

Random Notes

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Immediate Action Required

LEGISLATIVE ALERT!!!!

It's Ohio, pre-1984. Public employees across the state are represented by unions at the bargaining table. But too often, their representatives have little recourse when negotiating with intransigent management. Stalemates exist and the alternatives are to surrender or strike and risk losing your job. Teachers defied court orders won by management to return to work and were jailed in Dayton, Brunswick, Boardman, Ravenna, and Youngstown. Some who struck were fired for "good and just cause" under an antiquated law known as the Ferguson Act, which barred teachers from striking. The public sector labor relations picture was ugly.

Fast forward to 2010. Twenty-six years earlier, the Ohio General Assembly and Governor Richard Celeste forged legislation known as the Ohio Collective Bargaining Bill. Chapter 4117 of the Ohio Revised Code. The bill brought order and civility to public sector negotiations in the state. It gave rights to and imposed responsibilities on management and labor. For over a quarter of a century, public sector bargaining in Ohio has taken place on a level playing field and with far less acrimony because of the Collective Bargaining Bill.

It's 2011. Ohio has just elected and seated a new governor. This governor despises the rights public sector employees enjoy to bargain collectively. And he's hell-bent on doing away with those rights in the name of correcting the state's economic woes. He is a clone of Wisconsin governor **Scott Walker** who, at the time these *Notes* are being written, is threatening to call out the state's National Guard to deal with state employee protests. Walker, too, justifies his goal to wipe out public employee collective bargaining by citing the state's \$137 million budget crisis, notwithstanding a report by the Wisconsin Department of Revenue that two-thirds of the state's corporations pay NO taxes and notwithstanding countless expert opinions that a group's right to bargain collectively has nothing to do with the mess the state is in. Sound familiar? It should.

Unfortunately, during the same election that put **John Kasich** in control in Columbus, Ohioans also upset the balance of power in the General Assembly, where Republicans dominate both houses. The Senate currently stands at 23 R's to 10 D's; the House at 59 R's and 40 D's. Among those legislators, Kasich has many allies who, like him, are so far to the right on the

political balance beam that they've fallen off. One such ally is State Senator **Shannon Jones** who last week sponsored and introduced **Senate Bill 5**, legislation intended to dismantle the Ohio Collective Bargaining Bill.

As unfortunate for us as that is, we are equally fortunate to have a number of R's in Columbus who are moderate and who, through experience, have come to recognize the advantages of having working collective bargaining rules in place. One such moderate is State Sen. **Scott Oelslager** (Stark County) who has already gone on record against Jones' bill. "I will oppose the bill and will vote no if it does come to a vote," he said. "I believe there has to be a balance between management and labor and the give and take of the collective bargaining process allows that balance to take place."

The balance Oelslager refers to will be destroyed by Senate Bill 5 which, in its current form, would:

Remove health care plan design from negotiations;

Require public employees to pay 20% of the healthcare premium;

Abolish the School Employee Health Care Board;

Remove seniority as the rule for teacher lay-offs;

Eliminate future collective bargaining for state employees and employees of state institutions;

Eliminate salary schedules for state employees, compensation decisions will be based on "merit;"

Allow a public employer in fiscal emergency to terminate, modify or negotiate a contract;

Allow a public employer to hire permanent replacement workers during a strike;

Require public posting of negotiating proposals.

While Senate Bill 5 threatens state employees to a greater extent than local public employees and teachers, we must be mindful that this is the first two months of a new state administration, and that there is a lot of time to do further damage in the future. Democrats and Republicans like Scott Oelslager,
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and, for that matter, all legislators need to hear from us **NOW**. Please find your legislators in the accompanying list and write, call or email your statement to them in opposition to Senate Bill 5. In addition, **READ** (Google it) all you can about this bill and **WATCH** for announcements from us about opportunities to attend rallies against S.B. 5. The bill is currently in the Senate Insurance, Commerce and Labor Committee. As you can read in the accompanying article, **NOW** is the time for you to let your feelings be known.

“I never worry about action, but only inaction.”

Winston Churchill

“There are risks and costs to action. But they are far less than the long range risks of comfortable inaction.”

John F. Kennedy

How a bill becomes law

In order for a bill to become law in Ohio, it must undergo three considerations in each house of the Ohio General Assembly.

First consideration: Introduction. A member of the House or Senate “introduces” a bill. One legislator or many may sponsor bills.

Second consideration: Committee Process. Once a bill is introduced, it is assigned to one of several standing committees in the House or Senate, depending upon where the bill was introduced. During the process, committee members from both sides of the aisle debate the bill; public testimony in support or opposition to the bill is heard; experts may be called to give opinions for or against the proposed bill. Committee members may vote to amend the bill. Ultimately, the committee must vote to send the bill as written or with amendments back to the entire House or Senate. Some bills never make it out of a committee hearing and die.

Third consideration: The Floor. If the committee sends a bill back to the “floor,” the entire body (House or Senate) has an opportunity to debate it. When debate is closed, the body votes on the bill. If it is passed, it is sent to the other house of the General Assembly where it undergoes a similar process.

Concurrence. If the other house of the General Assembly approves the bill without modifications, it becomes an act. Or, if the other house makes modifications, a conference committee made up of representatives from both houses meets to reconcile their differences. If both houses approve the conference committee’s revised bill, it becomes an act and is sent to the governor for his signature or veto. A governor’s veto may be overridden by a 3/5 vote of the House and Senate. If the governor takes no action within ten days of receiving an act, it becomes law with or without his signature.

Who to Contact

Members should write, call or email their state senator and representative to express opposition to Senate bill 5. Below are members from both houses in the Summit, Stark and Medina county region, their mailing and email addresses and phone numbers. Also included is contact information for the bill’s only sponsor, Senator Shannon Jones. If you are unsure of the house or senate district you reside in, visit the Ohio House and Senate web page.

Bill Sponsor

District 7
Shannon Jones (R)
Majority Whip
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SD07@senate.state.oh.us

Senate

District 22 Medina and Wayne Counties

Larry Obhof (R)
Senator
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District 27 Western and northern Summit County

Frank LaRose (R)
Senator
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SD27@senate.state.oh.us

District 28 Portage County, eastern Summit County

Tom Sawyer (D)
Senator
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District 29 Stark County

Scott Oelslager (R)
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House of Representatives Summit County

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