



Chair Bacon, Vice-Chair Faber, Ranking Member Schiavoni, and Members of the Senate Insurance, Commerce & Labor Committee, my name is Thomas Ash, and I am Director of Governmental Relations of the Buckeye Association of School Administrators. I am here this afternoon to testify in support of several provisions of Senate Bill 5, which addresses collective bargaining on behalf of the public employees of the great state of Ohio.

At the outset, please allow me to address some guiding principles behind our testimony. First, we believe that all public employees should have the right to negotiate for their salaries and wages. Our testimony today should not be interpreted as an attack on that privilege. Second, we do not contest the salaries and wages which public employees have been able to gain through the collective bargaining process. We recognize that many of these employees are part of the middle class and upper middle class of our economy. They purchase homes and pay their mortgages. They pay their taxes. They purchase in the private sector. They are a significant part of the process which drives our economy. Third, to the extent possible, local control should be honored.

At the same time, we also wonder whether the traditional salary schedule approach to salaries and wages is sustainable, particularly in such times of economic stress as we have experienced since 2008. Anecdotally, we have had reports from a few school districts that they are pursuing alternative salary schedules for employees hired after a certain date. The alternative schedules appear to have similar minimum and maximum salaries and wages, but there are fewer steps. The result is fewer automatic step increases.

Moreover, we wish to support the following concepts. We believe that the entire process should be more transparent to the general public and to employees – and to the members of the boards which govern the public entities. Currently, negotiations are generally “behind closed doors” with the information released to the members of both sides provided only by their own representatives. We believe that both sides should have the opportunity to communicate with the members of the other negotiating party so long as such communication contains neither promises nor threats.

In addition, the public which provides the financial support for our units of government cannot be completely excluded from the process. We support the provision in Senate Bill 5 that would require both sides to present their last offers before and after fact-finding to the public at large. Such disclosure possibly has two benefits. First, the process creates greater transparency for taxpayers to assess the reasonableness of the current positions of both parties. Second, it will encourage both sides to prepare their final best offers at the end of the collective bargaining process.

We also support inserting a deadline in the negotiation process before some form of dispute resolution is implemented. As I speak to you today, there are school districts whose collective bargaining agreements with employees expired prior to the start of this school year. This continuing uncertainty creates both tension and mistrust which are not conducive to the learning process.

We also wish to address the scope of bargaining. Over the last 27 years, we believe that the management rights contained in Chapter 4117 have been seriously eroded for a couple of reasons. While management rights are a permissive rather than mandatory subject of bargaining, it is important to understand that once any of the management rights become part of a collective bargaining agreement, these rights are no longer permissive but are now mandatory.

First, we as management are partly to blame. You must understand the dynamics of the collective bargaining process. When there are limited resources, management has over the past 27 years agreed to certain concessions. They may have related to the awarding of vacant positions without regard to qualifications but rather according to seniority. They may have involved assignment without regard to experience. They may have involved the assignment of work within a negotiated work day.

However, we also recognize the importance of labor peace. It translates into job satisfaction, and that means dedication to the children for whom thousands of Ohio educators work tirelessly each school day.

Whether we agree with those decisions today is moot. Many elected board of education members and superintendents work within the collective bargaining agreements which they themselves have never negotiated and which were decided long before they assumed their responsibilities. Reconsidering the scope of bargaining could allow those contract provisions to return to a more balanced implementation that could benefit Ohio's students without unfairly taxing Ohio's school employees.

We also need to recognize the impact of what is known as “effects bargaining.” While management may have in some respects management rights, the “effect” on employees becomes subject to bargaining. For example, if a district determines that the appropriate pupil-teacher ratio at the secondary level should not exceed 30:1 students to teachers in any single class at the high school level, it is the right of the bargaining unit to bargain the “effect” of such a determination. Or, if the administration determines that an altered lunch schedule for students could create additional intervention time for students, again this could be subject to negotiation because of its impact on members of the bargaining unit.

Please understand. Management is not seeking to significantly lengthen a work day. It is not seeking to create some form of indentured servitude. We simply believe that “effects” bargaining (when combined with the current law in Section 4117.22 which requires that all of Chapter 4117 “shall be construed liberally”) has created over the past 27 years collective bargaining agreements that address issues, the scope of which probably was never envisioned by the crafters of the current law.

We are merely seeking to create an effective and efficient learning environment within which students can become more successful.