

**As Introduced**

**130th General Assembly  
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**H. B. No. 152**

**Representative Maag**

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

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**A B I L L**

To amend sections 9.81, 4117.03, 4117.09, and 4117.11 1  
of the Revised Code to remove any requirement 2  
under the Public Employees Collective Bargaining 3  
Law that public employees join or pay dues to any 4  
employee organization and to prohibit public 5  
employers from requiring public employees to join 6  
or pay dues to any employee organization. 7

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

**Section 1.** That sections 9.81, 4117.03, 4117.09, and 4117.11 8  
of the Revised Code be amended to read as follows: 9

**Sec. 9.81.** After an authorization adopted under section 9.80 10  
of the Revised Code, any public officer or employee of any 11  
department or division of the state, any political subdivision or 12  
school district thereof, or of any institution supported in whole 13  
or in part by the state, a county, or municipal corporation, who 14  
desires to make a contribution by the payroll deduction plan to 15  
one or more of the specified charitable agencies which are 16  
corporations not for profit, community chests, united funds, or 17

other similar united community fund organizations, may be 18  
permitted to have such contribution payments deducted from the 19  
salary or wages due such public officer or employee by filing a 20  
written request and authorization signed by such public officer or 21  
employee and specifying the amount of the deduction in each 22  
payroll period with the fiscal officer of the state, political 23  
subdivision, or school district, or institution by which such 24  
public officer or employee is employed. Such authorization may be 25  
withdrawn in writing by such public officer or employee at any 26  
time. No funds may be withheld from the salary or wages of any 27  
such public officer or employee for the purposes permitted by 28  
sections 9.80 and 9.81 of the Revised Code unless the withholding 29  
is specifically, freely, and voluntarily authorized by that public 30  
officer or employee in writing. 31

Upon receipt of evidence of such request by the appropriate 32  
fiscal officer, or upon receipt of a written deduction 33  
authorization under division (B)(2) ~~or (C)~~ of section 4117.09 of 34  
the Revised Code, such fiscal officer shall make such deduction 35  
and shall, at periodic intervals to the extent of the amount 36  
collected, pay the designated charitable agencies which are 37  
corporations not for profit, community chests, united funds, or 38  
other similar united community fund organizations, or the 39  
exclusive representative designated under section 4117.05 of the 40  
Revised Code. 41

**Sec. 4117.03.** (A) Public employees have the right to: 42

(1) Form, join, assist, or participate in, or refrain from 43  
forming, joining, assisting, or participating in, except as 44  
otherwise provided in ~~Chapter 4117. of the Revised Code~~ this 45  
chapter, any employee organization of their own choosing; 46

(2) Engage in or refrain from engaging in other concerted 47  
activities for the purpose of collective bargaining or other 48

mutual aid and protection;	49
(3) Representation by an employee organization;	50
(4) Bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement, and enter into collective bargaining agreements;	51 52 53 54 55
(5) Present grievances and have them adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of the collective bargaining agreement then in effect and as long as the bargaining representatives have the opportunity to be present at the adjustment.	56 57 58 59 60 61
(B) Persons on active duty or acting in any capacity as members of the organized militia do not have collective bargaining rights.	62 63 64
(C) Except as provided in division (D) of this section, nothing in <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> prohibits public employers from electing to engage in collective bargaining, to meet and confer, to hold discussions, or to engage in any other form of collective negotiations with public employees who are not subject to <del>Chapter 4117. of the Revised Code</del> <u>this</u> <u>chapter</u> pursuant to division (C) of section 4117.01 of the Revised Code.	65 66 67 68 69 70 71 72
(D) A public employer shall not engage in collective bargaining or other forms of collective negotiations with the employees of county boards of elections referred to in division (C)(12) of section 4117.01 of the Revised Code.	73 74 75 76
(E) Employees of public schools may bargain collectively for health care benefits.	77 78

Sec. 4117.09. (A) The parties to any collective bargaining agreement shall reduce the agreement to writing and both execute it. 79  
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(B) The agreement shall contain a provision that: 82

(1) Provides for a grievance procedure which may culminate with final and binding arbitration of unresolved grievances, and disputed interpretations of agreements, and which is valid and enforceable under its terms when entered into in accordance with this chapter. No publication thereof is required to make it effective. A party to the agreement may bring suits for violation of agreements or the enforcement of an award by an arbitrator in the court of common pleas of any county wherein a party resides or transacts business. 83  
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(2) Authorizes the public employer to deduct the periodic dues, initiation fees, and assessments of members of the exclusive representative upon presentation of a written deduction authorization by the employee. 92  
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~~(C) The agreement may contain a provision that requires as a condition of employment, on or after a mutually agreed upon probationary period or sixty days following the beginning of employment, whichever is less, or the effective date of a collective bargaining agreement, whichever is later, that the employees in the unit who are not members of the employee organization pay to the employee organization a fair share fee. The arrangement does not require any employee to become a member of the employee organization, nor shall fair share fees exceed dues paid by members of the employee organization who are in the same bargaining unit. Any public employee organization representing public employees pursuant to this chapter shall prescribe an internal procedure to determine a rebate, if any, for nonmembers which conforms to federal law, provided a nonmember~~ 96  
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~~makes a timely demand on the employee organization. Absent 110  
arbitrary and capricious action, such determination is conclusive 111  
on the parties except that a challenge to the determination may be 112  
filed with the state employment relations board within thirty days 113  
of the determination date specifying the arbitrary or capricious 114  
nature of the determination and the board shall review the rebate 115  
determination and decide whether it was arbitrary or capricious. 116  
The deduction of a fair share fee by the public employer from the 117  
payroll check of the employee and its payment to the employee 118  
organization is automatic and does not require the written 119  
authorization of the employee. 120~~

~~The internal rebate procedure shall provide for a rebate of 121  
expenditures in support of partisan politics or ideological causes 122  
not germane to the work of employee organizations in the realm of 123  
collective bargaining. 124~~

~~Any public employee who is a member of and adheres to 125  
established and traditional tenets or teachings of a bona fide 126  
religion or religious body which has historically held 127  
conscientious objections to joining or financially supporting an 128  
employee organization and which is exempt from taxation under the 129  
provisions of the Internal Revenue Code shall not be required to 130  
join or financially support any employee organization as a 131  
condition of employment. Upon submission of proper proof of 132  
religious conviction to the board, the board shall declare the 133  
employee exempt from becoming a member of or financially 134  
supporting an employee organization. The employee shall be 135  
required, in lieu of the fair share fee, to pay an amount of money 136  
equal to the fair share fee to a nonreligious charitable fund 137  
exempt from taxation under section 501(c)(3) of the Internal 138  
Revenue Code mutually agreed upon by the employee and the 139  
representative of the employee organization to which the employee 140  
would otherwise be required to pay the fair share fee. The 141~~

~~employee shall furnish to the employee organization written 142  
receipts evidencing such payment, and failure to make the payment 143  
or furnish the receipts shall subject the employee to the same 144  
sanctions as would nonpayment of dues under the applicable 145  
collective bargaining agreement. 146~~

No public employer shall agree to a provision requiring that 147  
a public employee become a member of, or pay dues or fees to, an 148  
employee organization as a condition for securing or retaining 149  
employment. 150

(D) As used in this division, "teacher" means any employee of 151  
a school district certified to teach in the public schools of this 152  
state. 153

The agreement may contain a provision that provides for a 154  
peer review plan under which teachers in a bargaining unit or 155  
representatives of an employee organization representing teachers 156  
may, for other teachers of the same bargaining unit or teachers 157  
whom the employee organization represents, participate in 158  
assisting, instructing, reviewing, evaluating, or appraising and 159  
make recommendations or participate in decisions with respect to 160  
the retention, discharge, renewal, or nonrenewal of, the teachers 161  
covered by a peer review plan. 162

The participation of teachers or their employee organization 163  
representative in a peer review plan permitted under this division 164  
shall not be construed as an unfair labor practice under this 165  
chapter or as a violation of any other provision of law or rule 166  
adopted pursuant thereto. 167

(E) No agreement shall contain an expiration date that is 168  
later than three years from the date of execution. The parties may 169  
extend any agreement, but the extensions do not affect the 170  
expiration date of the original agreement. 171

<b>Sec. 4117.11.</b> (A) It is an unfair labor practice for a public employer, its agents, or representatives to:	172
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(1) Interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> or an employee organization in the selection of its representative for the purposes of collective bargaining or the adjustment of grievances;	174
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(2) Initiate, create, dominate, or interfere with the formation or administration of any employee organization, or contribute financial or other support to it; except that a public employer may permit employees to confer with it during working hours without loss of time or pay, permit the exclusive representative to use the facilities of the public employer for membership or other meetings, or permit the exclusive representative to use the internal mail system or other internal communications system;	179
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(3) Discriminate in regard to hire or tenure of employment or any term or condition of employment on the basis of the exercise of rights guaranteed by <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> . <del>Nothing precludes any employer from making and enforcing an agreement pursuant to division (C) of section 4117.09 of the Revised Code.</del>	188
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(4) Discharge or otherwise discriminate against an employee because <del>he</del> <u>the employee</u> has filed charges or given testimony under <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> ;	194
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(5) Refuse to bargain collectively with the representative of <del>his</del> <u>the employer's</u> employees recognized as the exclusive representative or certified pursuant to <del>Chapter 4117. of the Revised Code</del> <u>this chapter</u> ;	197
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(6) Establish a pattern or practice of repeated failures to	201

timely process grievances and requests for arbitration of	202
grievances;	203
(7) Lock out or otherwise prevent employees from performing	204
their regularly assigned duties where an object thereof is to	205
bring pressure on the employees or an employee organization to	206
compromise or capitulate to the employer's terms regarding a labor	207
relations dispute;	208
(8) Cause or attempt to cause an employee organization, its	209
agents, or representatives to violate division (B) of this	210
section.	211
(B) It is an unfair labor practice for an employee	212
organization, its agents, or representatives, or public employees	213
to:	214
(1) Restrain or coerce employees in the exercise of the	215
rights guaranteed in <del>Chapter 4117. of the Revised Code</del> <u>this</u>	216
<u>chapter</u> . This division does not impair the right of an employee	217
organization to prescribe its own rules with respect to the	218
acquisition or retention of membership therein, or an employer in	219
the selection of <del>his</del> <u>the employer's</u> representative for the purpose	220
of collective <del>bargaining</del> <u>bargaining</u> or the adjustment of	221
grievances.	222
(2) Cause or attempt to cause an employer to violate division	223
(A) of this section;	224
(3) Refuse to bargain collectively with a public employer if	225
the employee organization is recognized as the exclusive	226
representative or certified as the exclusive representative of	227
public employees in a bargaining unit;	228
(4) Call, institute, maintain, or conduct a boycott against	229
any public employer, or picket any place of business of a public	230
employer, on account of any jurisdictional work dispute;	231



(5) Induce or encourage any individual employed by any person	232
to engage in a strike in violation of <del>Chapter 4117. of the Revised</del>	233
<del>Code</del> <u>this chapter</u> or refusal to handle goods or perform services;	234
or threaten, coerce, or restrain any person where an object	235
thereof is to force or require any public employee to cease	236
dealing or doing business with any other person, or force or	237
require a public employer to recognize for representation purposes	238
an employee organization not certified by the state employment	239
relations board;	240
(6) Fail to fairly represent all public employees in a	241
bargaining unit;	242
(7) Induce or encourage any individual in connection with a	243
labor relations dispute to picket the residence or any place of	244
private employment of any public official or representative of the	245
public employer;	246
(8) Engage in any picketing, striking, or other concerted	247
refusal to work without giving written notice to the public	248
employer and to the state employment relations board not less than	249
ten days prior to the action. The notice shall state the date and	250
time that the action will commence and, once the notice is given,	251
the parties may extend it by the written agreement of both.	252
(C) The determination by the board or any court that a public	253
officer or employee has committed any of the acts prohibited by	254
divisions (A) and (B) of this section shall not be made the basis	255
of any charge for the removal from office or recall of the public	256
officer or the suspension from or termination of employment of or	257
disciplinary acts against an employee, nor shall the officer or	258
employee be found subject to any suit for damages based on such a	259
determination; however nothing in this division prevents any party	260
to a collective bargaining agreement from seeking enforcement or	261
damages for a violation thereof against the other party to the	262
agreement.	263

(D) As to jurisdictional work disputes, the board shall hear 264  
and determine the dispute unless, within ten days after notice to 265  
the board by a party to the dispute that a dispute exists, the 266  
parties to the dispute submit to the board satisfactory evidence 267  
that they have adjusted, or agreed upon the method for the 268  
voluntary adjustment of, the dispute. 269

**Section 2.** That existing sections 9.81, 4117.03, 4117.09, and 270  
4117.11 of the Revised Code are hereby repealed. 271

**Section 3.** This act applies to all collective bargaining 272  
agreements entered into pursuant to Chapter 4117. of the Revised 273  
Code on or after the effective date of this act. 274