

Collective Bargaining Bill Clears Both Chambers; Kasich to Sign by End of Week

The House and Senate approved sweeping changes to collective bargaining in SB5 (Jones) by thin margins Wednesday, both under the watchful eyes of loud, angry protesters, whose cries and chants filled the Statehouse. Gov. John Kasich's office said he could sign the bill later this week.

Attention now turns to a statewide voter referendum on the bill that unions and their supporters have promised, which could bring floods of campaign money washing into the state for a high-profile showdown in November. (See separate story, this issue.)

In a contentious debate Wednesday afternoon that saw House Speaker William Batchelder (R-Medina) threaten to clear the gallery multiple times, SB5 passed the House along a mostly party line vote.

Joining all of the Democrats in voting against the bill after nearly four hours of debate were Reps. John Carey (R-Wellston), Randy Gardner (R-Bowling Green), Casey Kozlowski (R-Pierpont), Terry Johnson (R-McDermott) and Ross McGregor (R-Springfield).

The audience, made up of union workers seated by a voucher system, often clapped or made remarks in response to floor speeches, bringing Batchelder's admonishment. They were cleared by Ohio State Highway Patrol troopers after the bill was passed, as chants of "Repeal the bill!" and "Shame on you!" broke out. One protestor shouted "Ohio hates you!" The chants overwhelmed the chamber as committee meetings were announced and Rep. Debbie Phillips (D-Athens) took a point of personal privilege to honor the death of a labor leader.

After session, Batchelder said he has never seen anything like the disruption.

"I was pretty upset a couple of times," he said. "I think we do our very best to extend the courtesies of the House, and permit people to take in all they can take in, but on the other hand, I understand that they're very distressed."

He added, "They've been lied to by a bunch of labor leaders."

He also said he did not order the chamber to be cleared after the vote, but that he asked that the Highway Patrol escort those leaving to make sure that no one was injured as they left.

"I noticed a couple people up there bumping into each other, and I could just see them coming over that rail," Batchelder said.

The tone for the debate was set early, when Rep. Connie Pillich (D-Cincinnati) moved to have the entire bill read instead of its title. Rep. Ted Celeste (D-Grandview Heights) later moved to table the entire bill. The motions failed along party lines.

Rep. Joseph Uecker (R-Loveland) opened the debate by noting the number of hearings, hours of testimony and witnesses who spoke on the bill. He said the House Commerce and Labor Committee heard from both sides of the issue.

In what would be echoed by his fellow Republicans, Uecker said the bill gives local governments tools to manage their budgets.

Rep. Louis Blessing (R-Cincinnati) said the same issues that led him to vote against the legislation creating collective bargaining for public employees in 1983 led him to support SB5. He said under current law, an unelected official gets to make a decision that has no consent of the government. He also said the bill is transparent, and allows workers to choose the organization they want to belong to.

But Democrats said the bill is nothing but an attack on working middle class families and that it is an attempt to take down the unions.

Rep. Kenny Yuko (D-Richmond Heights) noted that there have been five strikes by public workers in the last three years, and said that is a tribute to the fact that the system is working. He said unions didn't cause the problems with the budget, but they have helped tried to solve those problems by making concessions.

House Assistant Minority Leader Matt Szollosi (D-Oregon) said that the bill is an attack on workers under the

guise of giving governments more control. He said the message is being sent to the working class "you weren't on the bus, so you're getting run over," a reference to comments made by Gov. John Kasich to interest groups shortly after his election.

On provisions allowing workers to opt out of paying union dues, Szollosi noted Uecker's comments on the amendment during committee that he likes freedom.

"What he should have said is, I like to freeload," Szollosi said after noting that those who opt out would get the benefits of collective bargaining without paying for it.

Szollosi said he takes solace in the fact that the people of the state "will correct this mistake."

Rep. Lynn Wachtmann (R-Napoleon) said the charge that Republicans did not meet with the opposition is untrue, noting he met with unions from all over the state.

"For those of you who claim that we don't listen to all the parties, you are dead wrong. You are dead wrong," he said. He went on to say that constituents are sick of higher taxes in order to pay for the compensation of government workers.

In his speech later, Rep. Bob Hagan (D-Youngstown) responded to the comments of Wachtmann and others who said they had listened to concerns about the bill. "You listened to the testimony. Apparently you didn't hear the testimony."

He complained that Ohio workers have been disparaged by Republicans, and that corporations have increased their profits without adding the jobs they promised when they received tax breaks under Republican administrations.

"The rich got richer, didn't they? But they didn't invest in Ohio. They took it somewhere else," Hagan said.

Rep. Ron Young (R-Leroy) said that public workers are wonderful people who do great work, but that the government simply does not have the money for what it has been funding. He called SB5 "tough medicine" but said it is needed.

"All in all, it's a modest step toward what this state needs," he said.

Rep. John Adams (R-Sidney) said Ohio needs the services of public employees, but that the question is what should the state pay for those services.

"In my opinion, no profession is exempt from this economic reality," he said.

House Democratic Leader Armond Budish (D-Beachwood) said that when Republicans talk about controlling costs, they mean to slash salaries and eliminate jobs of public employees. He said the argument sounds to him as though previous Republican administrations "were too weak" to negotiate with the unions, and the current administration was afraid it would be too weak to negotiate.

Budish said SB5 is only the first step against the middle class, noting that building trades are next on the target list.

"This is not over today," Budish said. "This isn't over. We've just begun to fight, and we're going to fight like hell."

Speaking on the bill after session, Batchelder said he believes the Republicans who voted against SB5 were concerned about how it would affect police and fire. He said he wasn't worried about having enough votes, saying his members know that something needs to be done. He called it a tough vote.

The Senate vote Wednesday went the same as when the chamber initially passed the bill, with a one-vote victory after the same six Republican senators -- Bill Seitz (R-Cincinnati), Tim Grendell (R-Chesterland), Tom Patton (R-Strongsville), Jim Hughes (R-Columbus), Gayle Manning (R-North Ridgeville) and Scott Oelslager (R-Canton) -- joined all Democrats in opposing the bill.

The debate was more limited than the first Senate vote and House vote earlier in the day, with proponents' speeches limited just to Sen. Shannon Jones (R-Springboro) detailing changes made in the House. Senate

President Tom Niehaus said later he asked Republican bill supporters to limit the debate because emotions were so high and people in the gallery had been waiting so long.

Crowds of union workers and their supporters crowded the Senate gallery hours before the vote, singing much of the time. They erupted in loud boos when Senate President Tom Niehaus (R-New Richmond) entered the chamber and grew even louder upon the entrance of Jones. Niehaus admonished the crowd to be respectful repeatedly as they clapped for bill opponents or booed supporters. They quieted for a few minutes when their calls drowned out the final roll call vote and Niehaus told the sergeant at arms to begin ejecting people. Senate Minority Leader Capri Cafaro (D-Hubbard) even began shushing shouting protesters when they interrupted the roll call. When the vote was over, protesters stood and bellowed "Shame on you!"

Sen. Eric Kearney (D-Cincinnati) moved for a verification of the vote, which forced Senate Clerk Vincent Keeran to read aloud the names of votes in favor and in opposition to give senators a chance to change their votes. None did.

Most of the Senate debate time was taken up with Seitz and Grendell methodically picking through the bill identifying problems they deemed as minor as technical drafting errors and as serious as breaches of the Ohio Constitution.

Seitz said the House failed to correct "the fundamental flaw" of the bill, the lack of an "effective means" to resolve impasses. He noted, in fact, that after bill supporters' complaining about unelected arbitrators making final decisions, the House had gone "full circle" and empowered unelected officials to make final contract decisions -- specifically, university and hospital boards of trustees and the Controlling Board.

"This is a fundamentally rigged process," Seitz said of allowing management to make the final decision, adding that management could even opt to do nothing, at which point their position would become the default under SB5.

Grendell's critique was exhaustive, with his saying he felt like "the little Dutch boy with the leaky dam."

He described as a "charade" the provision in SB5 allowing voters to have a referendum on a labor contract if a legislative body's financial officer verifies there are insufficient funds to pay for the contract. Grendell said state law holds that if a legislative body proceeds with an action for which its financial officer verifies insufficient funds exist, members of that body become personally liable.

"I will flap my arms and fly home before you see a referendum under substitute SB5," Grendell said.

Sen. Joe Schiavoni (D-Austintown) said lack of fairness was the hallmark criticism of SB5.

"In my experience most people can get over losing something if there was a fair fight ... everything has been unfair about SB5 from the beginning," he said, complaining about lack of minority input in its drafting and last-minute committee membership changes required to get the bill to the Senate floor the first time.

Bill opponents warned of a return to high levels of labor strife and strikes -- legal or illegal -- seen in the decade before the 1983 collective bargaining bill was passed.

In a post-vote interview, Niehaus and Jones offered similar arguments to those supporters have put forward throughout the process -- mainly flexibility for local governments and transparency for taxpayers.

"This is a big day for Ohio taxpayers," Niehaus said.

Jones disputed some of Seitz' and Grendell's arguments.

"We believe we have a constitutional bill the majority of the Senate believes that as does the majority of the House," she said.

Asked about Grendell's assertion that voter referendums on contracts wouldn't happen, Jones said, "We have to ask ourselves why on earth would we object to the fact that we couldn't have a contract that we couldn't certify we could pay for."

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