

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**H. B. No. 242**

**Representative Brinkman**

**Cosponsors: Representatives Adams, Wachtmann**

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**A B I L L**

To amend sections 9.81, 4113.02, 4117.03, 4117.05, 1  
4117.09, and 4117.11; to amend, for the purpose of 2  
adopting a new section number as indicated in 3  
parentheses, section 4113.02 (4119.04); and to 4  
enact sections 4117.031, 4117.081, 4119.01, 5  
4119.02, 4119.03, 4119.05, 4119.06, 4119.07, and 6  
4119.99 of the Revised Code to remove any 7  
requirement under the Public Employees Collective 8  
Bargaining Law that public employees join or pay 9  
dues to any employee organization, to expand the 10  
scope of unfair labor practices under that law, to 11  
make other changes in the Public Employees 12  
Collective Bargaining Law, to prohibit any 13  
requirement that employees of private employers 14  
join or pay dues to any employee organization and 15  
to require public and private employers to post 16  
notices to that effect, to prohibit certain 17  
actions by private employers relative to employee 18  
organization membership, and to establish civil 19  
and criminal penalties against private employers 20  
who violate those prohibitions. 21

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 9.81, 4113.02, 4117.03, 4117.05, 22  
4117.09, and 4117.11 be amended; section 4113.02 (4119.04) be 23  
amended for the purpose of adopting a new section number as 24  
indicated in parentheses; and sections 4117.031, 4117.081, 25  
4119.01, 4119.02, 4119.03, 4119.05, 4119.06, 4119.07, and 4119.99 26  
of the Revised Code be enacted to read as follows: 27

**Sec. 9.81.** After an authorization adopted under section 9.80 28  
of the Revised Code, any public officer or employee of any 29  
department or division of the state, any political subdivision or 30  
school district thereof, or of any institution supported in whole 31  
or in part by the state, a county, or municipal corporation, who 32  
desires to make a contribution by the payroll deduction plan to 33  
one or more of the specified charitable agencies which are 34  
corporations not for profit, community chests, united funds, or 35  
other similar united community fund organizations, may be 36  
permitted to have such contribution payments deducted from the 37  
salary or wages due such public officer or employee by filing a 38  
written request and authorization signed by such public officer or 39  
employee and specifying the amount of the deduction in each 40  
payroll period with the fiscal officer of the state, political 41  
subdivision, or school district, or institution by which such 42  
public officer or employee is employed. Such authorization may be 43  
withdrawn in writing by such public officer or employee at any 44  
time. No funds may be withheld from the salary or wages of any 45  
such public officer or employee for the purposes permitted by 46  
sections 9.80 and 9.81 of the Revised Code unless the withholding 47  
is specifically, freely, and voluntarily authorized by that public 48  
officer or employee in writing. 49

Upon receipt of evidence of such request by the appropriate 50  
fiscal officer, or upon receipt of a written deduction 51  
authorization under division (B)(2) ~~or (C)~~ of section 4117.09 of 52

the Revised Code, such fiscal officer shall make such deduction 53  
and shall, at periodic intervals to the extent of the amount 54  
collected, pay the designated charitable agencies which are 55  
corporations not for profit, community chests, united funds, or 56  
other similar united community fund organizations, or the 57  
exclusive representative designated under section 4117.05 of the 58  
Revised Code. 59

**Sec. 4117.03.** (A) Public employees have the right to: 60

(1) Form, join, assist, or participate in, or refrain from 61  
forming, joining, assisting, or participating in, ~~except as~~ 62  
~~otherwise provided in Chapter 4117. of the Revised Code,~~ any 63  
employee organization of their own choosing; 64

(2) Engage in, and refrain from engaging in, other concerted 65  
activities for the purpose of collective bargaining or other 66  
mutual aid and protection; 67

(3) Representation by an employee organization; 68

(4) Bargain collectively with their public employers to 69  
determine wages, hours, terms and other conditions of employment 70  
and the continuation, modification, or deletion of an existing 71  
provision of a collective bargaining agreement, and enter into 72  
collective bargaining agreements; 73

(5) Present grievances and have them adjusted, without the 74  
intervention of the bargaining representative, as long as the 75  
adjustment is not inconsistent with the terms of the collective 76  
bargaining agreement then in effect and as long as the bargaining 77  
representatives have the opportunity to be present at the 78  
adjustment; 79

(6) Refuse any representation by an exclusive representative 80  
or an employee organization; 81

(7) Authorize their public employers to deduct from their 82

wages, earnings, or compensation any dues, fees, assessments, or 83  
other charges of any kind to be held for or paid over to an 84  
exclusive representative. The authorization shall be in writing 85  
and signed by the employee. 86

(B) Persons on active duty or acting in any capacity as 87  
members of the organized militia do not have collective bargaining 88  
rights. 89

(C) Except as provided in division (D) of this section, 90  
nothing in ~~Chapter 4117. of the Revised Code~~ this chapter 91  
prohibits public employers from electing to engage in collective 92  
bargaining, to meet and confer, to hold discussions, or to engage 93  
in any other form of collective negotiations with public employees 94  
who are not subject to ~~Chapter 4117. of the Revised Code~~ this 95  
chapter pursuant to division (C) of section 4117.01 of the Revised 96  
Code. 97

(D) A public employer shall not engage in collective 98  
bargaining or other forms of collective negotiations with the 99  
employees of county boards of elections referred to in division 100  
(C)(12) of section 4117.01 of the Revised Code. 101

(E) Every public employer that receives a written 102  
authorization from a public employee pursuant to division (A)(7) 103  
of this section shall promptly notify the employee, in writing, 104  
that the employee may revoke the authorization at any time by 105  
providing the employer with a written notice of the revocation. 106  
The revocation becomes effective thirty days after the public 107  
employer receives the revocation. 108

**Sec. 4117.031.** No public employer shall do any of the 109  
following: 110

(A) Require any person, as a condition of employment or of 111  
the continuation of employment, to become or remain a member of 112

any exclusive representative; 113

(B) Require any person, as a condition of employment or of 114  
the continuation of employment, to pay any dues, fees, 115  
assessments, or other charges of any kind, including fair share 116  
fees, to an exclusive representative unless the person is a member 117  
of that exclusive representative; 118

(C) Require any person engaged in agricultural labor to be 119  
referred, recommended, or approved by an exclusive representative 120  
as a condition of employment or of the continuation of employment; 121

(D) Deduct from the wages, earnings, or compensation of any 122  
public employee any dues, fees, assessments, or other charges of 123  
any kind, including fair share fees, to be held for or paid over 124  
to an exclusive representative unless the public employer first 125  
receives a written authorization for those deductions in 126  
accordance with division (A)(7) of section 4117.03 of the Revised 127  
Code. 128

**Sec. 4117.05.** (A) An employee organization becomes the 129  
exclusive representative of all the public employees in an 130  
appropriate unit for the purposes of collective bargaining by 131  
either: 132

(1) Being certified by the state employment relations board 133  
when a majority of the voting employees in the unit select the 134  
employee organization as their representative in a board-conducted 135  
election under section 4117.07 of the Revised Code; 136

(2) Filing a request with a public employer with a copy to 137  
the state employment relations board for recognition as an 138  
exclusive representative. In the request for recognition, the 139  
employee organization shall describe the bargaining unit, shall 140  
allege that a majority of the employees in the bargaining unit 141  
wish to be represented by the employee organization, and shall 142

support the request with substantial evidence based on, and in 143  
accordance with, rules prescribed by the board demonstrating that 144  
a majority of the employees in the bargaining unit wish to be 145  
represented by the employee organization. Immediately upon receipt 146  
of a request, the public employer shall either request an election 147  
under division (A)(2) of section 4117.07 of the Revised Code, or 148  
take the following action: 149

(a) Post notice in each facility at which employees in the 150  
proposed unit are employed, setting forth the description of the 151  
bargaining unit, the name of the employee organization requesting 152  
recognition, and the date of the request for recognition, and 153  
advising employees that objections to certification must be filed 154  
with the state employment relations board not later than the 155  
twenty-first day following the date of the request for 156  
recognition; 157

(b) Immediately notify the state employment relations board 158  
of the request for recognition. 159

The state employment relations board shall certify the 160  
employee organization filing the request for recognition on the 161  
twenty-second day following the filing of the request for 162  
recognition, unless by the twenty-first day following the filing 163  
of the request for recognition it receives at least one of the 164  
following: 165

(i) A petition for an election from the public employer 166  
pursuant to division (A)(2) of section 4117.07 of the Revised 167  
Code; 168

(ii) Substantial evidence based on, and in accordance with, 169  
rules prescribed by the board demonstrating that a majority of the 170  
employees in the described bargaining unit do not wish to be 171  
represented by the employee organization filing the request for 172  
recognition; 173

(iii) Substantial evidence based on, and in accordance with, 174  
rules prescribed by the board from another employee organization 175  
demonstrating that at least ten per cent of the employees in the 176  
described bargaining unit wish to be represented by such other 177  
employee organization; or 178

(iv) Substantial evidence based on, and in accordance with, 179  
rules prescribed by the board indicating that the proposed unit is 180  
not an appropriate unit pursuant to section 4117.06 of the Revised 181  
Code. 182

(B) Nothing in this section shall be construed to permit a 183  
public employer to recognize, or the state employment relations 184  
board to certify, an employee organization as an exclusive 185  
representative under ~~Chapter 4117. of the Revised Code~~ this 186  
chapter if there is in effect a lawful written agreement, 187  
contract, or memorandum of understanding between the public 188  
employer and another employee organization which, on ~~the effective~~ 189  
~~date of this section~~ April 1, 1984, has been recognized by a 190  
public employer as the exclusive representative of the employees 191  
in a unit or which by tradition, custom, practice, election, or 192  
negotiation has been the only employee organization representing 193  
all employees in the unit; this restriction does not apply to that 194  
period of time covered by any agreement which exceeds three years. 195  
For the purposes of this section, extensions of agreement do not 196  
affect the expiration of the original agreement. 197

(C) Nothing in this section shall be construed to infringe 198  
upon the rights of individual employees under section 4117.03 of 199  
the Revised Code. 200

Sec. 4117.081. (A) Every public employer shall post in a 201  
conspicuous place and keep continuously displayed the notice 202  
described in division (B) of this section. Each public employer 203  
shall provide a copy of the notice to each employee at the time 204

the employee is first hired and at the time of any change in the 205  
employee's employment status, including, but not limited to, the 206  
promotion, demotion, or lay-off of the employee. 207

(B) The notice required to be posted and displayed pursuant 208  
to division (A) of this section shall read as follows: 209

"EMPLOYEES' FREEDOM OF CHOICE 210

Under Ohio law, public employees are protected in choosing 211  
whether to join or to refrain from joining exclusive union 212  
representatives. It is unlawful for a public employer and an 213  
exclusive representative to enter into a contract or agreement 214  
that requires employees to pay dues, fees, assessments, or other 215  
charges of any kind as a condition of obtaining or keeping a job. 216  
Under the law, a public employer is prohibited from discharging or 217  
otherwise discriminating against an employee because that employee 218  
joins an exclusive representative or refuses to join or pay dues 219  
or other charges to an exclusive representative. This notice is 220  
posted pursuant to section 4117.081 of the Revised Code." 221

**Sec. 4117.09.** (A) The parties to any collective bargaining 222  
agreement shall reduce the agreement to writing and both execute 223  
it. 224

(B) The agreement shall contain a provision that: 225

(1) Provides for a grievance procedure which may culminate 226  
with final and binding arbitration of unresolved grievances, and 227  
disputed interpretations of agreements, and which is valid and 228  
enforceable under its terms when entered into in accordance with 229  
this chapter. No publication thereof is required to make it 230  
effective. A party to the agreement may bring suits for violation 231  
of agreements or the enforcement of an award by an arbitrator in 232  
the court of common pleas of any county wherein a party resides or 233  
transacts business. 234



(2) Authorizes the public employer to deduct the periodic 235  
dues, initiation fees, and assessments of members of the exclusive 236  
representative upon presentation of a written deduction 237  
authorization by the employee pursuant to division (A)(7) of 238  
section 4117.03 of the Revised Code. 239

~~(C) The agreement may contain a provision that requires as a 240  
condition of employment, on or after a mutually agreed upon 241  
probationary period or sixty days following the beginning of 242  
employment, whichever is less, or the effective date of a 243  
collective bargaining agreement, whichever is later, that the 244  
employees in the unit who are not members of the employee 245  
organization pay to the employee organization a fair share fee. 246  
The arrangement does not require any employee to become a member 247  
of the employee organization, nor shall fair share fees exceed 248  
dues paid by members of the employee organization who are in the 249  
same bargaining unit. Any public employee organization 250  
representing public employees pursuant to this chapter shall 251  
prescribe an internal procedure to determine a rebate, if any, for 252  
nonmembers which conforms to federal law, provided a nonmember 253  
makes a timely demand on the employee organization. Absent 254  
arbitrary and capricious action, such determination is conclusive 255  
on the parties except that a challenge to the determination may be 256  
filed with the state employment relations board within thirty days 257  
of the determination date specifying the arbitrary or capricious 258  
nature of the determination and the board shall review the rebate 259  
determination and decide whether it was arbitrary or capricious. 260  
The deduction of a fair share fee by the public employer from the 261  
payroll check of the employee and its payment to the employee 262  
organization is automatic and does not require the written 263  
authorization of the employee. 264~~

~~The internal rebate procedure shall provide for a rebate of 265  
expenditures in support of partisan politics or ideological causes 266~~

~~not germane to the work of employee organizations in the realm of collective bargaining.~~

~~Any public employee who is a member of and adheres to established and traditional tenets or teachings of a bona fide religion or religious body which has historically held conscientious objections to joining or financially supporting an employee organization and which is exempt from taxation under the provisions of the Internal Revenue Code shall not be required to join or financially support any employee organization as a condition of employment. Upon submission of proper proof of religious conviction to the board, the board shall declare the employee exempt from becoming a member of or financially supporting an employee organization. The employee shall be required, in lieu of the fair share fee, to pay an amount of money equal to the fair share fee to a nonreligious charitable fund exempt from taxation under section 501(c)(3) of the Internal Revenue Code mutually agreed upon by the employee and the representative of the employee organization to which the employee would otherwise be required to pay the fair share fee. The employee shall furnish to the employee organization written receipts evidencing such payment, and failure to make the payment or furnish the receipts shall subject the employee to the same sanctions as would nonpayment of dues under the applicable collective bargaining agreement.~~

No public employer shall agree to a provision requiring that a public employee become a member of an employee organization as a condition for securing or retaining employment. Any agreement that purports to require that employees join or pay any moneys to any exclusive representative is void and unenforceable.

(D) As used in this division, "teacher" means any employee of a school district certified to teach in the public schools of this state.

The agreement may contain a provision that provides for a 299  
peer review plan under which teachers in a bargaining unit or 300  
representatives of an employee organization representing teachers 301  
may, for other teachers of the same bargaining unit or teachers 302  
whom the employee organization represents, participate in 303  
assisting, instructing, reviewing, evaluating, or appraising and 304  
make recommendations or participate in decisions with respect to 305  
the retention, discharge, renewal, or nonrenewal of, the teachers 306  
covered by a peer review plan. 307

The participation of teachers or their employee organization 308  
representative in a peer review plan permitted under this division 309  
shall not be construed as an unfair labor practice under this 310  
chapter or as a violation of any other provision of law or rule 311  
adopted pursuant thereto. 312

(E) No agreement shall contain an expiration date that is 313  
later than three years from the date of execution. The parties may 314  
extend any agreement, but the extensions do not affect the 315  
expiration date of the original agreement. 316

(F) Any agreement, understanding, or practice, written or 317  
oral, between a public employer and an exclusive representative 318  
that violates this chapter is void and unenforceable. 319

**Sec. 4117.11.** (A) It is an unfair labor practice for a public 320  
employer, its agents, or representatives to: 321

(1) Interfere with, restrain, or coerce employees in the 322  
exercise of the rights guaranteed in ~~Chapter 4117. of the Revised~~ 323  
~~Code~~ this chapter or an employee organization in the selection of 324  
its representative for the purposes of collective bargaining or 325  
the adjustment of grievances; 326

(2) Initiate, create, dominate, or interfere with the 327  
formation or administration of any employee organization, or 328

contribute financial or other support to it~~+~~, except that a public 329  
employer may permit employees to confer with it during working 330  
hours without loss of time or pay, permit the exclusive 331  
representative to use the facilities of the public employer for 332  
membership or other meetings, or permit the exclusive 333  
representative to use the internal mail system or other internal 334  
communications system; 335

(3) Discriminate in regard to hire or tenure of employment or 336  
any term or condition of employment on the basis of the exercise 337  
of rights guaranteed by ~~Chapter 4117. of the Revised Code. Nothing~~ 338  
~~precludes any employer from making and enforcing an agreement~~ 339  
~~pursuant to division (C) of section 4117.09 of the Revised Code.~~ 340  
this chapter; 341

(4) Discharge or otherwise discriminate against an employee 342  
because ~~he~~ the employee has filed charges or given testimony in 343  
good faith under ~~Chapter 4117. of the Revised Code~~ this chapter; 344

(5) Refuse to bargain collectively with the representative of 345  
~~his~~ the employer's employees recognized as the exclusive 346  
representative or certified pursuant to ~~Chapter 4117. of the~~ 347  
~~Revised Code~~ this chapter; 348

(6) Establish a pattern or practice of repeated failures to 349  
timely process grievances and requests for arbitration of 350  
grievances; 351

(7) Lock out or otherwise prevent employees from performing 352  
their regularly assigned duties where an object thereof is to 353  
bring pressure on the employees or an employee organization to 354  
compromise or capitulate to the employer's terms regarding a labor 355  
relations dispute; 356

(8) Cause or attempt to cause an employee organization, its 357  
agents, or representatives to violate division (B) of this 358  
section; 359

(9) Encourage or discourage membership in an exclusive representative by discriminating in the hiring, tenure, or other terms and conditions of employment; 360  
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(10) Enter into an all-exclusive representative agreement that requires its employees to become members of an exclusive representative; 363  
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(11) Violate the terms of a collective bargaining agreement, including a term requiring the acceptance of an arbitration award; 366  
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(12) Refuse to obey an order issued by a court of competent jurisdiction under this chapter; 368  
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(13) Deduct dues, fees, assessments, or other charges of any kind, including fair share fees, from an employee's earnings except as provided in section 4117.03 of the Revised Code; 370  
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(14) Employ or retain any person to observe, covertly or otherwise, employees or their representatives when, or to determine when, those employees or representatives are exercising their rights under this chapter; 373  
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(15) Make, circulate, or cause to be made or circulated an employee blacklist. For purposes of this division, "blacklist" means an understanding or agreement by which the names of employees or potential employees or a list of their names, descriptions, or other means of identification is spoken, written, or implied for the purpose of being communicated or transmitted between two or more employers or their agents in order to prevent or prohibit the identified employees or potential employees from securing employment with one of those employers. A "blacklist" does not include either of the following: 377  
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(a) Job performance information of former or current employees provided by an employer pursuant to section 4113.71 of the Revised Code; 387  
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<u>(b) Communications concerning employees, prospective employees, or former employees made by an employer, prospective employer, or former employer that are required by law.</u>	390
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<u>(16) Commit any crime in connection with any controversy regarding employment relations with its employees, an exclusive representative, or an employee organization under this chapter;</u>	393
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<u>(17) Fail to conspicuously post and maintain the notice required by section 4117.081 of the Revised Code.</u>	396
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(B) It is an unfair labor practice for an employee organization, its agents, or representatives, or public employees to:	398
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(1) Restrain or coerce employees in the exercise of the rights guaranteed in <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> . This division does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or an employer in the selection of <del>his</del> <u>the employer's</u> representative for the purpose of collective <del>bargaining</del> <u>bargaining</u> or the adjustment of grievances.	401
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(2) Cause or attempt to cause an employer to violate division (A) of this section;	409
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(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;	411
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(4) Call, institute, maintain, or conduct a boycott against any public employer, or picket any place of business of a public employer, on account of any jurisdictional work dispute;	415
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(5) Induce or encourage any individual employed by any person to engage in a strike in violation of <del>Chapter 4117. of the Revised</del>	418
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~~Code~~ this chapter or refusal to handle goods or perform services; 420  
or threaten, coerce, or restrain any person where an object 421  
thereof is to force or require any public employee to cease 422  
dealing or doing business with any other person, or force or 423  
require a public employer to recognize for representation purposes 424  
an employee organization not certified by the state employment 425  
relations board; 426

(6) Fail to fairly represent all public employees in a 427  
bargaining unit; 428

(7) Induce or encourage any individual in connection with a 429  
labor relations dispute to picket the residence or any place of 430  
private employment of any public official or representative of the 431  
public employer; 432

(8) Engage in any picketing, striking, or other concerted 433  
refusal to work without giving written notice to the public 434  
employer and to the state employment relations board not less than 435  
ten days prior to the action. The notice shall state the date and 436  
time that the action will commence and, once the notice is given, 437  
the parties may extend it by the written agreement of both. 438

(C) The determination by the board or any court that a public 439  
officer or employee has committed any of the acts prohibited by 440  
divisions (A) and (B) of this section shall not be made the basis 441  
of any charge for the removal from office or recall of the public 442  
officer or the suspension from or termination of employment of or 443  
disciplinary acts against an employee, nor shall the officer or 444  
employee be found subject to any suit for damages based on such a 445  
determination; however, nothing in this division prevents any 446  
party to a collective bargaining agreement from seeking 447  
enforcement or damages for a violation thereof against the other 448  
party to the agreement. 449

(D) As to jurisdictional work disputes, the board shall hear 450

and determine the dispute unless, within ten days after notice to 451  
the board by a party to the dispute that a dispute exists, the 452  
parties to the dispute submit to the board satisfactory evidence 453  
that they have adjusted, or agreed upon the method for the 454  
voluntary adjustment of, the dispute. 455

Sec. 4119.01. As used in this chapter: 456

(A) "Employer" means every person, firm, and private 457  
corporation that employs one or more employees regularly in the 458  
same business or in or about the same establishment under any 459  
contract of hire, whether the contract is express or implied, or 460  
oral or written. "Employer" does not include a "public employer" 461  
as defined in section 4117.01 of the Revised Code. 462

(B) "Employee" means every person, including an individual 463  
engaged in agricultural labor, in the service of any employer. 464

(C) "Employee organization" means any labor or bona fide 465  
organization in which employees participate and that exists for 466  
the purpose, in whole or in part, of dealing with employers 467  
concerning grievances, labor disputes, wages, hours, terms, and 468  
other conditions of employment. 469

Sec. 4119.02. No employer or agent or representative of an 470  
employer, individually or in concert, shall do any of the 471  
following: 472

(A) Require any person, as a condition of employment or of 473  
the continuation of employment, to become or remain a member of 474  
any employee organization; 475

(B) Require any person, as a condition of employment or of 476  
the continuation of employment, to pay any dues, fees, 477  
assessments, or other charges of any kind, including fair share 478  
fees, to an employee organization unless the person is a member of 479  
that employee organization; 480



(C) Require any person engaged in agricultural labor to be referred, recommended, or approved by an employee organization as a condition of employment or of the continuation of employment with the employer; 481  
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(D) Deduct from the wages, earnings, or compensation of any employee any dues, fees, assessments, or other charges of any kind, including fair share fees, to be held for or paid over to an employee organization unless the employer first receives a written authorization for those deductions as provided in section 4119.03 of the Revised Code; 485  
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(E) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in this chapter; 491  
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(F) Discharge or otherwise discriminate against an employee because the employee has filed charges or given testimony in good faith under this chapter; 493  
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(G) Enter into an all-employee organization agreement that requires its employees to become members of an employee organization; 496  
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(H) Refuse to obey an order issued by a court of competent jurisdiction under this chapter; 499  
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(I) Employ or retain any person to observe, covertly or otherwise, employees or their representatives when, or to determine when, those employees or representatives are exercising their rights under this chapter; 501  
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(J) Make, circulate, or cause to be made or circulated an employee blacklist. For purposes of this division, "blacklist" means an understanding or agreement by which the names of employees or potential employees or a list of their names, descriptions, or other means of identification is spoken, written, or implied for the purpose of being communicated or transmitted between two or more employers or their agents in order to prevent 505  
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or prohibit the identified employees or potential employees from 512  
securing employment with one of those employers. A "blacklist" 513  
does not include either of the following: 514

(1) Job performance information of former or current 515  
employees provided by an employer pursuant to section 4113.71 of 516  
the Revised Code; 517

(2) Communications concerning employees, prospective 518  
employees, or former employees made by an employer, prospective 519  
employer, or former employer that are required by law. 520

(K) Commit any crime in connection with any controversy 521  
regarding employment relations with its employees or an employee 522  
organization under this chapter; 523

(L) Fail to conspicuously post and maintain the notice 524  
required by section 4119.05 of the Revised Code. 525

**Sec. 4119.03.** (A) An employee may authorize the employee's 526  
employer to deduct from the employee's wages, earnings, or 527  
compensation any dues, fees, assessments, or other charges of any 528  
kind to be held for or paid over to an employee organization. The 529  
authorization shall be in writing and signed by the employee. 530

(B) Every employer that receives a written authorization from 531  
an employee pursuant to division (A) of this section shall 532  
promptly notify the employee, in writing, that the employee may 533  
revoke the authorization at any time by providing the employer 534  
with a written notice of the revocation. The revocation becomes 535  
effective thirty days after the employer receives the revocation. 536

**Sec. ~~4113.02~~ 4119.04.** (A) Every undertaking or promise, 537  
whether written or oral, express or implied, constituting, or 538  
contained in, any contract or agreement of hiring or employment 539  
between any individual, firm, association, or corporation, and any 540  
employee or prospective employee of the same, whereby either party 541

to such contract or agreement undertakes or promises not to join, 542  
become, or remain a member of any ~~labor~~ employee organization or 543  
of any organization of employers, or either party to such contract 544  
or agreement undertakes or promises that ~~he~~ the party will 545  
withdraw from the employment relation in the event that ~~he~~ the 546  
party joins, becomes, or remains a member of any ~~labor~~ employee 547  
organization or of any organization of employers, is contrary to 548  
public policy and void. 549

(B) Any agreement, understanding, or practice, written or 550  
oral, between an employer and an employee organization that 551  
violates this chapter is void and unenforceable. 552

**Sec. 4119.05.** (A) Every employer shall post in a conspicuous 553  
place and keep continuously displayed the notice described in 554  
division (B) of this section. Each employer shall provide a copy 555  
of the notice to each employee at the time the employee is first 556  
hired and at the time of any change in the employee's employment 557  
status, including, but not limited to, the promotion, demotion, or 558  
lay-off of the employee. 559

(B) The notice required to be posted and displayed pursuant 560  
to division (A) of this section shall read as follows: 561

"EMPLOYEES' FREEDOM OF CHOICE 562

Under Ohio law, employees are protected in choosing whether 563  
to join or to refrain from joining an employee organization. It is 564  
unlawful for an employer and an employee organization to enter 565  
into a contract or agreement that requires employees to pay dues, 566  
fees, assessments, or charges of any kind as a condition of 567  
obtaining or keeping a job. Under the law, an employer is 568  
prohibited from discharging or otherwise discriminating against an 569  
employee because that employee joins an employee organization or 570  
refuses to join or pay dues or other charges to an employee 571  
organization. This notice is posted pursuant to section 4119.05 of 572

the Revised Code." 573

Sec. 4119.06. Any person who is injured or is likely to be 574  
injured as a result of a violation of this chapter may bring an 575  
action for injunctive relief in the court of common pleas in the 576  
county in which the violation is alleged to have occurred, and may 577  
recover any actual damages the person sustained as a result of the 578  
violation or threatened violation. 579

Sec. 4119.07. Any person may file a complaint alleging a 580  
violation of this chapter with the attorney general and the county 581  
prosecutor of the county in which the violation is alleged to have 582  
occurred. The attorney general and the county prosecutor shall 583  
investigate any complaints of an alleged violation of this 584  
chapter. 585

Sec. 4119.99. Any person, employer, or employee organization 586  
who violates this chapter is guilty of a misdemeanor of the first 587  
degree. 588

**Section 2.** That existing sections 9.81, 4113.02, 4117.03, 589  
4117.05, 4117.09, and 4117.11 of the Revised Code are hereby 590  
repealed. 591

**Section 3.** Sections 9.81, 4117.03, 4117.05, 4117.09, and 592  
4117.11 of the Revised Code, as they existed before the effective 593  
date of this act, shall apply to all collective bargaining 594  
agreements in existence before the effective date of this act. 595  
Sections 9.81, 4117.03, 4117.05, 4117.09, and 4117.11 of the 596  
Revised Code, as amended by this act, and sections 4117.031 and 597  
4117.081 of the Revised Code, as enacted by this act, shall apply 598  
to all collective bargaining agreements entered into on or after 599  
the effective date of this act. 600

**Section 4.** (A) Chapter 4119. of the Revised Code, as enacted 601  
by this act, applies only to collective bargaining agreements and 602  
extensions and renewals of those agreements entered into on or 603  
after the effective date of this act. 604

(B) Nothing in Chapter 4119. of the Revised Code abrogates, 605  
annuls, or modifies, or may be construed as abrogating, annulling, 606  
or modifying, any valid collective bargaining agreement between an 607  
employer and employee organization except as provided in division 608  
(A) of this section. 609