

DAVID VARDAS CASEBO
6.3.1
Amend 9.90 C BOE cannot bargain health care-Pg 9

Amend 103.74 Merit Pay for state workers instead of salary schedules or pay ranges-Pg 16

Eliminates 124.38 (C)- Eliminates Sick Leave for employees and must be in accordance with plan adopted under 3319.141-pg 58

Amends 124.81 (health care) and then refers to it throughout the entire document (pp 62-64)

124.81 (A) (3)-Change wording to "health care plan";Eliminates description of types of insurance

124.81 (F)-Eliminates ref to state CBA and continues extension to Political subdivisions

124.81 (G)-Allows Political Subdivisions to participate through CBA

ADDS 124.81 (H)-Caps Employer share of premium at 80 %

124.81 (I)-Description of Health Care Plan

ADDS 124.82 (F)-Employees pay at least 20 % of premium for health care plans

Amends 145.47 (A)-Prohibits employers pick up of employee contributions to PERS

Amends 742.31-Same as above for Ohio Police and Fire Pension

Amends sections for various local governments and boards/commission to require merit pay.

CHAPTER 33 CHANGES

REPEALS THE FOLLOWING SECTIONS-PG 1

3317.12-Salary Schedules for nonteaching employees

3317.14-BOE required to annually adopt teachers' salary schedules

3319.131-Leaves of Absence for Professional Growth

3319.142-Personal Leave for nonteaching personnel

3319.143-Policy on assault leave

Amends 3306.01 (A) (3)-Removes Salary Schedule (SS) for Teachers and requires merit pay for teachers-pg 113

Amends 3307.27- Prohibits employers pick up of employee contributions to STRS for Teacher(not sure how it affects administrators including Superintendents)-pg 114

Amends 3309.47-Same as above for SERS as it relates to nonteaching employees (would include Treasurers I think)-pg 115

Amends 3313.202-Health Care Plan for School Districts (previously just authorized board members to receive health care if they pay for it)-pp 119-20:

- (A)(1)-Describes plan

- (A) (2)-Defines Teaching and Nonteaching Employee

- (B) (1)-Grants authority to procure and caps BOE share of premium at 80 %

- (B) (1) (a through c)-Defines who is covered

- (B) (2)-Requires BOE to carry on policies employees on disability; Permits BOE to pay all or part of the premiums

Amends 3313.23-Incapacitated Treasurer to receive same leave as other employees in plan adopted by board pursuant to 3319.141-pg 120

Amends 3313.24-Treasurer to receive vacation leave as other employees in plan adopted by board pursuant to 3319.141-pg 121

Eliminates 3313.42 (B)-Reference to State Minimum Teacher SS-pg. 122

Amends 3316.07 (A) (1) (Fiscal Emergency Commissions)-Changes "non-teaching" to "nonteaching"; Removes seniority as a reason for Reduction in Force (RIF)-pg. 123

Amends 3317.01 (C) (School Funding Payments)-Includes merit pay instead of SS-pg 126

Amends 3317.018 (F)-Removes reference 3317.12 (SS for nonteaching) and 3317.14 (SS for teaching) because they were repealed-pg. 128

Amends 3317.11 (B) (1) (a)-Changes the word "minimum" to "merit-based" when describing SS-pg. 128

Amends 3317.13-Eliminates minimum SS and institutes merit pay-pp 130-32

Amends 3318.31 (B)-Removes reference to ORC 4117 for employees of OSFC (state employees)-pg. 133

Amends 3319.01; 3319.011; 3319.02 (F); 3319.06 (B)-Leave for Superintendent, Administrators and Internal Auditor in accordance with plan adopted under 3319.141-pp 134-38

Amends 3319.08 (A)-Removes reference to SS-pg 139

Inserts 3319.08 (C) (3)-Classroom Teacher language for limited contract-pp 139-40

- (a)-Current contract cannot exceed 5 years

- (b)-New contracts limited to 1 year

Renumbers paragraph beginning with "For all other teachers" to 3319.08 (C) (4)-pg 140

Eliminates 3319.08 (D) (3) for continuing contracts which in the new licensure requirements effective 1/1/11 which the educator to have served 7 years. Reverts to the section 3319.08 (D) (3) that was in effect prior to HB 1.-Pg 140-41

Amends 3319.08 (F)-Adds language to ensure that old language (referred to above) takes precedent over CBA. -pg 141

Amends 3319.084-Nonteaching employees receive vacation leave in accordance with plan adopted under 3319.141 and includes employees who work 11 months or less-pg. 141-42

Amends 3319.085-Language clean up and elimination of reference to SS-pg. 142

Amends 3319.088(Educational Assistant) Eliminates reference to SS-pg 143

Amends 3319.09-Include that leave will be in accordance with plan adopted under 3319.141

Amends 3319.10 (Substitute teacher)-pg. 145

Substitute teacher employed more than 60 days shall be based on merit (eliminates SS) and will be granted leave in accordance with plan adopted under 3319.141

BOE may grant substitute teacher leave in accordance with plan adopted under 3319.141

Amends 3319.11 (B)-Restores rights to continuing contracts based on pre HB 1 language and appears to make it a supersede CBA-pg 146

Amends 3319.11 (B) (1 and 2), (C) (1 and 2),(D) and (E)-Removes reference to SS-pp 147-48

Amends 3319.11 (E)-Permits BOE to grant limited contract to teacher without limit to number of years (Used to have a 3 year limit, then you had to grant continuing or non-renew)-p 148

Amends 3319.13 (Leave of Absence)-Grant in accordance with plan adopted under 3319.141

Amends 3319.141-Requires BOE to adopt a policy for "general" leave; pp 152-54

Eliminates the requirement for 15 days of Sick Leave

Requires the policy to include "types of leave" but does not specify what must or should be included

Must specify how it will credit accumulated balances from other government/agencies

Provides for more flexibility on forms for sick leave, but makes any false statements from a physician grounds for suspension/termination

Does not affect current balances of sick leave

Requires plan to be conspicuously posted on district website and requires annual review by the BOE

Allows CBA to apply leave policy to Bargaining Unit members

Amends 3319.17 (C) (Reduction in Force (RIF)) pp 154-55

Removes Seniority as a factor for RIF

Makes quality of performance "principal" factor for RIF

Defines factors for measuring teacher's quality of performance

Makes new section supersede CBA

Amends 3319.172(RIF nonteaching not subject to Chapter 124) pp 155-56

Removes Seniority as a factor for RIF

Makes quality of performance "principal" factor for RIF

Makes new section supersede CBA

Amends 3319.18 (Transfer of school district property-consolidation)-pg 156-57

Eliminates reference to SS

Teacher to be paid salary determined by BOE

Cannot be paid less than salary at former district

May consider years of service if suspending contracts under 3319.171

Amends 3319.63(Educators Standards Board Member)-pg 157

Grant leave for service on board in accordance with plan adopted under 3319.141

Amends 3332.03(State Board of Career Colleges and Schools)-pg 158

Eliminates steps for compensation

Amends 3334.08 (Ohio tuition trust authority)- pg 159

Removes chapter 4117 from 3334.08 (C)-state employees

Amends 3345.31, 3345.45 and 3353.03(Universities, Board of Regents and eTech Ohio) pp 16-162

Removes authority for employees to collective bargain

END CHAPTER 33 Revisions

Amends 3517.152 (F) (1) (h)-Members of the Ohio elections commission cannot be an employee of the state, any agency, authority, commission of board of the state, or any state institution of higher education.-pg 163

Pages 163 through 178 various changes to boards, commissions, etc, mostly removing the right for their employees to collective bargain but some clean up items also.

Chapter 4117Amends

Amends 4117.01 (B) (1) including subsections (e), (f) and (g) to remove state from collective bargaining and cleans up language on other subsections-pg 179

Enacts 4117.01 (B) (2) to clearly state that public employer does not include state or any of its agencies, commissions, authorities, or boards or any state institution of higher education for purposes of collective bargaining under section 4117-pg 179

Amends 4117.01 (C) to eliminate contracted employees of a private employer from the definition of public employee for section 4117.-pg 179

Amends 4117.01 (C) (1 through 17) to delete any reference to employees of the state et. al from above from the exception list, removes as an exception employees of county boards of election (see 4117.03 (D) below) and adds as an exception employees of a regional council of government created under Chapter 167 as an exception-pp 179-80

Amends 4117.01 (F) (Definition of supervisor)-Removes subsections 2 and 3 which relate to police and fire and state level employees, resulting in subsection 1 being the only subsection and dealing with teachers-pg 181

Amends 4117.01 (G)-Removes "and the continuation, modification or deletion of an existing provision of a collective bargaining agreement" from the definition of "To bargain collectively". -pg 181

Amends 4117.01 (L)-Removes language related to state workers-pg 182

Eliminates 4117.01 (O)-Definition of members of the state highway patrol-pg 182

Enacts 4117.01 (Q and R)-Defines "state" and "state institution of higher education"-pg 183

Amends 4117.03 (A)(4)-Removes similar "continuation, modification, etc" language from the rights of public employees to bargain-pg 187

Amends 4117.03 (B)-Adds language revoking rights of state employees et al. to collectively bargain-pg 188

Amends 4117.03 (D)-Removes reference to 4117.01 on employees of county boards of election(they are not allowed to bargain)-pg 188

Eliminates 4117.03 (E)-Removes health care as a subject of collective bargaining-pg 188

Amends 4117.06 (D) (2 and 3) and deletes (D) (4)-State worker issue-pg 189

Amends 4117.08 (A)- Removes similar "continuation, modification, etc" language from the subjects of collective bargaining.

Amends 4117.08 (B)-Includes "following subjects are not appropriate subjects for collective bargaining" to create a lead in sentence, then adds subsections 1 through 3 stating employment through civil service, health care benefits and the employee's share of public retirement system payments are not subjects for bargaining. Note: it is not a change or civil service. -pp 189-90

Amends 4117.08 (C)-Eliminates language in last paragraph of section to eliminate "affects" bargaining-pg 190

Amends 4117.08 by adding subsection (D) and (E)

(D)-States that decisions in bargaining cannot be based on income from an outside funding source, specifically identifying additional levy requests-Pg 190

(E)-Health care not a subject of bargaining and employer cannot pay more than 80 percent of premium-pg 191

Enacts 4117.081-This new section only applies to school districts, ESCs and STEM schools. It establishes items that cannot be bargained which include pupil/teacher ratios, layoff procedures, minimum number of personnel, reiterates health care, teacher salaries, outsourcing to private contractors and affects bargaining. Note: in the affects bargaining section it refers to negotiated wages, salaries, etc., so I am not sure how that works with language prohibiting negotiating teacher salaries or if they meant salary schedules-pp 191-92

Amends 4117.09 (C)-Adds a sentence that states an agreement cannot require an employee to join any exclusive representative, not sure if this is "fair share" or not-pg 193

Enacts 4117.09 (F)-Prohibits an employer from including in an agreement a RIF policy that permits seniority to be the only factor in making reductions-pg 193

Amends 4117.10 (A)-Clarifies the provisions of the law that prevail over CBA provisions by adding a sentence at end of opening paragraph-pg. 194

Amends 4117.10 (A) (1)-Cleanup language on subsections-pg 194

Enacts 4117.10 (A) (1) (f)-Laws regarding provision of health care benefits to public employees prevail over language in CBA-pg 194

Amends 4117.10 (A) (2 and 3)-Clarification on leaves established in Chapter 59.-pg 194

Amends 4117.10 (B) (C) and Eliminates 4117.10 (D)-Removing state employees as defined earlier from the collective bargaining statutes.-pp 195-96

Enacts 4117.104-Allows public entities that are declared in fiscal emergency by the Auditor of State to notify the Bargaining Unit in writing its intent to terminate, modify or negotiate a CBA.-pg 196

Amends 4117.11-Clean up of language pp 196-98 except for next item.

Enacts 4117.11 (C)-It is not an unfair labor practice to express views in any public form if the expression contains not threat of reprisal or force or promise of benefits. (Assume this is to turnover a previous SERB ruling against employers)-pg 198

Amends 4117.14 (B) (4)-Allows a public employer to refuse to engage in affects bargaining-pg 199

Amends 4117.14 (C) (2 and 3)-Requires to publish conspicuously on the public employer's website the last "offers" of both parties that have been submitted in dispute settlement procedure, mediator or fact finding panel-pp 199-200. Also defines "impasse" in 4117.14 (C) (2)-pg 200

Amends 4117.14 (C) (5)-Extends from 14 to 30 days the requirement that the fact finding panel issue its recommendations but not change provision to extend by mutual agreement. Also, requires this panel to clearly explain how each factor listed in division (G) (7) of this section affected its decision-pg 201

Amends 4117.14 (C)(6)-Clarifies that new section (D) (2) not affected by this section and permits public employer to implement fact finding panel's recommendation-pg 201

Enacts 4117.14 (C) (6) (b)-It appears the new section (D) (2) are safety forces and this section eliminates binding arbitration if no agreement and institutes a procedure for implementing the fact finding panel and/or extending current CBA by 1 year-pp 201-02

Eliminates 4117.14 (D) (1)-Removes language for binding arbitration for unresolved issues in bargaining with safety forces-pg 202

Enacts 4117.14 (D) (2)-Defines for the most part safety forces who the previous 3 items pertain to.-pg 203

Amends 4117.14 (E)-Directs in a dispute resolution that compensation of non bargaining unit members must be taken into consideration-pg 203

Amends 4117.14 (F)-Changes "conciliator" to "citizens' conciliation council" and changes all the references to "council" where it previously stated "conciliator". Provides for all previous changes to dispute resolution in the section.-pp 203-05

Enacts 4117.14 (J)-If there is not a succeeding CBA seven days after the expiration of current agreement, requires posting conspicuously on website of public employer current CBA and final proposals of both sides-205-06

Amends 4117.15 (A)-Removes binding arbitration for safety forces-pg 206

Enacts 4117.15 (D)-Provides for public employer to hire replacement employees when a strike by employees occurs-pg. 206

Enacts 4117.20 (B)-Prohibits a public official or employee in participating in bargaining process if a member of immediate family has a "direct" interest in outcome-pg 207

Repeals 4117.22-Direction to SERB to "liberally" construe the ORC in its rulings at it pertains to CBAs and disputes about provisions of those CBAS-pg 1

Enacts 4117.26-Defines compensation, requires a report which is public detailing the affects of the new agreement, requires report to be filed with SERB and post on website and requires a report if anything changes during the agreement that was not in original report---207-08

END OF 4117 Changes

The remaining sections that are amended on pages 208 through 262 deal with it appears state agencies, boards, commissions, etc. and clarify that employees cannot collectively bargain and that SS will be replace and/or prohibited.