirements of (E) prevail over CBA entered into on or after effective date. (p. 169)	
3319.082. Notice of annual salary. NO CHANGE.	NO CHANGE. Note potential conflict: Annual salary for nonteaching employee shall not be lower than the salary paid during the preceding school year unless such reduction is part of a uniform plan affecting the nonteaching employees of the entire school district.		NO CHANGE.	
3319.084. Vacation of nonteaching school employees;			Eliminates vacation accrual calculation for nonteaching employees; provides instead that employees shall receive vacation leave with full pay in accordance	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
vacation credit in event of death.			with general leave policy adopted pursuant to 3319.141. (pp. 169-70) Provides that a board of education may provide vacation leave for employees who are in service less than 11 months in each calendar year in accordance with the leave policy adopted pursuant to 3319.141. (p. 170)	
3319.085. Military leave of absence for nonteaching employees; re-employment.			Removes reference to nonteaching employees' salary schedule: for purposes of seniority only now, years of absence on extended activity duty in the armed services shall not exceed 4. (p. 171)	
3319.088. Educational aide permits; educational paraprofessional licenses for educational assistants.			No substantive change: Removes reference to educational assistants' salary schedules. (p. 174)	
3319.09. Definitions.			(B) Changes definition of "year" to provide that "any board of education may grant a leave of absence for professional advancement with full credit for service in accordance with the general leave policy the board adopts pursuant to 3319.141. (p. 176)	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
<p>3319.10. Employment and status of substitute teachers.</p>			<p>Removes reference to salary schedule and provides that teachers employed as substitutes with an assignment to one specific teaching position shall, after 60 days of service, be granted sick leave, visiting days, and other local privileges granted to regular teachings including a salary based upon performance as described in 3317.13 and in accordance with the general leave policy the school district/ESC adopts pursuant to 3319.141. (p. 177)</p> <p>Substitute teachers employed on a casual or day-to-day basis may be granted sick leave and other local privileges in accordance with the general leave policy the board adopts pursuant to 3319.141. (p. 177)</p>	
<p>3319.11. Eligibility for continuing service status; limited contract; notice of intent not to re-employ.</p>			<p>(B) Teachers eligible for continuing service status shall be those teaches qualified as set forth in 3319.08(E) (above) who within the last 5 years prior to the effective date of the amendment have taught for at least 3 years in the district, and teachers that have attained continuing contract status elsewhere and have served 2 years in the district. (p. 178)</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>The requirements of this paragraph prevail over any conflicting provisions of a CBA entered into on or after the effective date of this amendment. (p. 178)</p> <p>(1) (Supt. recommends reemployment) Eliminates pay increment that would be provided under the salary schedule when a teacher is not evaluated or not given timely notice that she will not be reemployed and therefore is deemed reemployed under an extended limited contract. (p. 179)</p> <p>(2) (Supt. recommends not be reemployed) Eliminates pay increment that would be provided under the salary schedule when a teacher is not evaluated or not given timely notice that she will not be reemployed and therefore is deemed reemployed under an extended limited contract. (p. 179)</p> <p>(C)(2) Removes reference to increase under salary schedule if teacher is to be reemployed under</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>extended limited contract but timely notice is not provided, so that teacher becomes employed under continuing contract. (p. 180)</p> <p>(3) Removes reference to increase under salary schedule if teacher is to be reemployed but evaluation is not conducted and timely notice is not provided, so that teacher becomes employed under limited extended contract. (p. 181)</p> <p>(D) Removes reference to increase in salary per schedule when a teacher eligible for continuing contract status under (B) or (C) of this provision is, at the expiration of the extended limited contract, deemed reemployed under a continuing contract. (p. 181)</p> <p>(E) Removes provision that a limited contract may be entered into by the board with each teacher who has not been employed by the board for at least 3 years. Instead, provides that the board shall enter into a limited contract with each teacher that is not eligible for a continuing contract. (p. 182)</p> <p>Removes reference to increase</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			under salary schedule: now, teacher employed under limited contract and who is not eligible for a continuing contract at the time of the limited contract's expiration, may continue to be reemployed at the same salary. (p. 182)	
3319.111 (paraphrase of new language)				<p>(A) Not later than July 1, 2013, board of each school district, in consultation with teachers, adopt evaluation of teacher policy and specify relative weight of factors and may include consideration of additional aspects</p> <p>Evaluation system developed by policy must</p> <p>(1) Be evidence based & use multiple measures of teacher's use of knowledge, skills & of student's academic progress</p> <p>(2) Aligned with standards for teachers adopted 3319.61</p> <p>(3) Provides statements of expectations of</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p>professional performance and established specific criteria expected job performance in the areas of responsibility assigned to the teacher</p> <p>(4) Requires observation of the teacher being evaluated on at least 2 occasions for not less than 30 minutes each</p> <p>(5) Requires each teacher provided written report of results of evaluation that include specific recommendations, suggestions for professional development that will enhance future performance, and information on how to obtain assistance in making needed improvement</p> <p>(B)(1) Shall conduct at least once each school year unless (B)(2) applies. Evaluation shall</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p>be completed by 1st day of April and the teacher shall receive a written report of results by 10th day of April.</p> <p>(B)(2) If limited contract or extended limited, evaluate at least twice in school year, may wish to declare its intention not to</p> <p>(D) The board shall use evaluations to make decisions about compensation, nonrenewal of employment contracts, termination, reduction in force, and professional development.</p> <p>(E) Provides civil immunity to Board, its members and to person conducting evaluation for injury, death, or loss of person or property as result of conducting evaluation.</p> <p>(F) This section prevails over conflicting provisions in 4117.</p> <p>(G) Section does not apply to superintendents and</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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				<p>administrators.</p> <p>--It says this could happen "in consultation with teachers" which will circumvent the negotiation process and that this section overrides any CBA pursuant to 4117 it is likely that this language was intended to further limit</p> <p>--Provides significant immunity from suit for any kind of loss resulting from the evaluation. This is pretty much unheard of (see 3319.111(E)). Evaluator and local board and school board members. Could discriminate on the face and be immune from suit in the teaching area which is predominantly women. This will be in conflict with existing discrimination laws and appears to be used as an attempt to limit. Litigation will inevitably follow.</p> <p>--If you may be non-renewing need to do 2x a year evaluation</p>
3319.112 (paraphrase of new language)				(A) Not later than April 10, 2012, Superintendent of public instruction shall develop and

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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				<p>submit to State Board of Education teacher evaluation framework that shall require at least 50% of evaluations based on measures of student academic growth specified by department of education. When applicable to teachers, measurers shall include assessments prescribed under Sections 3301.710 & 3301.712 & value-added progress.</p> <p>Framework to include:</p> <p>(1) Quality of instructional practice determined by announced and unannounced classroom observations and examination of work samples</p> <p>(2) Communication & professionalism including interaction with students, parents and other school employees and members of the community</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p>(3) Parent and student satisfaction which may be measured by surveys, questionnaires or other forms of evaluating teachers</p> <p>(B) By April 30, 2012, Superintendent of Public Instruction must develop and submit to State Board evaluation framework for evaluation of principals. At least 50% of evaluations based on student academic growth specified by Department for principals and shall be based on assessments provided in 3301.0710 & 330-1.0712 and value-added program dimension provided in 3302.021. The framework shall be tailored to duties and responsibility of principals and environment in which they work.</p> <p>(C) State Board must review evaluation recommendations at next Board meeting after received & vote to adopt or request the Superintendent to</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p>reconsider stating reasons for request the Superintendent to reconsider and shall resubmit recommendations whether revised or not, not later than 2 weeks prior to Board's next meeting after Board requested recommendation. Board then must adopt or modify not later than July 1, 2012.</p> <p>(D) Department of Education shall assist by providing a clearinghouse of examples of evaluation procedures and models and provide technical assistance in creation of policies.</p> <p>--These frameworks are likely to not take into account the nature of the districts for teachers. A double standard is created for principals who get better latitude based on evaluation criteria better tailored to the nature of the district.</p>
3319.13. Leave of absence; request; employment of			Removes provision that board of education may grant leave of absence for a period of not more	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
replacement.			<p>than 2 school years and replaces with: board of education may grant leave of absence in accordance with general leave policy under 3319.141. (pp. 186-87)</p> <p>Adds, upon subsequent request, leave may be renewed in accordance with general leave policy. (p. 187)</p> <p>Adds, board may grant similar leave of absence to teacher or nonteaching employee in accordance with general leave policy for disability. (p. 187)</p>	
3319.14. Military leave of absence.			<p>Removes reference to placement on salary schedule: for purpose of seniority only, years of absence performing service shall be counted as though teach service had been performed during that time. (p. 189)</p>	
3319.141. Sick leave.			<p>(A) Removes calculation of leave (15 days sick leave for each year under contract, or 1-1/4 day per month) and accumulation of leave up to 120 work days unless more is approved by board.</p> <p>Adds - Boards of education shall adopt a policy to provide leave with pay for the employees who are not covered by a CBA. The board shall</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>include all of the following in the policy:</p> <ul style="list-style-type: none"> (1) type of leave an employee may use; (2) reasons employee may use the types of leave; (3) amount of each type of leave employee may receive; (4) manner employee accumulates each type of leave; (5) maximum amount of each type of leave that may be accumulated; (6) the manner previously accumulated leave will be placed to the employee's credit upon reemployment in the public service; (7) the manner in which the employee transfers from one public agency will be credited with the unused balance of the employee's accumulated leave; (8) whether, and the manner in which, part-time, seasonal, intermittent, per diem employees accumulate leave; (9) the manner in which the board provides leave under 3319.08 (added); (10) any other issue relating to the use and availability of leave. (pp. 190-91) <p>(C) Adds – An employee may use leave in accordance with the leave policy the board adopts and upon</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>approval of the responsible administrative officer. (p. 191)</p> <p>(D) Eliminates requirement that board require employee to submit statement to justify use of sick leave.</p> <p>Instead, provides that board may require an employee to provide a written statement to justify the use of any sick leave granted under the policy. (pp. 191-92)</p> <p>Removes, "Nothing in this section shall be construed to waive the physician patient privilege provided by 2317.02."</p> <p>(E) Adds – Board shall not grant or credit sick leave in excess of 10 days per calendar year or to a teacher after his/her retirement or termination from employment. (p. 192)</p> <p>Removes – leave granted under regulations adopted by a board under 3319.08 shall not be charged against sick leave under this section.</p> <p>(F) Unused sick leave accumulated by employees under 124.38 as that section existed immediately prior to the effective</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>date of this amendment shall continue to be credited toward the maximum accumulation permitted under a policy adopted in accordance with 3319.141. (p. 192)</p> <p>(G) Adds - The board shall post its 3319.141 policy in a conspicuous location on the website maintained by the board.</p> <p>The Board shall review its policy on an annual basis and shall post any changes in a conspicuous place on the website.</p> <p>Nothing in this section shall prevent the board and employee organization from agreeing to apply the policy to employees covered by a CBA. (p. 193)</p>	
3319.16.	Termination of teaching contracts: The contract of any teacher employed by a city, exempted village, local, county or joint vocational school district may not be terminated except for good and just cause.	<p>Changes procedure for appeals of notices of termination: teacher may no longer request that appeal be heard by a referee. Hearings shall be conducted only by a majority of the members of the board. (pp. 1642-43, ll. 51098-51157)</p> <p>A teacher may appeal a termination order in accordance with a grievance procedure contained in a CBA or to the court of common pleas, but not both. (p. 1644; ll. 51148-60)</p>		
3319.17.	Reduction in number of teachers; restoration;	"The board shall consider the relative quality of performance the principal	(C) Removes seniority from factors to be considered when making	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>partial suspension of contract.</p> <p>Preference in determining RIFs is to be given to teachers, within teaching field or service affected, who continuing contracts and then based on seniority.</p>	<p>factor in determining the order of reductions under this section. A board shall measure a teacher's quality of performance by considering the level of license issued under section 3319.22 that the teacher holds, whether the teacher is a 'highly qualified teacher' as defined in section 3319.074, the results of the teacher's performance evaluation conducted under 3319.111, and any other criteria established by the board. A board may consider a teacher's seniority in determining the order of reductions, but only after considering the other factors required by this section." (pp. 1646-47; 51229-51)</p> <p>This provision may not be waived by CBAs entered into on or after the effective date. (p. 1648; ll. 51279-83)</p>	<p>reductions: School districts shall, within each teaching field or service area affected, given preference to teachers on continuing contracts. (pp. 194-95)</p> <p>Adds – Subject first to the preference for teachers with continuing contracts, the board shall consider the relative quality of performance the principal factor in determining the order of reductions under this section. A board shall measure a teacher's quality of performance by considering the following:</p> <ul style="list-style-type: none"> (1) level of educator license teacher holds; (2) whether the teacher is "highly qualified" as defined in chapter 3319; (3) the value-added measure the board uses to determine the performance of the students assigned to the teacher's classroom; (4) the results of teacher's performance evaluations, peer review program; and (5) any other criteria established by the board. (p. 195) <p>(D) The requirements of this section as it existed prior to the effective date of this amendment, prevail over any conflicting</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			provisions of agreements between employee organizations and public employers entered into between 9/29/05 and the effective date.	
<p>3319.172. Suspension of contracts of nonteaching employees; restoration.</p>			<p>Removes seniority as basis for determining reduction: preference to employees under continuing contracts only. (p. 196)</p> <p>Adds – Subject first to the preference for employees with continuing contracts, the board shall consider the relative quality of performance, as measured by the board, the principal factor in determining the order of reductions. (pp. 196-97)</p> <p>Requirements of this provision in current law prevail over any conflicting provisions of CBAs between employee organizations and employers entered into between 9/29/05 and the effective date.</p>	
<p>3319.18. Status of teachers under transfer or consolidation.</p>			<p>Removes reference to salary schedules: teachers employed in a school district that is transferred or merged shall be paid, on the effective date of the transfer or merger, based upon performance as described in 3317.13. (p. 198)</p> <p>Salary shall not be reduced from</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			current annual salary upon transfer/merger. (p. 199) Leaves in (conflict): the years of teaching service of the teachers shall be included as part of the seniority on which the recommendation as to reduction in force	
3319.227		NEW PROVISION: Permits provisional and then professional licensure of teachers who were initially licensed in another state. Superintendent of public instruction shall develop a list of states considered to have inadequate teacher licensure standards.(pp.1654-57)		
3319.58		NEW PROVISION: (B) The Dep't of Educ. shall annually rank into percentiles all city, exempted village & local school districts according to performance index score. (C) Each year, the school dist. in the lowest 10 percentiles shall require classroom teachers that teach a core subject area to register and take all written exams required by the St. Bd. of Ed. for licensure to teach that core subject. (D) Each school district may use the results of those exams to develop/revise professional development plans to determine whether the continue the		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		employment of the teacher. No decision to terminate or not to renew a teacher's employment contract shall be made solely on the basis of the results of the teacher's exam under this section until and unless the teacher has not attained a passing score on the same required exam for at least 3 consecutive administrations of that exam. pp. 1667-68; ll. 51872-51900		
3319.61				ESB (changes made by the sub bill) (7) Removes the Educator Standards Board's ability to develop the methods for measuring improvements individual students during a one-year period and incorporating that measurement into a multiple evaluation criteria into (a) Eligibility for a professional educator licensing, senior license, lead professional educator licensing or principal license issued under section 3319.22 of revised code; (b) The Ohio teacher residency program established under section 3319.223 of revised code; (c) The model teacher and principal evaluation instruments and processes developed under

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p><u>division (f) of this section and the framework for evaluation of teachers and principals adopted by the state board of education under 3319.112 of the revised code.</u></p> <p><u>--By sending this back to the state board as opposed to the Educator Standards Board, the process for evaluations is highly politicized.</u></p>
<p>3319.63. Paid professional leave for members.</p>			<p>Employees who are appointed to serve as members of educator standards board shall be granted paid professional leave in accordance with the general leave policy under 3319.141. (pp. 199-200)</p>	
<p>3326.18. STEM Schools – Collective bargaining by employees.</p>			<p>(A) Changes reference to 4117.06 from (D)(1) to (C)(1); keeps current law that a unit teaching and nonteaching employees shall be considered an appropriate unit. (p. 200)</p>	
<p>3332.03. State board of career colleges and schools.</p>			<p>Removes prohibition against members of the board appointed by the governor from receiving step advancements for those days the member is engaged in the discharge of official duties.</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
3345.81		NEW PROVISION: The chancellor of the board of regents shall develop a plan for designating some state institutions of higher education as charter universities (no indication as to how this may impact bargaining units, CB rights). (pp. 1709-10)		
4113.80.			New provision: When determining whether to lay off an employee as part of a reduction in force, a public employer shall nto consider the race, color, religion, sex, military status, national origin, disability, age, or ancestry of the employee in violation of 4112 or any applicable federal law.	
4115.03, 4115.033, 4115.034, 4115.04, 4115.10	Prevailing Wage Provisions	Removes prevailing wage requirements for some construction projects costing \$5 million or less. Removes prevailing wage requirements for state boards of higher education.		
4117.01(B)(1)	(B)(1) "Public employer" means the state or any political subdivision of the state located entirely within the state, including, without limitation, any municipal corporation with a		(B)(1) "Public employer" means the state or any political subdivision of the state located entirely within the state including without limitation any of the following: (a) A municipal corporation ... [same]; (b) A county;	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>population of at least five thousand according to the most recent federal decennial census; county; township with a population of at least five thousand in the unincorporated area of the township according to the most recent federal decennial census; school district; governing authority of a community school established under Chapter 3314. of the Revised Code; state institution of higher learning; public or special district; state agency, authority, commission, or board; or other branch of public employment.</p>		<p>(c) A township ... [same];</p> <p>(d) A school district [same];</p> <p>(e) <u>The governing authority of a conversion community school established under Chapter 3314 of the Revised Code unless the governing authority has submitted a statement to the state employment relations board under division (A)(4) of section 3314.10 of the Revised Code;</u></p> <p>(f) A state institution of higher learning;</p> <p>(g) A public or special district;</p> <p>(h) A state agency, authority, commission, or board; or</p> <p>(i) any other branch of public employment. (p. 206)</p>	
4117.01(B)(2)	<i>Section (B)(2) does not</i>		<u>(B)(2) Except as provided in</u>	<ul style="list-style-type: none"> •(B)(2) Changes are made compared to the Senate

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<i>exist in current law.</i>		<u>division (B)(1)(e) of this section, "public employer does not mean the governing authority of a community established under Chapter 3314. of the Revised Code. (p. 206)</u>	version to clean up language related to the exclusion of community schools from the definition of public employers and to maintain the exclusion of 187.01 nonprofits
4117.01(C)	<i>[Sections (1) through (8) list generally, elected persons, employees of the general assembly and governor's staff, Ohio militia members, and SERB, confidential, management level and court employees.]</i>		<p>"Public employee" means any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the national labor relations board has declined jurisdiction on the basis that the involved employees are employees of a public employer, except: (p. 206-7)</p> <p><i>[Sections (1) thru (8) remain the same.]</i></p> <p>(9) Employees of a public official</p>	<ul style="list-style-type: none"> •(C) Public Employee: the bill adds specificity to the exclusions (9) excluding only those unclassified employees listed in 124.11(A)(8) and (9) as opposed to all of 124.11 •This stems from the rule that an employer can claim a limited numbers of fiduciaries, this can be used to pull people from a bargaining unit.

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>(9) <i>Changed.</i></p> <p>(10) <i>Changed.</i></p> <p><i>[Sections (11) through (17) list generally, students, county election board employees, seasonal & casual employees, part time faculty members of higher edn. Institutions, DOT career professional employees, and community-based correctional facilities.]</i></p> <p>(18) <i>This section does not exist in current law.</i></p>		<p>who act in a fiduciary capacity, appointed pursuant to <u>are in the unclassified civil service</u> under section 124.11 of the Revised Code; (p. 207)</p> <p>(10) <u>Supervisors, including fire supervisory officers;</u></p> <p><i>[Sections (11) through (17) remain the same.]</i></p> <p>(18) <u>Employees of a regional council of government created under Chapter 167. of the Revised Code.</u> (p. 208)</p>	
4117.01(D)	<i>Changed to delete "other."</i>		"Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment. (p. 208)	
4117.01(E)	"Exclusive Representative" definition.		<i>Not changed.</i>	
4117.01(F)(1) 4117.01(F)(1) continued	<p>"Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided that:</p> <p>(1) Employees of school districts who are department chairpersons or consulting teachers</p>		<i>Not changed. (p. 209)</i>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	shall not be deemed supervisors;			
4117.01(F)(2)	(2) With respect to members of a police or fire department, no person shall be deemed a supervisor except the chief of the department or those individuals who, in the absence of the chief, are authorized to exercise the authority and perform the duties of the chief of the department. Where prior to June 1, 1982, a public employer pursuant to a judicial decision, rendered in litigation to which the public employer was a party, has declined to engage in collective bargaining with members of a police or fire department on the basis that those members are supervisors, those members of a police or fire department do not have the rights specified in this chapter for the purposes of future collective bargaining. The state employment		<p>2) With respect to members of a police or fire department, no person shall be deemed a supervisor except the chief of the department or those individuals who, in the absence of the chief, are authorized to exercise the authority and perform the duties of the chief of the department. Where prior to June 1, 1982, a public employer pursuant to a judicial decision, rendered in litigation to which the public employer was a party, has declined to engage in collective bargaining with members of a police or fire department on the basis that those members are supervisors, those members of a police or fire department do not have the rights specified in this chapter for the purposes of future collective bargaining. The state employment relations board shall decide all disputes concerning the application of division (F)(2) of this section.</p> <p>{3} With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other in addition, any faculty member or</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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	relations board shall decide all disputes concerning the application of division (F)(2) of this section.		group of faculty members is a supervisor solely because the faculty member or group of faculty members that participate in decisions with respect to courses, curriculum, personnel, or other matters of academic policy; (p. 209-10)	
4117.01(F)(3)			<i>[Moved up to be the new (F)(2) – see above.]</i>	
4117.01(F)(4)	(4) No teacher as defined in section 3319.09 of the Revised Code shall be designated as a supervisor or a management level employee unless the teacher is employed under a contract governed by section 3319.01, 3319.011 [3319.01.1], or 3319.02 of the Revised Code and is assigned to a position for which a license deemed to be for administrators under state board rules is required pursuant to section 3319.22 of the Revised Code.		<i>[Former section (F)(4) is now (F)(3).] (p. 210)</i>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.01(G)			<p>"To bargain collectively" means to perform the mutual obligation of the public employer, by its representatives, and the representatives of its employees to negotiate in good faith at reasonable times and places with respect to wages, hours, terms, and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, with the intention of reaching an agreement, or to resolve questions arising under the agreement. "To bargain collectively" includes executing a written contract incorporating the terms of any agreement reached. The obligation to bargain collectively does not mean that either party is compelled to agree to a proposal nor does it require the making of a concession. (p. 210)</p>	
4117.01(H)			<p>"Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment. (p.210)</p> <p><i>[The "strike" definition continues in to what used to be section (I) below.]</i></p>	
4117.01(I)			<p>(I) "Unauthorized strike" includes, but is not limited to, concerted action during the term or extended term of a collective bargaining agreement or during the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code in failing to report to duty; willful absence from one's position; stoppage of work; slowdown, or abstinence in whole or in part from the full, faithful, and proper performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Unauthorized strike" "Strike" includes any such action, absence, stoppage, slowdown, or abstinence when done partially or</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			intermittently, whether during or after the expiration of the term or extended term of a collective bargaining agreement or during or after the pendency of the settlement procedures set forth in section 4117.14 of the Revised Code. (p. 211)	
4117.01(J)	<i>“Professional employee” definition.</i>		<i>Re-lettered to (I) – no changes.</i>	
4117.01(K)	<i>“Confidential employee” definition.</i>		<i>Re-lettered to (J) – no changes.</i>	
4117.01 (L)	<i>“Management level employee” definition.</i>		(L) (K) "Management level employee" means an individual who formulates policy on behalf of the public employer, who responsibly directs the implementation of policy, or who may reasonably be required on behalf of the public employer to assist in the preparation for the conduct of collective negotiations, administer collectively negotiated agreements, or have a major role in personnel administration. Assistant superintendents, principals, and assistant principals whose employment is governed by section 3319.02 of the Revised Code are management level employees. With respect to	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>members of a faculty of a state institution of higher education, no person is a management level employee because of the person's involvement in the formulation or implementation of academic or institution policy. <u>any faculty who individually or through a faculty senate or like organization, participate in the governance of the institution, are involved in personnel decisions, selection or review of administrators, planning and use of physical resources, budget preparation, and determination of educational policies related to admissions, curriculum, subject matter, and methods of instruction and research are management level employees.</u> (p. 211-12)</p>	
4117.01(M)	<i>"Wages" definition.</i>		<i>Re-lettered to (L) – no changes.</i>	
4117.01(N)	<i>"Member of a police department" definition.</i>		<i>Re-lettered to (M) – no changes.</i>	
4117.01(O)	<i>"Members of the state highway patrol" definition.</i>		<i>Re-lettered to (N) – no changes.</i>	
4117.01(P)	<i>"Member of a fire department" definition.</i>		<i>Re-lettered to (O) – no changes.</i>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.01(Q)	<i>"Day" definition.</i>		<i>Re-lettered to (P) – no changes.</i>	
4117.02(A) through (F)(1)	<i>Powers and Duties of SERB.</i>		<i>No changes.</i>	<ul style="list-style-type: none"> • No change from Senate version, Sub. S.B. No. 5: • (A)(4) still no bargaining re: continuation, modification, or deletion of existing provision of CBA • (B) Employees of charter schools do not have bargaining rights except as provided in 3314.10
4117.02(F)(2)	<i>Appointment of fact finding panels.</i>		The state employment relations board shall appoint members of fact finding panels <u>fact-finders</u> and shall prescribe their job duties. (p. 216)	
4117.02(G) through (J)	<i>Powers and Duties of SERB.</i>		<i>No changes.</i>	
4117.02(K)(1)	<i>Appointment of fact finding panels.</i>		<p>In addition to the powers and functions provided in other sections of this chapter, the state employment relations board shall do all of the following:</p> <p>(1) Create a bureau of mediation within the state employment</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			relations board, to perform the functions provided in section 4117.14 of the Revised Code. This bureau shall also establish, after consulting representatives of employee organizations and public employers, panels of qualified persons to be available to serve as members of fact-finding panels <u>fact-finders</u> and arbitrators. (p. 218)	
4117.02(K)(2) through (5)	<i>General duties of SERB.</i>		<i>No changes.</i>	
4117.02(K)(6)	<i>Providing statistical data.</i>		Make available to employee organizations, public employers, mediators, fact-finding panels <u>fact-finding</u> , arbitrators, and joint study committees statistical data relating to wages, benefits, and employment practices in public and private employment applicable to various localities and occupations to assist them to resolve issues in negotiations;	
4117.02(K)(7) through (P)	<i>General duties of SERB.</i>		<i>No changes.</i>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.03(A)	<p>Public employees have the right to:</p> <p>(1) Form, join, assist, or participate in, or refrain from forming, joining, assisting, or participating in, except as otherwise provided in Chapter 4117. of the Revised Code, any employee organization of their own choosing;</p> <p>(2) Engage in other concerted activities for the purpose of collective bargaining or other mutual aid and protection;</p> <p>(3) Representation by an employee organization;</p> <p>(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter</p>		<p>Public employees have the right to:</p> <p>(1) <i>No changes.</i></p> <p>(2) <i>No changes.</i></p> <p>(3) <i>No changes.</i></p> <p>(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements;</p> <p>(5) <i>No changes.</i></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>into collective bargaining agreements;</p> <p>(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.</p>			
4117.03(B)	<p>Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights.</p>		<p>Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights. <u>Employees of a community school established under Chapter 3314. of the Revised code do not have collective bargaining rights, except as provided in section 3314.10 of the Revised Code. A community school established under Chapter 3314. of the Revised Code shall not bargain collectively with its employees, except as provided in section 3314.10 of the Revised Code.</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.03(C)	Except as provided in division (D) of this section, nothing in Chapter 4117. of the Revised Code 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 Chapter 4117. of the Revised Code pursuant to division (C) of section 4117.01 of the Revised Code.		<i>No changes.</i>	
4117.03(D)	A public employer shall not engage in collective bargaining or other forms of collective negotiations with the employees of county boards of elections referred to in division (C)(12) of section 4117.01 of the Revised Code.		<i>No changes.</i>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.03(E)	Employees of public schools may bargain collectively for health care benefits; however, all health care benefits shall include best practices prescribed by the school employees health care board, in accordance with section 9.901 [9.90.1] of the Revised Code.		Employees of public schools may bargain collectively for health care benefits; however, all health care benefits shall include best practices prescribed by the school employees health care board, in accordance with section 9.901 [9.90.1] of the Revised Code.	
4117.04(A)	(A) Public employers shall extend to an exclusive representative designated under section 4117.05 of the Revised Code, the right to represent exclusively the employees in the appropriate bargaining unit and the right to unchallenged and exclusive representation for a period of not less than twelve months following the date of certification and		<i>No changes.</i>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>thereafter, if the public employer and the employee organization enter into an agreement, for a period of not more than three years from the date of signing the agreement. For the purposes of this section, extensions of agreements shall not be construed to affect the expiration date of the original agreement.</p>			
4117.04(B)	<p>A public employer shall bargain collectively with an exclusive representative designated under section 4117.05 of the Revised Code for purposes of Chapter 4117. of the Revised Code.</p> <p>When the state employment relations board notifies a public employer that it has certified an employee organization as exclusive representative for a unit of its</p>		<i>No changes.</i>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>employees, the public employer shall designate an employer representative and promptly notify the board and the employee organization of his identity and address. On certification, the employee organization shall designate an employee representative and promptly notify the board and the public employer of his identity and address. The board or any party shall address to the appropriate designated representative all communications concerned with collective relationships under Chapter 4117. of the Revised Code. In the case of municipal corporations, counties, school districts, educational service centers, villages, and townships, the designation of the employer representative is as provided in division (C) of section 4117.10 of the Revised Code. The</p>			

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	designated representative of a party may sign agreements resulting from collective bargaining on behalf of his designator; but the agreements are subject to the procedures set forth in Chapter 4117. of the Revised Code.			
4117.05(A)(1)	<i>Employee organization as exclusive representative.</i>		<i>No changes. (p. 223)</i>	
4117.05(A)(2)	<i>Filing requests for recognition.</i>		<i>No changes.</i>	
4117.05(A)(2)(a)	<i>Notice posting.</i>		a) Post notice in each facility at which employees in the proposed unit are employed, setting forth the description of the bargaining unit, the name of the employee organization requesting recognition, and the date of the request for recognition, and advising employees that objections to certification must be filed with the state employment relations board not later than the twenty-first <u>thirtieth</u> day following the date of the request for recognition; (p. 223)	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.05(A)(2)(b)			<p>(b) Immediately notify the state employment relations board of the request for recognition.</p> <p>The state employment relations board shall certify the employee organization filing the request for recognition on the twenty-second <u>investigate the request for recognition and proposed bargaining unit on the thirty-first</u> day following the filing of the request for recognition, unless by the twenty-first thirtieth day following the filing of the request for recognition it receives: (p. 224)</p>	
4117.05(A)(2)(b) (i) through (iv)			<i>No changes. (p. 224)</i>	
4117.05(B)			<p>Nothing in this section shall be construed to permit a public employer to recognize, or the state employment relations board to certify, an employee organization as an exclusive representative under Chapter 4117. of the Revised Code if there is in effect a lawful written agreement, contract, or memorandum of understanding between the public employer and</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			another employee organization which, on the effective date of this section amendment , has been recognized by a public employer as the exclusive representative of the employees in a unit or which by tradition, custom, practice, election, or negotiation has been the only employee organization representing all employees in the unit; this restriction does not apply to that period of time covered by any agreement which exceeds three years. For the purposes of this section, extensions of agreement do not affect the expiration of the original agreement. (p. 224-225)	
4117.05(C) and (D)	<i>There is no (C) in the current law.</i>		<u>Nonexclusive recognition previously granted through an agreement or memorandum of understanding shall not preclude the board from doing any of the following:</u> (1) Determining an appropriate unit; (2) If necessary, removing classifications from a bargaining unit under an existing nonexclusive contract, agreement, or memorandum of understanding;	(C) Nonexclusive recognition previously granted through an agreement or memorandum of understanding shall not preclude the board from doing any of the following: (the preceding language was in the senate version but removed here) Another employee organization, employees currently represented by the employee organization, or the public employer of the public

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>(3) <u>Holding an election to determine an exclusive representative for all those employees deemed a part of the appropriate unit.</u> (p. 225)</p>	<p>employees may file a petition for decertification with the board that is supported by substantial evidence, based on and in accordance with rules adopted by the board, demonstrating that at least thirty per cent of the employees in the described bargaining unit support the petition. The petition may be submitted at any time subsequent to one hundred twenty days prior to the expiration of the collective bargaining agreement.</p> <p>(D) Nonexclusive or deemed certified recognition previously granted through an agreement or memorandum of understanding shall not preclude the board from doing any of the following:</p> <p style="padding-left: 40px;">(1) <u>Determining an appropriate unit;</u></p> <p style="padding-left: 40px;">(2) <u>If necessary, removing classifications from a bargaining unit under an existing nonexclusive contract, agreement, or memorandum of understanding;</u></p> <p style="padding-left: 40px;">(3) <u>Holding an election to</u></p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p><u>determine an exclusive representative for all those employees deemed a part of the appropriate unit.</u></p> <p><u>--The employer decert is entirely new and an employer only need show 30% interest. The avenue in the private sector is that the employer can refuse to bargain if it has a good faith belief that there is no majority status, but even then it cannot file the decert petition on its own, it is a different process.</u></p> <p><u>--This provision combined with the removal of the contract bar to decert puts you in a potentially continuously decert and election posture.</u></p>
4117.06(A)			(A) The state employment relations board shall decide in each case the unit <u>most</u> appropriate for the purposes of collective bargaining. The determination is final and conclusive and not appealable to the court. (p. 225)	(A) The state employment relations board shall decide in each case the unit <u>most</u> appropriate for the purposes of collective bargaining. The determination is final and conclusive and not appealable to the court.(Restored)

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.06(B)	<i>Factors considered in determining bargaining units.</i>		<i>No changes.</i>	
4117.06(C)	<i>Determining appropriate units.</i>		<p>The board may determine a unit to be the appropriate unit in a particular case, even though some other unit might also be appropriate. (p. 226)</p>	<p><u>Any bargaining unit of a fire department that does not conform to division (C)(6) of this amendment section on the effective date of this amendment shall cease to be an appropriate unit upon the expiration of the collective bargaining agreement covering that unit that is in effect on the effective date of this amendment or three years after the effective date of this amendment, whichever is earlier. Thereafter, the board shall designate the appropriate unit for the fire department in accordance with division (C)(6) of this section.</u></p> <p>--This will lead to litigation before the SERB board and will result in</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				significant delay in the election process which is always detrimental to the union.
4117.06(D)	<i>In addition, in determining the appropriate unit, the board shall not: (lists the prohibitions)</i>		<i>Re-lettered to (C). (p. 226)</i>	
4117.06(D)(1) through (5)			<i>No changes.</i>	
4117.06(D)(6)			With respect to members of a police department, designate as appropriate a unit that includes rank and file members of the department with members who are of the rank of sergeant or above, <u>or with respect to members of a fire department, designate as appropriate a unit that includes rank and file members of the department with members who are of the rank of lieutenant or above;</u> (p. 227)	
4117.06(D)(7)			Except as otherwise provided by division (A)(3) of section 3314.10	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>or division (B) of section 3326.18 of the Revised Code, designate as appropriate a bargaining unit that contains employees from multiple community schools established under Chapter 3314. or multiple science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. For purposes of this division, more than one unit may be designated within a single community school or science, technology, engineering, and mathematics school.</p> <p>This section shall not be deemed to prohibit multiunit bargaining.</p> <p><u>Any bargaining unit of a fire department that does not conform to division (C)(6) of this amendment on the effective date of this amendment shall cease to be an appropriate unit upon the expiration of the collective bargaining agreement covering that unit that is in effect on the effective date of this amendment or three years after the effective date of this amendment, whichever is earlier. Thereafter, the board shall designate the appropriate unit for the fire department in accordance with division (C) (6) of this section. (p. 227-8)</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.07(A)(1)	<i>Petitions for elections filed with the board.</i>		<i>No changes. (p. 228)</i>	
4117.07(A)(2)			<p>By the employer alleging that one or more employee organizations has presented to it a claim to be recognized as the exclusive representative in an appropriate unit, the board shall investigate the petition, and if it has reasonable cause to believe that a question of representation exists, provide for an appropriate hearing upon due notice to the parties.</p> <p>If the board finds upon the record of a hearing that a question of representation exists, it shall direct an election and certify the results thereof. No one may vote in an election by proxy. <u>The board shall not certify any exclusive representative without an election in any case in which the public employer has filed a petition for election in accordance with division (A) of this section, except the board may also certify an employee organization as an exclusive representative if it determines that a free and</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			untrammelled election cannot be conducted because of the employer's unfair labor practices and that at one time the employee organization had the support of the majority of the employees in the unit. (p. 228)	
4117.07(B) through (C)(5)			<i>No changes.</i>	
4117.07(C)(6)			<p>The board may not conduct an election under this section in any appropriate bargaining unit within which a board-conducted election was held in the preceding twelve-month period, nor during the term of any lawful collective bargaining agreement between a public employer and an exclusive representative <u>that was entered into before the effective date of this section.</u></p> <p>Petitions for elections may be filed with the board no sooner than one hundred twenty days or later than ninety days before the expiration date of any collective bargaining agreement, or after the expiration date, until the public employer and</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>exclusive representative enter into a new written agreement.</p> <p>No collective bargaining agreement entered into on or after the effective date of this amendment shall bar the conduct of an election or certification pursuant to a petition that is timely filed in accordance with this section.</p> <p>For the purposes of this section, extensions of agreements do not affect the expiration date of the original agreement. (p. 229-30)</p>	
4117.08(A)	<i>Subjects appropriate for collective bargaining</i>		<p>All matters pertaining to wages, hours, or <u>and</u> terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 <u>4117.081</u> of the Revised Code. <u>Any existing provision of a collective bargaining agreement that was modified, renewed, or extended from a prior collective bargaining agreement</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>that does not concern wages, hours, and terms and conditions shall not be a mandatory subject of collective bargaining and shall not be subject to any impasse procedure without the mutual agreement of the both the public employer and exclusive representative. The inclusion of a provision in a previous collective bargaining agreement shall not be used as a basis for the provision being determined to concern wages, hours, and terms and conditions.</u> (p. 230)</p>	
4117.08(B) and (B)(1)	<p>The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists are not appropriate subjects for collective bargaining.</p>		<p>The following subjects are not appropriate subjects for collective bargaining:</p> <p>(1) The conduct and grading of civil service examinations, the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists are not appropriate subjects for collective bargaining. (p. 230-31)</p>	
4117.08(B)(2)			<p>(2) <u>Health care benefits, except that, subject to division (E) of this section, the amount of the cost of</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<u>those benefits for which a public employer and the public employees of the public employer pays is an appropriate subject of collective bargaining;</u> (p. 231)	
4117.08(B)(3)			(3) <u>The payment of a contribution by a public employer to the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the state highway patrol retirement system, or the school employees retirement system on behalf of an employee, contributor, or teacher, as applicable, that the employee, contributor, or teacher otherwise is required to pay;</u> (p. 231)	
4117.08(B)(4)			(4) <u>The privatization of a public employer's services or contracting out of the public employer's work;</u> (p. 231)	
4117.08(B)(5)			(5) <u>The number of employees required to be on duty or employed in any department, division, or facility of a public employer.</u> (p. 231)	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.08(C)			Unless a public employer <u>specifically agrees otherwise in an express written provision of a collective bargaining agreement</u> , nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:	
4117.08(C)(1)			(1) Determine matters of inherent managerial policy which include, but are not limited to areas of discretion or policy such as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, and organizational structure; Hire, discharge, transfer, suspend, or discipline employees; (p. 231)	
4117.08(C)(2)			(2) Direct, supervise, evaluate, or hire employees Determine the number of persons required to be employed or laid off; (p. 232-33)	
4117.08(C)(3)			(3) Maintain and improve the	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			efficiency and effectiveness of governmental operations; <u>Determine the qualifications of employees;</u> (p. 232-33)	
4117.08(C)(4)			(4) Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted; <u>Determine the starting and quitting time and the number of hours to be worked by its employees;</u> (p. 232-33)	
4117.08(C)(5)			(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees; <u>Make any and all reasonable rules and regulations;</u> (p. 232-33)	
4117.08(C)(6)			(6) Determine the adequacy of the work force; <u>Determine the work assignments of its employees;</u> (p. 232-33)	
4117.08(C)(7)			(7) Determine the overall mission of the employer as a unit of government; <u>Determine the basis</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<u>for selection, retention, and promotion of employees;</u> (p. 232-33)	
4117.08(C)(8)			(8) Effectively manage the work force; <u>Determine the type of equipment used and the sequence of work processes;</u> (p. 232-33)	
4117.08(C)(9)			(9) Take actions to carry out the mission of the public employer as a governmental unit. <u>Determine the making of technological alterations by revising either process or equipment of both;</u> (p. 232-33)	
4117.08(C)(10)	<i>There is no section (10) in current law.</i>		(10) <u>Determine work standards and the quality and quantity of work to be produced;</u> (p. 233)	
	<i>There is no section (11) in current law.</i>		(11) <u>Select and locate buildings and other facilities;</u> (p. 233)	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<i>There is no section (12) in current law.</i>		<u>(12) Establish, expand, transfer, or consolidate work processes and facilities;</u> (p. 233)	
	<i>There is no section (13) in current law.</i>		<u>(13) Transfer or subcontract work;</u> (p. 233)	
	<i>There is no section (14) in current law.</i>		<u>(14) Consolidate, merge, or otherwise transfer any or all of its facilities, property processes or work with or to any other municipal corporation or entity or effect or change in any respect the legal status, management, or responsibility of such property, facilities, processes, or work;</u> (p. 233)	
	<i>There is no section (15) in current law.</i>		<u>(15) Terminate or eliminate all or any part of its work or facilities.</u> (p. 233)	
4117.08(C) [<i>paragraph at bottom of section (C).</i>]			The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement. (p. 233)</p>	
4117.08(D)	<p><i>There is no section (D) in current law.</i></p>		<p><u>(D) During negotiations between a public employer and an exclusive representative, the parties shall consider, for purposes of determine the ability of the public employer to pay for any terms agreed to during collective bargaining, only the financial status of the public employers at the time period surrounding the negotiations. When determining whether the employer can pay for those terms, the parties shall consider the employer's inability to pay. The parties shall not consider either of the following when determining the ability of the public employer to pay for those terms:</u> (p. 233-234)</p> <p><u>(1) any potential future increase in the income of the public employer that would only be possible by the employer raising revenue,</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>including, but not limited to, passing a levy or a bond issue;</u></p> <p><u>(2) The employer's ability to sell assets.</u></p>	
4117.08(E)	<p><i>There is no section (E) in current law.</i></p>		<p><u>(E) The provision of health care benefits for which the employer is required to pay more than eighty-five percent of the cost is not an appropriate subject for collective bargaining. No public employer shall agree to a provision that requires the public employer to pay more than eighty-five per cent of the cost paid for health care benefits.</u> (p. 234)</p>	
4117.08(F)				<p>• AS PASSED AFTER AMENDMENT BY COMMITTEE</p> <p>“Notwithstanding division (C) of this section, equipment issues directly related to personal safety are subject to collective bargaining.”</p> <p>--So this is for all employees, but does limit it to “personal safety equipment” versus all safety equipment as was in the house sub bill this morning.</p> <p>--For example, personal safety equipment includes wearing a</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				reflective vest if you are an ODOT worker. This could mean you can still not bargain more general safety equipment, signage, exhaust systems etc., for firefighters a better truck all of these things could be barred from negotiation because they are not personal safety.
4117.081(A)	<i>This section is not in current law.</i>		<u>(A) this section applies only to school districts, educational service centers, certain conversion community schools established under Chapter 3314. Of the Revised code, and STEM schools established under Chapter 3326. Of the Revised Code. (p. 234)</u>	
4117.081(B)	<i>This section is not in current law.</i>		<u>(B) No public employer to which this section applies shall enter into a collective bargaining agreement on or after the effective date of this section that does any of the following: (p. 234)</u>	
4117.081(B)(1)	<i>This section is not in current law.</i>		<u>(1) Requires the public employer to employ a minimum number o total personnel or any category of</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<u>personnel</u> ; (p. 234)	
4117.081(B)(2)	<i>This section is not in current law.</i>		<u>(2) Restricts the authority of the public employer or a district or service center superintendent to assign personnel to school buildings or restricts the authority of a building principal to designate the responsibilities and workloads of personnel assigned to the building</u> ; (p. 234)	
4117.081(B)(3)	<i>This section is not in current law.</i>		<u>(3) Establishes a maximum number of students who may be assigned to a classroom or teacher</u> ; (p. 234)	
4117.081(B)(4)	<i>This section is not in current law.</i>		<u>(4) Prohibits the public employer from making reductions in teachers or nonteaching employees for any applicable reason specified in division (B) of section 124.321 or section 3319.17 or 3319.172 of the Revised Code or in a policy adopted under section 3319.171 of the Revised Code</u> ; (p. 234-35)	
4117.081(B)(5)	<i>This section is not in</i>		<u>(5) Restricts the authority of the</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<i>current law.</i>		<u>public employer, when making personnel reductions, to determine the order of layoffs;</u> (p. 235)	
4117.081(B)(6)	<i>This section is not in current law.</i>		<u>(6) Restricts the authority of the public employer to acquire noneducational services from another public or private entity through competitive bidding;</u> (p. 235)	•NEW (7) (Cannot) restrict the authority of the public employer to acquire any products, programs or services pursuant to section 3313.841, 3313.843 or 3313.845 of the Revised Code. –this is a bit of an expansion regarding employer rights to use the products from service centers
4117.081(B)(7)	<i>This section is not in current law.</i>		<u>(7) Otherwise relinquishes, impairs, or restricts the managerial rights and responsibilities of the public employer described in division (C) of section 4117.08 of the Revised Code.</u> (p. 235)	This is renumbered as (8) after addition of new (7).
4117.081(C)(1)	<i>This section is not in current law.</i>		<u>(C)(1) Except as otherwise provided in division (C)(2) of this section, each collective bargaining agreement entered into on or after the effective date of this section between a public employer to</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<u>which this section applies and its employees shall comply with all applicable state, or local laws or ordinances regarding wages, hours, and terms and conditions or employment of public employees.</u> (p. 235)	
4117.081(C)(2)	<i>This section is not in current law.</i>		<u>(2) A collective bargaining agreement entered into on or after the effective date of this section may include a provision that conflicts with an applicable law or ordinance, if the provision establishes benefits that are less than the benefits conferred by the law or ordinance and division (A) of section 4117.10 of the Revised Code does not require that the law or ordinance prevail over the conflicting provision. Any provision of the agreement that conflicts with an applicable law or ordinance and does not meet these requirements shall be void.</u> (p. 235)	
4117.081(D)	<i>This section is not in current law.</i>		<u>(D) Notwithstanding division (A)(5) of section 4117.11 of the Revised Code, a public employer to which this section applies is not required to, and may refuse to, collectively bargain on the continuation,</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<u>determine whether to lay off the employee.</u> (239)	do) object to this and don't bargain it. It removes related procedural provisions. --There will be no savings to local governments from this provision. --Unions have an absolute legal duty to treat all bargaining unit members exactly alike, 4117.11(B)(6) both in negotiation and administration of a contract. --Any fee payers are given notice of how the union spends and accounts for finances and can challenge the allocation. --If a religious objection is brought up their fees go entirely to a charity of the individual's choosing. This is right to work for public employees.
4117.10 (A) (B) (D)	List of laws that prevail over conflicting provisions of a collective bargaining agreement Public employer has to transmit TA to legislative body within 14 days of agreement.		NEW: <u>The provision of health care benefits to public employees.</u> (240) Fourteen <u>thirty</u> days (241)	<ul style="list-style-type: none"> • New Section (D) – No parity for supervisors. Compensation of supervisors not tied to bargaining unit compensation. • This is bad from an HR perspective because it eliminates a logical career ladder.

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
<p><u>4117.104</u></p>	<p><u>(NEW)</u> (243)</p> <p>Fiscal watch, employer can modify to suspend salary and benefit increases</p> <p>Fiscal emergency, employer can terminate, modify or bargain</p>		<p><u>(A) Notwithstanding any provision of section 4117.08 or 4117.10 of the Revised Code to the contrary, no agreement entered into under this chapter on or after the effective date of this section shall prohibit a public employer that the governor or the auditor of the state has declared to be in a state of fiscal watch from serving written notice pursuant to section 4117.14 of the Revised Code to modify a collective bargaining agreement so that salary or benefit increases, or both are suspended.</u></p> <p><u>(B) Notwithstanding any provision of section 4117.08 or 4117.10 of the Revised Code to the contrary, no agreement entered into under this chapter on or after the effective date of this section shall prohibit a public employer that the governor or the auditor of the state has declared to be in a state of fiscal emergency or in the case of a state university or college, that a conservator has been appointed for, from serving written to terminate, modify or negotiate a collective</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>Contracts must contain warning.</p> <p>Employer must bargain new agreement.</p>		<p><u>bargaining agreement pursuant to section 4117.14 of the Revised Code.</u></p> <p><u>(C) Each agreement entered into under this chapter on or after the effective date of this section shall contain a statement that the agreement may be terminated, modified, or negotiated in accordance with this section.</u></p> <p><u>(D) If the public employer sends a notice as described in this section, the parties may collectively bargain and enter into a new collective bargaining agreement pursuant to section 4117.14 of the Revised Code.</u></p>	
4117.105	<p>NEW (244)</p> <p>No bargaining over</p> <p>Privatization Subcontracting Retension of employees Severance pay</p>		<p><u>Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section shall contain any provision that in any way prohibits a public employer from entering into a contract with another public or private sector entity to privatize the public employer's</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>services or the contracting out of the public employer's work. No such agreement shall contain any provisions that cause the public employer to do any of the following:</u></p> <p><u>(A) Retain existing employees as employees of the public employer if their work is privatized or subcontracted to another entity;</u></p> <p><u>(B) Pay any additional payments to employees who may be laid off as a result of such privatization or subcontracting, except for payments for accumulated time or leave credits that would normally be paid by the public employer to any other employee who is laid off for reasons other than the subcontracting or privatization of their work.</u></p> <p><u>Any provision inconsistent with this section that is contained in an agreement entered into or renewed on or after the effective date of this section is void and unenforceable.</u></p> <p><u>Any provision inconsistent with this section that is contained in an agreement entered into or</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<u>renewed on or after the effective date of this section is void and unenforceable.</u>	
4117.105	NEW (244) No bargaining over Privatization Subcontracting Retension of employees Severance pay		<u>Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section shall contain any provision that in any way prohibits a public employer from entering into a contract with another public or private sector entity to privatize the public employer's services or the contracting out of the public employer's work. No such agreement shall contain any provisions that cause the public employer to do any of the following:</u> <u>(A) Retain existing employees as employees of the public employer if their work is privatized or subcontracted to another entity;</u> <u>(B) Pay any additional payments to employees who may be laid off as a result of such privatization or subcontracting, except for payments for accumulated time or leave</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>credits that would normally be paid by the public employer to any other employee who is laid off for reasons other than the subcontracting or privatization of their work.</u></p> <p><u>Any provision inconsistent with this section that is contained in an agreement entered into or renewed on or after the effective date of this section is void and unenforceable.</u></p> <p><u>Any provision inconsistent with this section that is contained in an agreement entered into or renewed on or after the effective date of this section is void and unenforceable.</u></p>	
4117.106	<p>NEW (245)</p> <p>No bargaining over</p> <p>Number of employees</p> <p>Work time</p> <p>Facility</p> <p>Building</p> <p>Shift</p> <p>Equipment</p> <p>Vehicle</p> <p>Pension pickup</p> <p>Overtime beyond FLSA</p> <p>Past practices</p>		<p><u>Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section shall contain any provision that does any of the following:</u></p> <p><u>(A)Limits the public employer in determining the number of employees it employs or has working at any time, in any facility, building, classroom on</u></p>	<ul style="list-style-type: none"> • (A) New exception language refers back to 4117.08(F) – Permits safety equipment negotiation. • (B) Adds reference to pension pickup in 4117.08(B).

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>any work shift, or on any piece of equipment or vehicle.</u></p> <p><u>(B) Provides for the public employer to pay any portion of a public employee's state pension contributions or payments;</u></p> <p><u>(C) Provides for an hourly overtime payment rate that exceeds the overtime rate required by the Fair Labor Standards Act of 1938, 52 Stat, 1060, 20 U.S.C. 207;</u></p> <p><u>(D) Requires the public employer to adhere to, follow, or continue any practices or benefits not specifically set forth in the specific written provisions of the agreement.</u></p> <p><u>Any provision inconsistent with this section that is contained in an agreement entered into or renewed on or after the effective date of this section is void and unenforceable.</u></p>	
4117.107	NEW (246) DROP program		<u>(A) Notwithstanding sections 4117.08 and 4117.10 or the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>shall contain any provisions that do any of the following:</u></p> <p><u>(1) Provide for any supplemental wage payments based on the length of employment to any employee participating in the deferred retirement option plan;</u></p> <p><u>(2) Provide for any annual paid vacation leave earning in excess of five weeks to any employee participating in the deferred retirement option;</u></p> <p><u>(3) Provide for the ability of any employee participating the deferred retirement option plan to carry over vacation leave from one year to another that exceeds the total accumulation of the equivalent of the three years vacation leave;</u></p> <p><u>(4) Provide the basis for the payment to any employee participating in the deferred retirement option plan of any accumulated paid leave, and compensatory time, that is based on an employee's hourly wage rate greater than the employee's wage rate on the date the employee commenced participating in the deferred retirement option plan.</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>(B) Notwithstanding any other provisions of the Revised Code, the police and fire pension fund shall notify the public employer of the respective employee of the date upon which the employee entered the deferred retirement option plan and shall notify the employer of the date any employee entered the deferred retirement option plan prior to the effective date of this section.</u></p>	
4117.108	<p>NEW (246)</p> <p>Maximum vacation, holidays and personal days</p>		<p><u>(A) Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section shall contain any provision that exceeds the annual earnings or accrual rate of the following leave credits:</u></p> <p><u>(1) For vacation leave a maximum annual accumulation of six weeks paid vacation prior to twenty years of continuous service.</u></p> <p><u>(2) For compensated holidays a maximum annual earning of twelve paid holidays:</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>(3) For compensated personal days a maximum annual earning of three paid personal days.</u></p> <p><u>(B) For the purposes of this section, “days” means eight working hours and “week” means forty working hours for employees working a normally scheduled work week. Those employees working a work week that exceeds or is less than forty hours shall have the number of hours per day increased or reduced proportionately based on the difference in hours between the employee’s average work week and forty hours.</u></p>	
4117.109	<p>New (247)</p> <p>Maximum sick leave payout</p>		<p><u>Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, no agreement entered into or renewed under this chapter on or after the effective date of this section shall contain any provision for the exchange or sell-back of a public employee’s accumulated paid sick leave balance with the public employee’s public employer at the public employee’s final retirement or death that provides for a cash payment that exceeds fifty per cent of the public employee’s total sick leave accumulations.</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>No payment made pursuant to this section shall be made for accumulated sick leave in excess of one thousand hours. Such payment shall be based upon the public employee's hourly rate of pay at time of final retirement, unless the employee is a member of the police and fire pension fund and participates in the deferred retirement option plan. If the public employee is a member of the police and fire pension fund and the public employee participates in the deferred retirement option plan, the payment shall be based upon the public employee's hourly rate in effect at the time the employee entered the deferred retirement option plan. For the purposes of this section, "final retirement" means when an employee retires and is immediately eligible to receive pension benefits by satisfying the normal length of service and age qualifications or as a result of disability.</u></p>	
4117.11 (B)(1)	ULP charges against employee organization, its agents or representative or public employees.		(1)Restrain or coerce employees or public employers in the exercise of their rights guaranteed in Chapter 4117 of the Revised Code, including the public	<ul style="list-style-type: none"> •Deletes reference to fair share in 4117.09(C). •Deletes prohibition of talking to your legislator or public

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>NEW: Cant' interfere with selection of employer rep</p> <p>NEW: Can't speak to any other elected or appointed official during negotiations about wages, hours and conditions of employment that are or may be subjects of bargaining.</p> <p>NEW: Secondary boycotts</p>		<p><u>employer's selection of the public employer's representative for the purpose of collective bargaining or the adjustment of grievances</u> (249)</p> <p>(3) Refuse to bargain collectively with a public employer if the employee organization is recognized as the exclusive representative or certified as the exclusive representative of public employees in a bargaining unit <u>or communicate or attempts to engage in other direct dealings during the period of negotiations with elected or appointed officials of the public employer, other than those designated to represent 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 bargaining.</u> (250)</p> <p>(5) <u>. . . or induce or encourage any individual to engage in a secondary boycott whether under the existing agreement of as part of another employee organization's concerted activity whether in the public or private sector.</u> (250)</p>	<p>official. No longer an unfair labor practice.</p> <ul style="list-style-type: none"> • Deletes picket prohibition. • Separates picket action with 10 days notice. (Pickets without a 10 day notice are an unfair labor practice.) • Adds a new ULP for insisting that a permissive subject of collective bargaining be bargained to impasse. This is particularly problematic as there is no clear definition in Ohio law what is mandatory vs. permissive. Massive ULP litigation will result from this provision. Bargaining will come to a halt while the ULPs are pending. This is also problematic given the bargaining time frames laid out in 4117.14. • Also expect a lot of ULP litigation related to knew decertification language as that was not addressed in changes to 4117.11.

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>NEW: Eliminates right to picket</p> <p>NEW: Employer speech</p>		<p>(8)Engage in any picketing, striking or other concerted activity without giving written notice to the public employer and to the state employment relations board not less than ten days prior to the action . . . (251)</p> <p><u>The expression of any views, arguments, or opinion, or the dissemination thereof, whether in written, printed, graphic or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if the expression contains no threat of reprisal or promise of benefit.</u> (251)</p>	
4117.12	<p>Eliminates SERB investigation of ULP charges/ All charges must be heard</p> <p>NEW Assesses cost for dismissal of frivolous charges</p>		<p>. . .the board or its designated agent shall investigate the charge. If the board has probable cause for believing that a violation has occurred, the board shall issue a complaint and shall conduct a hearing concerning the charge. (252)</p> <p>If the board dismisses a complaint charge as frivolous, it shall assess costs to the charging party pursuant to its standards governing such matters.</p> <p>The board, board members or administrative law judge shall hold</p>	<ul style="list-style-type: none"> •Returns to current law ULP Charges and SERB hearings. •More people can appear at a SERB hearing. (Charging party and charging party's rep....not really a change, because in reality, they already appear.)

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
	<p>New Need not file timely answer</p> <p>NEW; Board must withhold dues for 30 days or two times the length of illegal activity whichever is greater if the union engages in illegal Strike, picket or boycott <u>or breaches its duty of fair representation.</u></p> <p>NEW : Changes standard in discrimination cases</p>		<p>a hearing <u>as soon as practicable.</u></p> <p><u>The failure to file or timely file an answer shall not be construed as any admission against the non-responding party and the party may present its response or challenge to the charge at any time prior to the hearing.</u></p> <p><u>The board may consider any issue raised by a party.</u></p> <p><u>In the event the board determines the employee organization has violated division (B)(4), (5), (6), (7) or (8) of section 4117.11 of the Revised Code, the board shall order the suspension of the payment of dues or fees to the employee organization for the greater of thirty days or two times the duration of the illegal activity.</u> (254)</p> <p>No order of the board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or require the payment to the employee of back pay, if the suspension or discharge was for just cause, <u>and the predominant basis for the suspension or</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			discharge was not related to rights provided under 4117.03 (254)	
4117.13	NEW: limits forums for SERB appeals		Any person aggrieved by any final order of the board granting or denying . . . the relief sought may appeal to the court of common pleas of any county where the unfair labor practice in questions as alleged to have been engaged in , or where the person resides or principally transacts business. . . (256)	<ul style="list-style-type: none"> • (A) charging party has reverted back to complaining party
4117.14	Impasse procedure New notice period Allows lockouts????		(b) offer to bargain collectively for the purpose of modifying or termination any existing agreement or negotiating a successor agreement not less than sixty days prior to the expiration date of the existing agreement. (258) (c) Notify the state employment relations board of the offer by serving upon the board a copy of the written notice to the other party and a copy of the existing collective bargaining agreement not less than sixty days prior to the expiration date of the existing agreement. (2) In the case of an initial negotiations . . . offering to meet for a period of ninety one hundred twenty days.	<ul style="list-style-type: none"> • (B)(1)(a): notice of termination, modification, successor agreement; notice term has increased to 105 days from 60 days • (B)(1)(b): parties required to offer to bargain collectively not later than 105 days before the expiration of the CBA from 60 days • (B)(1)(c): must notify SERB of commencing negotiations not less than 105 days before expiration, instead of 60 days • (B)(2): in first contracts, offer to meet for negotiated for a period of 120 days, instead of 90 days <ul style="list-style-type: none"> ○ Deletes reference to the

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>(3) The parties shall continue in full force and effect all terms and conditions of any existing collective bargaining agreement without resort to strike or lock-out, for a period of sixty-ninety days after the party give notice or until the expiration date of the collective bargaining agreement, whichever occurs later or for a period of ninety one hundred twenty days where applicable.</p> <p>(4) <u>Except as otherwise provided in division (B)(4) of this section, upon receipt of the notice, parties shall enter into collective bargaining. Notwithstanding divisions (A)(5) and (B)(3) of section 4117.11 of the Revised Code, neither a public employer nor an exclusive representative is required to, and may refuse to, collectively bargain on the continuation, modification or termination of a provision of an existing agreement.</u> (259)</p> <p>(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to</p>	<p>settlement procedures</p> <ul style="list-style-type: none"> ○ Expiration of CBA for the purposes of 4117.14 means the expiration of the 105 day period to negotiated or 120 days for initial contract negotiations ●(B)(3): CBA shall remain in effect for now 105 up from the original 60 or 120 from 90 where applicable ●(B)(4): same ●(C): If 75 days before expiration, the parties are unable to come to agreement, parties may request : SERB may intervene if dispute or if impasse or 70 days before expiration SERB shall appoint a mediator, with mediators; reinserts the requirement of impasse after, before mediator is appointed ●(C)(1): If no agreement is reached within 45 days before the expiration of the Agreement, fact-finder shall be appointed by the Board; rest remains the same Fact finding provisions remain

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.</p> <p>The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.</p> <p>If an impasse exists or forty-five days before the expiration date of the collective bargaining agreement if one exists, the The board shall appoint a mediator to assist the parties in the collective bargaining process.</p> <p><u>When the board appoints a mediator pursuant to division (C) of this section, the board and the public employer promptly shall post in a conspicuous location on the web site maintained by the board or public employer, respectively, the terms of the last collective bargaining agreement offered by the public employer and the terms of the last collective bargaining agreement offered by the</u></p>	<p>the same</p> <ul style="list-style-type: none"> •(C)(3) Fact finder shall transmit findings of fact and recommendations no later than 15 days prior to expiration of the CBA (this was changed by the amendments to the sub bill) •(C)(4)(a): Not later than 15 (from 14) days after factfinders report or 15 days (amendment took out these days) after the expiration of CBA (whenever is first), the legislative body or the union may reject report by a majority (from 3/5s vote). If neither rejects, CBA goes into effect with factfinders recommendations •(D)(1): If parties do not reach an agreement within 5 (from 20) days after publication of the factfinders report (poorly written, assumed this means if the factfinding report is rejected by either party) or within 5 days of the expiration of the CBA (change from 14 days)—the employer and union must submit best final

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>exclusive representative.</u> (260)</p> <p>(3)(1) Any time after the appointment of a mediator, either party may request the appointment of a fact-finding panel <u>-finder.</u></p> <p>Within fifteen days after receipt of a request for a fact <u>finder,</u> the board shall appoint a fact-finding panel of not more than three members <u>-finder</u> who have <u>has</u> been selected by the parties in accordance with rules established by the board, from a list of qualified persons maintained by the board.</p> <p><u>If either party requests the appointment of a fact-finder pursuant to division (C)(1) of this section, the board and the public employer promptly shall post in a conspicuous location on the web site maintained by the board or public employer, respectively, the terms of the last collective bargaining agreement offered by the public employer and the terms of the last collective bargaining agreement offered by the exclusive representative.</u> (261)</p> <p>The board shall prescribe guidelines for the fact-finding</p>	<p>offer to legislative body (change from having to provide factfinding report</p> <ul style="list-style-type: none"> •(D)(2): Legislative body must have hearing within 15 days after the date of CBA expiration (could be within 10 days depending on above process). “After receipt of submission and prior to the hearing, the legislative body shall have the chief financial officer of the legislative body determine which offer” costs more and must certify that to the legislative body. –This change by amendment to the house sub bill. Must be open to the public and no executive session. CBAs will be for 3 years (same as previous version). Changes include: increases in compensation can only go into effect in the next fiscal year (old conciliation language), parties must implement the last best offer the legislative body votes upon. If they don’t vote or if there is a tie, the last best

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>panel-finder to follow in making findings. In making its recommendations, the fact-finding panel-finder shall take into consideration all of the following factors listed in divisions (G)(7)(a) to (f) of this section;</p> <p><u>(i) Past collectively bargained agreements, if any, between the parties;</u></p> <p><u>(ii) Comparison of the issues submitted to the fact-finding relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;</u></p> <p><u>(iii) As the primary consideration, the interests and welfare of the public and the ability of the public employer to finance and administer the issues proposed;</u></p> <p><u>(iv)The lawful authority of the public employer;</u></p> <p><u>(v)The stipulations of the</u></p>	<p>offer of the public employer goes into effect.</p> <ul style="list-style-type: none"> •(D)(3): defines legislative bodies (new) <ul style="list-style-type: none"> ○ For the State = controlling board ○ For Higher Educations = Board of Trustees ○ For Nurse Only Units in Hospitals = Bd of Trustees of Hosptials <p>--Remember Jones's argument that negotiations should be quick and upfront, this has been eaten away at.</p> <p>--You cannot enter into mutually agreeable alternative dispute resolution procedure this is a big change.</p> <p>--3/5ths to reject a fact finders report was a big incentive to reach an agreement prior to fact finding and to compel an agreement at fact finding for both the employer and the union. Changing this to a simple majority to reject a fact finding push negotiations longer and hinder agreement.</p> <p>--Allowing the contract to go forward when the legislative</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>parties;</u></p> <p><u>(vi) The compensation paid by the public employer to the public employer's public employees who are not members of the bargaining unit represented by the exclusive representative or who are members of that bargaining unit but are not members of the exclusive representative;</u></p> <p><u>(vii) The effect of the recommendations on the public employer's employer-wide collective bargaining program and practices, and the potential increases in cost to the public employer;</u></p> <p><u>(viii) Such other factors, not confined to the those listed in this section, that are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment. (262)</u></p>	<p>body fails to act lets them off the hook entirely from making any tough decisions.</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>(3) The fact-finding panel, acting by a majority of its members, finder shall transmit its findings of fact and recommendations on the unresolved issues to the public employer and employee organization involved and to the board no later than fourteen thirty days after the appointment of the fact-finding panel hearing, unless the parties mutually agree to an extension. <u>The fact-finder shall include with its findings of fact and recommendations a written report explaining how each of the factors listed in division (C)(2)(e) of this section factored into the finder's findings of fact and recommendations.</u> The parties shall share the cost of the fact-finding panel finder in a manner agreed to by the parties. (263)</p> <p>(6) (4)(a) Not later than seven fourteen days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, and in the case of the public employee organization, the membership, by a three-fifths vote of the total membership, may reject the recommendations (263)</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p>(D)(1) If the parties are unable to reach agreement within seven fourteen days after the publication of findings and recommendations from the fact-finding panel finder finder or the collective bargaining agreement, if one exists, has expired, then the chief executive officer of the public employer involved shall, within sixty days after the rejection of the findings of fact and recommendations of the fact-finder, or within sixty days after the collective bargaining agreement expires, submit to the legislative body of the public employer a copy of the findings of fact and recommendations of the fact-finder, together with a copy of the public employer's last best offer and the employee organization shall submit the employee organization's last best offer within the same time limitations.</p> <p>(2)The legislative body or a duly authorized committee of the legislative body shall conduct a hearing, as soon as is practicable, at which the parties shall be required to explain their positions with respect to the report of the fact-finder. The legislative body shall hold the hearing open to the public and</p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>shall not deem the hearing an executive session of the legislative body. Upon the conclusion of the hearing, the legislative body shall vote to accept either the last best offer of the employee organization or the last best offer of the public employer. The parties shall execute a collective bargaining agreement that represents the last best offer chosen by the legislative body and that agreement shall be effective or a term of three years.</u> (268)</p>	
4117.141				<ul style="list-style-type: none"> • Not for state or higher education— • Within 3 (from 30 by amendment) days of legislative body picking the best offer, the chief financial officer of the public employer must make a determination as to whether the agreement shall require new revenue sufficient revenue exists to cover the agreement. • (C) If the legislative body picks the more expensive offer and the CFO cannot or does not provide certification than (by amendment), either party or any constituent in the

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p>geographical area served may submit the last best offer from both parties to the electorate by collecting signatures (5 percent of those that voted in the last election for governor or 100 signatures whichever is greater, 75 days to submit signatures) During the time the parties are waiting for the question to go to the ballot, the employer's last best offer shall be implemented</p> <ul style="list-style-type: none"> •(D) go to either general election or special election linked to a primary at least 75 days after petition filed. Ballot language shall include "vote for one" summaries of each persons side. •(E) Each party prepares their own summary which must be filed at least 65 before the election and must be no more than 300. Full version of all proposals on legislative body website. •(F) Notice of election must be in newspaper of general circulation 1/week for 2 weeks and on any board of elections

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
				<p>website which will contain the summaries.</p> <ul style="list-style-type: none"> •(G) same as regular election majority vote gets contract for 3 years after results certified •(H) While waiting for election implement LBF of employer •(I) Any agreements entered into after effect of this law CBA must contain voter approval option language. <p>--This is another area where they've given the legislative body and the CFO an out, if they don't act within 3 days, they are relieved from the requirement to certify at all.</p>
4117.15			<p><u>(A)No public employee or employee organization shall engage in a strike and no public employee or employee organization shall cause, instigate, encourage or condone a strike. Whenever a strike occurs, the public employer may seek an injunction against the strike in the court of common pleas of the county in which the strike is located</u></p> <p><u>(B) Any person who violates</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>division (A) of this section may be subject to removal or other disciplinary action provided by law for misconduct. The public employer, the state employment relations board, or any court of competent jurisdiction may not waive the penalties or fines provided in this section as part of the settlement of an illegal strike.</u></p> <p><u>(C)Any employee who is absent from work without permission or who abstains wholly or in part from the full performance of the employee's duties in the employee's normal manner without permission, on the date when a strike occurs, shall be presumed to have engaged in a strike on that day.</u></p> <p><u>(D)No person exercising on behalf of the public employer any authority, supervision, or direction over any public employee shall have the power to authorize, approve, condone or consent to a strike, or the engaging in a strike, by one or more public employees, and such person shall not authorize, approve condone or consent to such strike or engagement.</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>(E)In the event that it appears that a violation of this section may have occurred, the chief executive officer of the public employer involved shall, on the basis of such investigation and affidavits as the chief executive officer may deem appropriate, determine whether or not such violation has occurred and the dates of such violation. If the chief executive officer determines that such violation has occurred, the chief executive officer shall also determine, on the basis of such further investigation and affidavits as the chief executive officer may deem appropriate, the names of employees who committed the violation and the dates thereof. Such determination shall not be final until the completion of the procedures provided for in this section.</u></p> <p><u>(F)The chief executive officer shall immediately notify each employee that the chief executive officer has been found to have committed the violation., the dates of the violation and that the employee has a right to object to the determination under division (H) of this</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>section. The chief executive officer shall also notify the chief fiscal officer of the names of all the employees determined to have violated this section and of the total number of days or portions thereof, on which it has been determined that a violation occurred. Notice to each employee shall be by personal service or by certified mail to the employee's last address filed by the employee with the employer.</u></p> <p><u>(G)Not earlier than thirty days or later than ninety days following the date of the determination made under division (E) of this section, the chief executive officer of the public employer involved shall deduct from the compensation of each such public employee an amount equal to twice the employee's daily rate of pay for each day or part thereof that the chief executive officer determined that the employee violated this section. The employee's daily rate of pay is the employee's rate of pay at the time of the violation. In computing the deduction, credit shall be allowed for amounts already withheld from an employee's</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>compensation on account of the employees absence from work or other withholding of services on the dates of the violation. In computing the thirty to ninety day period of time following the determination of a violation pursuant to division (E) of this section, if the employees' annual compensation is paid over a period of time which is less than fifty-two weeks, the period of time between the last day of the last payroll period of the employment terms in which the violation occurred and the first day of the first payroll period of the next succeeding employment term shall be disregarded and not counted.</u></p> <p><u>(H) Within twenty days after the date on which notice was served or mailed to an employee pursuant to division (F) of this section, the employee determined to have violated this section may object to the determination by filing with the chief executive officer the employee' s sworn affidavit, supported by available documentary proof, which shall contain a short and plain statement of the facts upon which the employee relies to</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>show that such determination was incorrect. An employee who submits an affidavit pursuant to this section shall be subject to the penalties of perjury.</u></p> <p><u>(1) IF the chief executive officer determines that the affidavit and supporting proof establishes that the employee did not violate this section, the chief executive officer shall sustain the objection.</u></p> <p><u>((2) If the chief executive officer determines that the employee did not violate this section, the chief executive officer shall dismiss the objection and so notify the employee.</u></p> <p><u>(3) IF the chief executive officer determines that the affidavit and supporting proof raises a question of fact which, if resolved in favor of the employee, would establish that the employee did not violate this section, the chief executive officer shall appoint a hearing officer to determine whether in fact the employee violated this section. The employee shall bear the burden of proof. If the hearing officer determines that the employee failed to establish that the employee did not violate</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>this section, the chief executive officer shall so notify the employee.</u></p> <p><u>(4) IF the chief executive officer sustains the objection or the hearing officer determines on a preponderance of the evidence that the employee did not violate this section, the chief executive officer shall immediately notify the chief fiscal officer who shall cease all further deductions and refund any deductions previously made pursuant to division (G) of this section.</u></p> <p><u>(I)The determinations provided in this section shall be reviewable pursuant to Chapter 119 of the Revised Code.</u></p> <p><u>(L) As used in this section and section 4117.27 of the Revised Code, “public employee” has the same meaning as in section 4117.01 except “public employee” also includes those persons listed in divisions (C)(1) to (18) of that section.</u></p>	
4117.18(A)	<i>[No person shall refuse a court order.]</i>		<i>No changes. (p. 273)</i>	
4117.18(B)			(B) No person shall purposely	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			refuse to obey a lawful order of the state employment relations board, nor shall any person prevent or attempt to prevent any member of the board or any agent of the board from performing his the <u>member's or agent's</u> lawful duties. (p. 273-4)	
4117.18(C)			(C) No public employee shall engage in any unauthorized strike. (p. 274)	
4117.20(A)	<i>[Section describing who can be on a negotiation team.]</i>		No change. (p. 274)	
4117.20(B)	A new section (B).		<u>(B) No public official of employee shall participate 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, has a direct interest in the outcome of the matter. As used in this division, "immediate family" has the same meaning as in section 102.01 of the Revised Code.</u> (p. 274)	<ul style="list-style-type: none"> •AS PASSED BY THE SENATE-HOUSE SUB BILL •Will allow a public official or employee to participate in the collective bargaining process on behalf of the employer as long as an "immediate family member" of the official or public employee does not have a direct interest of the outcome. <p>--Can participate based on their own conflict but not that of an immediate family member.</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.20(C)	<u>Used to be section (B)</u>		<u>(C) The public employer shall immediately remove from his the person's role, if any, in the collective bargaining negotiations or in any matter in connection with negotiations any person who violates division (A) or (B) of this section. (p. 274)</u>	
4117.21			Collective bargaining meetings between public employers and employee organizations are private, and are not subject to section 121.22 of the Revised Code, <u>except fact-finding hearings held pursuant to section 4117.14 of the Revised Code may be open to the public if either the public employer or the exclusive representative requests the hearing be open. (p. 274)</u>	
4117.26(A)	<i>There is no 4117.26 in current law.</i>		<u>(A) As used in this section, "compensation" means wages, salary, and other earnings paid to a public employee by reason of employment. "Compensation includes all of the following that are provided by a public employer to a public employee: (p. 275)</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.26(A)(1)			<u>(1) Allowances for food or drink;</u>	
4117.26(A)(2)			<u>(2) Allowances for stipends for clothing;</u>	
4117.26(A)(3)			<u>(3) Compensation in addition to base salary for labor performed or services rendered by the public employee, including any additional compensation paid for attending an event that occurs outside the public employee's normal work schedule;</u>	
4117.26(A)(5)			<u>(5) Allowances for dry cleaning services;</u>	
4117.26(A)(6)			<u>(6) Insurance coverage, including health insurance, vision insurance, dental insurance, disability insurance, or life insurance;</u>	
4117.26(A)(7)			<u>(7) Anything of value given to a public employee by a public employer for labor performed or services rendered by the public employee that is not generally offered to any of the public employer's employees that are not subject to a collective bargaining agreement, unless they are de minimus.</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
4117.26(B)	<i>This section is not in current law.</i>		<u>(B) Beginning with the first collective bargaining agreement entered into on or after the effective date of this section between a public employer and an exclusive representative that represents public employees employed by the public employer, and for each collective bargaining agreement entered in to thereafter, the public employer shall issue a report that lists al of the following:</u>	
4117.26(B)(1)			<u>(1) Each provision in the collective bargaining agreement that affects the compensation paid by the public employer to the public employer's public employees; (p. 275-6)</u>	
4117.26(B)(2)			<u>(2) A description of the changes in compensation paid to the public employer's public employees that are not addressed in the collective bargaining agreement but will occur during the time period the collective bargaining agreement is in effect; (p. 276)</u>	
4117.26(B)(3)			<u>(3) Any material terms of the agreement.</u>	
4117.26(C)			<u>(C) Not more than thirty days after a public employer and the exclusive representative enter into</u>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>the collective bargaining agreement, the public employer shall submit the report required under division (B) of this section to the state employment relations board and post a copy of the report in a conspicuous manner on the web site maintained by the public employer. Upon receipt of a report from a public employer, the board shall post a copy of the report in a conspicuous manner on the web site maintained by the board. If a public employer does not maintain a web site, then the public employer shall provide copies of the report to two newspapers of general circulation, as defined in section 5721.01 of the Revised Code, in the county in which the public employer is located. If the public employer is located in more than one county, then the public employer shall provide copies of the report to newspapers of general circulation in Cincinnati, Cleveland, Columbus, and Toledo.</u></p>	
4117.26(D)(1)			<p><u>(D)(1) If a change in compensation is to occur during the time period a collective bargaining agreement is in effect and that change was not included in the report described in division (B) of this section, or if the public employer and an exclusive</u></p>	

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<u>representative enter into a modified collective bargaining agreement during that time period, the public employer shall do all of the following:</u>	
4117.26(D)(1)(a)			<u>(a) Update the report described in division (B) of this section;</u>	
4117.26(D)(1)(b)			<u>(b) Submit the updated report to the board not less than five days prior to the date the change or modified agreement is to take effect. (p. 277)</u>	
4117.26(D)(2)			<u>(D)(2) Upon receipt of an updated report under division (D)(1) of this section, the board shall post a copy of the report in a conspicuous manner on the web site maintained by the board.</u>	
4117.27(A)	<i>There is no 4117.27 in current law.</i>		<u>(A) Where it appears that public employees or an employee organization threaten or are about to violate section 4117.15 of the Revised Code by engaging in a strike, the chief executive officer of the public employer involved shall immediately notify the chief legal officer of the public employer involved and provide the chief legal officer with any facilities, assistance, or data as will enable</u>	<ul style="list-style-type: none"> •The amendments to the House Sub bill changed this section to require only that when a strike has occurred or is threatened the CEO shall notify and provide support to the Chief legal officer in order for the chief legal officer to execute his duties. This removes all reference to a mandatory injunction and the

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
			<p><u>the chief legal officer to carry out the chief legal officer's duties under this section.</u> <u>Notwithstanding the failure or refusal of the chief executive officer to act as required, the chief legal officer of the public employer involved shall immediately apply to the court of common pleas in the county where the public employer is located for an injunction against the violation. If the public employees who are the subject of the order of the court enjoining or restraining the strike do not comply with the order, the chief legal officer shall immediately file with the court of common pleas to penalize the public employees engaging in the strike.</u></p>	<p>contempt proceedings, but notably does not bar such proceedings. (B) re: strike prohibition: "[t]he chief legal officer shall immediately file with the court of common pleas to penalize the public employees engaging in the strike in accordance with division (B) of this section."</p> <ul style="list-style-type: none"> • (B): Removes civil contempt penalty under 2705.05: penalty for engaging in a strike in violation of an order is a fine of not more than \$1000. • (C): Senate version: knowing violation, fine fixed by court. — 4123.352(A) — Adds gender neutral language: self-insuring employers evaluation board's "chairperson"; "member's" <p>--This removes the reference to the civil contempt statute, but does not bar public employers from seeking an injunction or resulting in contempt findings against</p>

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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				employees who can still be fined and jailed under 2705.05.
4117.27(B)	<i>This section is not in current law.</i>		<p><u>(B) Except as provided in division (C) of this section, the penalty for engaging in a strike in violation of an order issued pursuant to division (A) of this section is a fine of not more than one thousand dollars, or any other sanction in accordance with division (A) of section 2705.05 of the Revised Code, or both, in the discretion of the court. (p. 277-8)</u></p> <p><i>Note: section 2705.05 deals with contempt hearings and provides that if found guilty of being in contempt, a first offense is a fine up to \$250 and not more than 30 days in jail, or both; a second offense is up to \$500 and 60 days in jail or both; and a third offense is up to \$1000 and 90 days in jail or both.</i></p>	Removed see above.
4117.27(C)	<i>This section is not in current law.</i>		<p><u>(C) Where an employee organization knowingly disobeys a lawful mandate of a court of record, or knowingly offers resistance to such lawful mandate,</u></p>	Removed see above.

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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			<p><u>in a case involving or growing out of a strike in violation of section 4117.15 of the Revised Code the penalty for each day that such contempt persists is a fine fixed at the discretion of the court.</u></p>	
5104.32	Contracts for Child Care	<p>(A) Provides that contracts for child care are to be entered into between child care providers and the Ohio Department Job and Family Services (not the county DJFS). (pp. 2154-55)</p> <p>(B) The contract must specify that the CCP is to be paid at the lower of the rate customarily charged for children or the reimbursement ceiling established by the ODJFS by rule. (p. 2155)</p>		
5104.35-.38		<p>Eliminates provisions that refer to payment to county DJFSs for child care (now payment is made through ODJFS). (pp. 2157-60)</p> <p>5104.38(L): The ODJFS must adopt rules establishing standards and procedures for determining the amount of higher payments to be made for children with special needs. (p. 2161)</p> <p>5104.38(M): The ODJFS, rather than the</p>		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

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		county DJFS, may pay for child care for up to 30 days when a parent is seeking employment, or participating in orientation or a job training program. (pp. 2161-62)		
5104.39	<p><i>Procedure for monitoring expenditures:</i></p> <p>When ODJFS determines that anticipated future expenses will exceed available federal and state funds, it may issue an administrative order that specifies priorities for spending & may</p> <p>*suspend enrollment of new participants</p> <p>* limit enrollment to those with incomes at or below a certain level or percentage of the federal poverty level (FPL)</p> <p>* disenroll those participating with income above a percentage of the FPL</p>	<p>Adds to the list:</p> <ul style="list-style-type: none"> • Change schedule of fees paid by parents; and • Change ratio of payment to CCPS. (pp. 2163-64) 		
5111.511	<i>This section is not in current law.</i>	NEW PROVISION:		

PROPOSED BUDGET PROVISIONS AFFECTING COLLECTIVE BARGAINING RIGHTS/PUBLIC SECTOR EMPLOYMENT:
 COMPARISON BETWEEN SUB. H.B. NO. 153 AND AM. SUB. S.B. NO. 5

Section	Current Law	BUDGET BILL: Sub. H.B. No. 153	Am. Sub. S.B. No. 5	S.B. No. 5 As Passed by House
		Permits the DJFS to place a nursing facility (including skilled nursing facility) to appoint a temporary fiscal emergency manager & seek a TRO/injunction to take actions the DJFS deems necessary to ensure health, safety & welfare of residents. pp. 2304-06; Il. 71635-92		
5505.15	State Highway Patrol Retirement System Contribution Rates: Employee: 10% of salary; Employer: 26.5%	Changes contribution rates effective July 1, 2011: Employee: 12% Employer: 24.5% pp. 2674-75; Il. 83014-41		

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