

AMENDMENTS TO SB5

This is a synopsis of how the amendments to SB 5 affect law enforcement officers

Section 4117.08.....

Any existing provision of a CB agreement that was modified, renewed, or extended from a prior CB agreement that is not included in the definition of “wage, hours and terms and conditions” shall not be a mandatory subject of bargaining and shall not be subject to any impasse procedure without the mutual agreement of both the public employer and employee organization. The inclusion of a provision in a previous CB agreement shall not be used as a basis for the provision being determined to be within the definition of “wages, hours and terms and conditions.

Section 4117.08.....

The privatization of a public employer’s services or contracting out of public employer’s work and the number of employees required to be on duty or employees in any department, division, or facility of a public employer is not a scope of bargaining.

Other items not negotiable are: Hire, discharge, transfer, suspend and discipline of employees; determination of number of employees to lay off; qualifications of employees; the starting and quitting time and the number of hours worked by employees; any reasonable rules and regulations; work assignments; basis for selection, retention and promotion of employees; type of equipment and the sequence of work process: the making of technological alterations by revising either process or equipment or both; work standards and the quality and quantity of work to be produced; select and location of buildings and other facilities; the establishment, expanding, transferring and/or consolidating of work processes and facilities; transfer or subcontracting of work, consolidation of, merging, or otherwise transfer any or all of its facilities, property process or work with or to any other municipality or entity or effect or change in any respect the legal status, management, or

responsibility of such property, facilities, processes or work; terminate or eliminate all or any part of its work or facilities.

Section 4117.104.....

Should the Governor or Auditor of State declare a political subdivision to be in a state of fiscal watch the political subdivision shall modify a CB agreement so that salary or benefit increases, or both are suspended.

Section 4117.105.....

No agreement entered into or renewed after the effective date of this section shall contain any provision that in any way prohibits a public employer from entering into a contract with another public or private sector entity to privatize the public employer's services or the contacting out of the public employers work.

Section 4117.106.....

Prohibits any language in CB agreement that limits the public employer in determining the number of employees it employs or has working at any time, in any facility, building, classroom on any work shift or on any piece of equipment or vehicle, or, provides for the public employer to pay any portion of a public employee's state pension contributions or payment, or, provides for an hourly overtime payment rate that exceeds the overtime rate required by the Fair Labor Standards Act, or, requires the public employer to adhere to, follow, or continue any practices or benefits not specifically set forth in the specific written provisions of the agreement.

Section 4117.107.... (Specific to members of Ohio Police/Fire Pension Fund) Language does not apply to Ohio State Patrol pension fund.

Prohibits any language in CB agreement that provides for any supplemental wage payments based on the length of employment to any employee participating in (DROP) deferred retirement option plan, and, provides for any annual paid vacation leave earning in excess of five weeks to any employee in DROP, and, provides for the ability of any employee in DROP to carry over vacation leave from one year to another that exceeds the total accumulation of the equivalent of three years vacation leave, and provides the basis for the payment to any employee in DROP of any accumulated paid leave, and compensatory time, that is based on an employee's hourly wage rate greater than the employee's wage rate on the date the employee went into DROP. This section requires the pension fund to notify the employer of the date a member enters into DROP and to notify the employer of any employees currently in DROP even if their entry is prior to the effective date of this section.

Section 4117.108.....

Prohibits language in CB that; allows for vacation leave maximum annual accumulation of six weeks paid vacation prior to 20 years of service, and, more than 12 paid holidays, and, three personal days.

Section 4117.109.....

Prohibits any provision in a CB agreement that contains any provision that for the exchange or sell-back of a public employee's accumulated paid sick leave balance for a cash payment that exceeds fifty percent of the employee's total sick leave accumulation. No provision shall allow payment to be made for accumulated sick leave in excess of one thousand hours. Payment shall be made at the employee's hourly rate at the time of retirement unless the employee is in DROP. In that case the payment will be based on the employee's hourly rate at the time of entering DROP.

Section 4117.11....

Prohibits the employee or their representative from communicating or attempt to engage in other direct dealings during the period of negotiations with elected or appointed official of the public employer, other than those individuals designated to represent the public employer, regarding wages, hours and terms and conditions or employment or with regards to matter that are or may become the subject of collective negotiations.

Section 4117.14.....

Makes the legislative body of the public employer the final decision maker. The legislative body must accept either the employer's last best offer or the employee's last best offer. The parties must then execute a CB agreement, based on offer chosen by legislative body for the term of three years.

