

As Introduced

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H. B. No. 314

Representative Beck

Cosponsor: Representative Adams, J.

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A B I L L

To amend section 4117.10 and to enact section 124.16 1
of the Revised Code to limit the amount by which a 2
state employee's salary or wage may be increased. 3

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

Section 1. That section 4117.10 be amended and section 124.16 4
of the Revised Code be enacted to read as follows: 5

Sec. 124.16. (A) As used in this section: 6

(1) "Consumer price index" means the consumer price index for 7
all urban consumers as prepared by the United States bureau of 8
labor statistics or its successor index. 9

(2) "Employee" means an employee paid in whole or in part by 10
the state. 11

(3) "Salary or wages" do not include employee benefits such 12
as paid leave, insurance coverage, or retirement benefits. 13

(B) No state agency shall increase the salary or wage of an 14
employee during a one-year period by more than the percentage 15
increase, rounded to the nearest tenth, in the consumer price 16
index for that one-year period. If the consumer price index 17
increases by more than five per cent in that period, the state 18

agency may increase the salary or wage of an employee by a maximum 19
of five per cent. If the consumer price index decreases or 20
otherwise does not increase during that time period, the state 21
agency shall not increase the salary or wage of an employee. 22

(C) The restrictions described in division (B) of this 23
section do not apply to either of the following circumstances: 24

(1) If an employee is promoted or transferred to a different 25
position or otherwise changes positions; 26

(2) If the salary or wage of an employee has not increased 27
for a significant period of time, as determined by the state 28
agency, due to the financial condition of the state or the state 29
agency, any one-time increase in the employee's salary or wage to 30
compensate the employee for the time period during which the 31
employee's salary or wage remained unchanged due to that financial 32
condition, however, the employee's salary or wage shall be subject 33
to division (B) of this section beginning the following year. 34

(D) Nothing in this section shall be construed to limit an 35
employee's progression through the schedules listed in section 36
124.15 or 124.152 of the Revised Code, however, notwithstanding 37
the rates of pay identified in those sections, any increase in pay 38
resulting from an employee's progress through those schedules is 39
subject to this section. 40

Sec. 4117.10. (A) An agreement between a public employer and 41
an exclusive representative entered into pursuant to this chapter 42
governs the wages, hours, and terms and conditions of public 43
employment covered by the agreement. If the agreement provides for 44
a final and binding arbitration of grievances, public employers, 45
employees, and employee organizations are subject solely to that 46
grievance procedure and the state personnel board of review or 47
civil service commissions have no jurisdiction to receive and 48
determine any appeals relating to matters that were the subject of 49

a final and binding grievance procedure. Where no agreement exists 50
or where an agreement makes no specification about a matter, the 51
public employer and public employees are subject to all applicable 52
state or local laws or ordinances pertaining to the wages, hours, 53
and terms and conditions of employment for public employees. ~~Laws~~ 54
All of the following prevail over conflicting provisions of 55
agreements between employee organizations and public employers: 56

(1) Laws pertaining to ~~civil~~ any of the following subjects: 57

(a) Civil rights, ~~affirmative~~; 58

(b) Affirmative action, ~~unemployment~~; 59

(c) Unemployment compensation, ~~workers'~~; 60

(d) Workers' compensation, ~~the~~; 61

(e) The retirement of public employees, ~~and residency~~; 62

(f) Residency requirements, ~~the~~; 63

(g) The minimum educational requirements contained in the 64
Revised Code pertaining to public education including the 65
requirement of a certificate by the fiscal officer of a school 66
district pursuant to section 5705.41 of the Revised Code, ~~the~~ 67

(h) The provisions of division (A) of section 124.34 of the 68
Revised Code governing the disciplining of officers and employees 69
who have been convicted of a felony, ~~and the~~ 70

(i) The minimum standards promulgated by the state board of 71
education pursuant to division (D) of section 3301.07 of the 72
Revised Code ~~prevail over conflicting provisions of agreements~~ 73
~~between employee organizations and public employers;~~ 74

(j) The restriction regarding an increase of the salary or 75
wage of an employee as described in section 124.16 of the Revised 76
Code. The 77

(2) The law pertaining to the leave of absence and 78

compensation provided under section 5923.05 of the Revised Code 79
~~prevails over any conflicting provisions of such agreements,~~ if 80
the terms of the agreement contain benefits which are less than 81
those contained in that section or the agreement contains no such 82
terms and the public authority is the state or any agency, 83
authority, commission, or board of the state or if the public 84
authority is another entity listed in division (B) of section 85
4117.01 of the Revised Code that elects to provide leave of 86
absence and compensation as provided in section 5923.05 of the 87
Revised Code. ~~The;~~ 88

(3) The law pertaining to the leave established under section 89
5906.02 of the Revised Code ~~prevails over any conflicting~~ 90
~~provision of an agreement between an employee organization and~~ 91
~~public employer~~ if the terms of the agreement contain benefits 92
that are less than those contained in section 5906.02 of the 93
Revised Code. ~~Except~~ 94

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 95
the Revised Code and arrangements entered into thereunder, and 96
section 4981.21 of the Revised Code as necessary to comply with 97
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 98
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 99
entered into thereunder, this chapter prevails over any and all 100
other conflicting laws, resolutions, provisions, present or 101
future, except as otherwise specified in this chapter or as 102
otherwise specified by the general assembly. Nothing in this 103
section prohibits or shall be construed to invalidate the 104
provisions of an agreement establishing supplemental workers' 105
compensation or unemployment compensation benefits or exceeding 106
minimum requirements contained in the Revised Code pertaining to 107
public education or the minimum standards promulgated by the state 108
board of education pursuant to division (D) of section 3301.07 of 109
the Revised Code. 110

(B) The public employer shall submit a request for funds 111
necessary to implement an agreement and for approval of any other 112
matter requiring the approval of the appropriate legislative body 113
to the legislative body within fourteen days of the date on which 114
the parties finalize the agreement, unless otherwise specified, 115
but if the appropriate legislative body is not in session at the 116
time, then within fourteen days after it convenes. The legislative 117
body must approve or reject the submission as a whole, and the 118
submission is deemed approved if the legislative body fails to act 119
within thirty days after the public employer submits the 120
agreement. The parties may specify that those provisions of the 121
agreement not requiring action by a legislative body are effective 122
and operative in accordance with the terms of the agreement, 123
provided there has been compliance with division (C) of this 124
section. If the legislative body rejects the submission of the 125
public employer, either party may reopen all or part of the entire 126
agreement. 127

As used in this section, "legislative body" includes the 128
governing board of a municipal corporation, school district, 129
college or university, village, township, or board of county 130
commissioners or any other body that has authority to approve the 131
budget of their public jurisdiction and, with regard to the state, 132
"legislative body" means the controlling board. 133

(C) The chief executive officer, or the chief executive 134
officer's representative, of each municipal corporation, the 135
designated representative of the board of education of each school 136
district, college or university, or any other body that has 137
authority to approve the budget of their public jurisdiction, the 138
designated representative of the board of county commissioners and 139
of each elected officeholder of the county whose employees are 140
covered by the collective negotiations, and the designated 141
representative of the village or the board of township trustees of 142

each township is responsible for negotiations in the collective bargaining process; except that the legislative body may accept or reject a proposed collective bargaining agreement. When the matters about which there is agreement are reduced to writing and approved by the employee organization and the legislative body, the agreement is binding upon the legislative body, the employer, and the employee organization and employees covered by the agreement.

(D) There is hereby established an office of collective bargaining in the department of administrative services for the purpose of negotiating with and entering into written agreements between state agencies, departments, boards, and commissions and the exclusive representative on matters of wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. Nothing in any provision of law to the contrary shall be interpreted as excluding the bureau of workers' compensation and the industrial commission from the preceding sentence. This office shall not negotiate on behalf of other statewide elected officials or boards of trustees of state institutions of higher education who shall be considered as separate public employers for the purposes of this chapter; however, the office may negotiate on behalf of these officials or trustees where authorized by the officials or trustees. The staff of the office of collective bargaining are in the unclassified service. The director of administrative services shall fix the compensation of the staff.

The office of collective bargaining shall:

(1) Assist the director in formulating management's philosophy for public collective bargaining as well as planning bargaining strategies;

(2) Conduct negotiations with the exclusive representatives of each employee organization;

(3) Coordinate the state's resources in all mediation,	175
fact-finding, and arbitration cases as well as in all labor	176
disputes;	177
(4) Conduct systematic reviews of collective bargaining	178
agreements for the purpose of contract negotiations;	179
(5) Coordinate the systematic compilation of data by all	180
agencies that is required for negotiating purposes;	181
(6) Prepare and submit an annual report and other reports as	182
requested to the governor and the general assembly on the	183
implementation of this chapter and its impact upon state	184
government.	185
Section 2. That existing section 4117.10 of the Revised Code	186
is hereby repealed.	187
Section 3. This act applies to a collective bargaining	188
agreement entered into on or after the effective date of this act.	189