

As Introduced

**130th General Assembly
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H. B. No. 151

Representative Roegner

**Cosponsors: Representatives Thompson, Boose, Adams, J., Becker, Buchy,
Maag, Wachtmann, Young, Lynch, Brenner, Blair, Beck, Terhar, Rosenberger,
Stautberg**

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A BILL

To enact sections 4119.01, 4119.02, 4119.04, 4119.05, 1
4119.06, 4119.07, 4119.08, and 4119.99 of the 2
Revised Code to prohibit any requirement that 3
employees of private employers join or pay dues to 4
any employee organization and to establish civil 5
and criminal penalties against employers who 6
violate that prohibition. 7

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

Section 1. That sections 4119.01, 4119.02, 4119.04, 4119.05, 8
4119.06, 4119.07, 4119.08, and 4119.99 of the Revised Code be 9
enacted to read as follows: 10

Sec. 4119.01. As used in this chapter: 11

(A) "Employee" and "employer" have the same meanings as in 12
section 4113.51 of the Revised Code, except that "employer" does 13
not include the state or any agency or instrumentality of the 14
state, or any municipal corporation, county, township, school 15
district, or other political subdivision or any agency or 16
instrumentality of a municipal corporation, county, township, 17

school district, or other political subdivision. 18

(B) "Employee organization" means any labor or bona fide organization in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment. 19
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(C) "Injunctive relief" includes a permanent injunction, a temporary injunction, or a temporary restraining order. 24
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(D) "Labor dispute" includes any controversy, regardless of whether the disputants stand in the proximate relation of employee or employer, that concerns any of the following: 26
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(1) The terms or conditions of employment; 29

(2) Employment relations; 30

(3) The association or representation of persons in negotiations for the purpose of setting, maintaining, or changing the terms or conditions of employment; 31
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(4) Any other controversy arising out of the respective interests of the relationship between an employee and an employer. 34
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Sec. 4119.02. (A) The general assembly finds that governmental authority allows and encourages employers to organize in corporate and other forms of capital control, and, in dealing with these employers, an employee who is not represented by an employee organization is helpless to exercise liberty of contract or to protect personal freedom of labor and thus is helpless to obtain acceptable terms and conditions of employment. 36
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(B) The policy of this state is that the negotiation of terms and conditions of private sector employment should result from voluntary agreement between an employer and the employer's employees. Therefore, each employee must be fully free to associate, organize, and designate a representative, as the 43
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employee chooses, for the negotiation of the terms and conditions 48
of employment in the private sector and must be free from 49
coercion, interference, or restraint by the employee's employer or 50
an agent of the employee's employer in designating a 51
representative, self-organizing, or other concerted activity for 52
the purpose of collective bargaining or other mutual aid or 53
protection. 54

(C) The policy of this state is that each employee must be 55
fully free to decide whether to associate, organize, designate a 56
representative, or join or assist an employee organization. 57

Sec. 4119.04. (A) No employer shall do any of the following: 58

(1) Require any employee to become or remain a member of any 59
employee organization; 60

(2) Require any employee to pay any dues, fees, assessments, 61
or other charges to an employee organization; 62

(3) Deduct from the wages, earnings, or compensation of any 63
employee any dues, fees, assessments, or other charges to be held 64
for or paid over to an employee organization unless the employer 65
first receives a written authorization for those deductions as 66
provided in division (A) of section 4119.05 of the Revised Code. 67

(B) An employer and an employee organization shall not enter 68
into an oral or written agreement, contract, or promise that 69
violates division (A) of this section. Any such agreement, 70
contract, or promise is void and unenforceable. 71

Sec. 4119.05. (A) An employee may authorize the employee's 72
employer to deduct from the employee's wages, earnings, or 73
compensation any dues, fees, assessments, or other charges of any 74
kind to be held for or paid over to an employee organization. The 75
authorization shall be in writing and signed by the employee. 76

(B) Every employer that receives a written authorization from 77
an employee pursuant to division (A) of this section shall 78
promptly notify the employee, in writing, that the employee may 79
revoke the authorization at any time by providing the employer 80
with a written notice of the revocation. The revocation becomes 81
effective thirty days after the employer receives the revocation. 82

Sec. 4119.06. (A) An employer shall post in a conspicuous 83
place and keep continuously displayed the notice described in 84
division (B) of this section. An employer shall provide a copy of 85
the notice to each employee at the time the employee is first 86
hired or rehired after a lapse of the employee's employment with 87
that employer. 88

(B) The notice required to be posted and distributed pursuant 89
to division (A) of this section shall read as follows: 90

"Under Ohio law, an employee who is employed by a private 91
employer may choose whether to join an employee organization 92
without penalty. It is unlawful for an employer and an employee 93
organization to enter into a contract or agreement that requires 94
employees to join or belong to an employee organization. It also 95
is unlawful for a private employer to require employees to pay 96
dues, fees, or charges of any kind to an employee organization as 97
a condition of obtaining or keeping a job. A private employer may 98
not discharge or otherwise discriminate against an employee 99
because the employee joined or refused to join an employee 100
organization." 101

Sec. 4119.07. (A) Any person who is injured or is likely to 102
be injured as a result of a violation of section 4119.04 of the 103
Revised Code may bring an action in the court of common pleas in 104
the county in which the violation is alleged to have occurred, and 105
may obtain injunctive relief and recover any actual damages the 106

person sustained as a result of the violation or threatened violation. 107
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(B) A court does not have jurisdiction to grant injunctive relief under this section that specifically or generally prohibits a person from doing any of the following: 109
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(1) Ceasing or refusing to perform work or to remain in an employment relationship, regardless of a promise to do the work or to remain in the relationship; 112
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(2) Becoming or remaining a member of an employer or employee organization, regardless of a promise described in section 4113.02 of the Revised Code; 115
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(3) Paying or giving to, or withholding from, another person anything of value, including money, insurance, or strike or unemployment benefits; 118
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(4) Helping, by lawful means, another person to bring or defend against an action similar to an action described in division (A) of this section in a court of any state or the United States; 121
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(5) Publicizing, obtaining, or communicating information about the existence of or a fact involved in a labor dispute by any method that does not involve the act or threat of a breach of the peace, fraud, or violence, including advertising, speaking, and patrolling, with intimidation or coercion, a public street or other place where a person lawfully may be present; 125
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(6) Ceasing to patronize another person or to employ another person; 131
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(7) Assembling peacefully to do or to organize an act listed in divisions (B)(1) to (6) of this section; 133
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(8) Advising or giving another person notice of an intent to do an act listed in divisions (B)(1) to (7) of this section; 135
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(9) Agreeing with another person to do or not to do an act listed in divisions (B)(1) to (8) of this section; 137
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(10) Advising, inducing, or urging another person, without the act or threat of fraud or violence, to do an act listed in divisions (B)(1) to (9) of this section, regardless of a promise described in section 4113.02 of the Revised Code; 139
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(11) Performing an act listed in divisions (B)(1) to (10) of this section in concert with another person on the ground that the persons are engaged in an unlawful conspiracy. 143
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Sec. 4119.08. Any person may file a complaint alleging a violation of section 4119.04 of the Revised Code with the attorney general. The attorney general shall investigate any complaints of an alleged violation of that section. If, based on that investigation, the attorney general has reasonable cause to believe that an employer has violated that section, the attorney general shall prosecute the employer for the violation. 146
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Sec. 4119.99. Any employer or employee organization who violates section 4119.04 of the Revised Code is guilty of a misdemeanor, punishable by imprisonment up to ninety days, a fine up to one thousand dollars, or both. 153
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Section 2. This act applies to all collective bargaining agreements entered into on or after the effective date of this act. 157
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