



Ralph D. Clark

Bill Analysis
Legislative Service Commission

S.B. 56

126th General Assembly
(As Passed by the Senate)

Sens. Mumper, Wachtmann, Harris, Cates, Jacobson

BILL SUMMARY

- Exempts the employees of the Ohio School Facilities Commission from collective bargaining.

CONTENT AND OPERATION

Exemption of School Facilities Commission employees from collective bargaining

(R.C. 3318.31)

The Ohio School Facilities Commission oversees the several programs established in the School Facilities Law codified in Chapter 3318. of the Revised Code. Generally, the programs involve providing financial assistance to school districts for the acquisition or construction of classroom facilities. The Commission consists of three voting members (the Directors of Budget and Management and Administrative Services and the Superintendent of Public Instruction), four legislators who are non-voting members, and a staff (R.C. 3318.30(B), not in the bill, and 3318.31(B)).

Due to an Ohio Supreme Court decision (see **COMMENT**), employees of the Commission are currently non-exempt public employees subject to the Public Employees' Collective Bargaining Law. That law allows public employees to bargain with their public employer to determine wages, hours, terms, and other conditions of employment (R.C. 4117.03(A), not in the bill). The bill exempts all employees of the Commission from collective bargaining, and specifies that they are not to be considered public employees for the purposes of the Public Employees' Collective Bargaining Law.

COMMENT

The same amendment to the School Facilities Law was made in Am. Sub. H.B. 405 of the 124th General Assembly. However, the amendment was declared to violate the one-subject rule of Ohio Constitution, Article II, Section 15(D), in *State, ex rel. Ohio Civil Service Employees Assoc., AFSCME, Local 11, AFL-CIO v. SERB* (2004), 104 Ohio St.3d 122, 818 N.E.2d 688. Therefore, the purpose of the bill is to re-enact the amendment in accordance with the one-subject rule of the Ohio Constitution. (Section 3.)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-15-05	p. 167
Reported, S. Finance & Financial Institutions	03-02-05	p. 256
Passed Senate (21-11)	03-02-05	pp. 258-259

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