

As Introduced

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Representatives Howse, Clyde

Cosponsors: Representatives Sykes, Johnson, G., Kuhns, Fedor, Antonio, Driehaus, Ramos, Leland, Lepore-Hagan, Stinziano, Strahorn, Phillips, Sheehy, Smith, K., Ashford, Slesnick, Reece, Boyd, Cera, Rogers, Craig, O'Brien, M., Boyce, Patterson

A BILL

To amend section 4117.08 and to enact sections 1
9.71, 9.72, 9.73, 9.74, 9.75, 9.76, 9.77, 9.78, 2
9.79, 142.01, 142.02, 142.03, 142.04, 142.05, 3
142.06, 142.07, 142.08, 142.09, 142.10, 4113.42, 4
and 4117.141 of the Revised Code to require a 5
contractor or person submitting a bid or other 6
proposal for a state contract or a business 7
entity applying for a grant or other economic 8
incentive from a state agency to obtain an equal 9
pay certificate, to require state agencies and 10
political subdivisions to establish a job 11
evaluation system to identify and eliminate sex- 12
based wage disparities among classes of 13
employees, and to prohibit an employer from 14
retaliating against an employee who discusses 15
the employee's salary or wage rate with another 16
employee. 17

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

Section 1. That section 4117.08 be amended and sections 18
9.71, 9.72, 9.73, 9.74, 9.75, 9.76, 9.77, 9.78, 9.79, 142.01, 19
142.02, 142.03, 142.04, 142.05, 142.06, 142.07, 142.08, 142.09, 20
142.10, 4113.42, and 4117.141 of the Revised Code be enacted to 21
read as follows: 22

Sec. 9.71. As used in sections 9.71 to 9.79 of the Revised 23
Code: 24

(A) "Business entity" means a corporation, partnership, 25
association, firm, sole proprietorship, limited liability 26
corporation, limited liability partnership, or other entity 27
engaged in business. 28

(B) "Construction manager" and "construction manager at 29
risk" have the same meanings as in section 9.33 of the Revised 30
Code. 31

(C) "Contractor" means any person who undertakes to 32
construct, alter, erect, improve, repair, demolish, remove, dig, 33
or drill any part of a public improvement under a contract, and 34
includes a construction manager, construction manager at risk, 35
and design-build firm. 36

(D) "Design-build firm" has the same meaning as in section 37
153.65 of the Revised Code. 38

(E) "EEO-1 report" means the report required by the United 39
States equal employment opportunity commission under 29 C.F.R. 40
1602.7. 41

(F) "Public improvement" means any construction, 42
reconstruction, improvement, enlargement, alteration, 43
demolition, or repair of a building, highway, drainage system, 44
water system, road, street, alley, sewer, ditch, sewage disposal 45
plant, water works, and any other structure or work of any 46

nature by a state agency. 47

(G) "State agency" has the same meaning as in section 1.60 48
of the Revised Code. 49

Sec. 9.72. (A) (1) No state agency shall award a contract 50
for a public improvement to a contractor who employs four or 51
more full-time employees on any day in the prior twelve months 52
in the state where the contractor has the contractor's principal 53
place of business unless the contractor meets one of the 54
following conditions: 55

(a) The contractor has obtained an equal pay certificate 56
issued under section 9.73 of the Revised Code. 57

(b) The contractor has certified that the contractor is 58
exempt from obtaining a certificate pursuant to division (B) of 59
this section in accordance with rules adopted by the director of 60
administrative services. 61

(2) No state agency shall award a contract to provide 62
goods or services to a state agency to a person who employs four 63
or more full-time employees on any day in the prior twelve 64
months in the state where the person has the person's principal 65
place of business unless the person meets one of the following 66
conditions: 67

(a) The person has obtained an equal pay certificate 68
issued under section 9.73 of the Revised Code. 69

(b) The person has certified that the person is exempt 70
from obtaining a certificate pursuant to division (B) of this 71
section in accordance with rules adopted by the director. 72

(3) No state agency shall award a grant or other economic 73
incentive to a business entity that employs four or more full- 74

time employees on any day in the prior twelve months in the 75
state where the business entity has the business entity's 76
principal place of business, including if the award is being 77
made upon recommendation of the nonprofit corporation formed 78
under section 187.01 of the Revised Code, unless the business 79
entity meets one of the following conditions: 80

(a) The business entity has obtained an equal pay 81
certificate issued under section 9.73 of the Revised Code. 82

(b) The business entity has certified that the business 83
entity is exempt from obtaining a certificate pursuant to 84
division (B) of this section in accordance with rules adopted by 85
the director of administrative services. 86

(B) This section does not apply to a contractor, person, 87
or business entity described in division (A) of this section, 88
with respect to a specific contract for a public improvement, to 89
provide goods or services to a state agency, or to a specific 90
grant or other economic incentive, if the director determines 91
that compliance with division (A) of this section would cause 92
undue hardship to the contractor, person, or business entity. 93

(C) The director shall adopt rules in accordance with 94
Chapter 119. of the Revised Code to do all of the following: 95

(1) Establish procedures to apply for and requirements to 96
obtain an exemption described in division (A) of this section; 97

(2) Define "undue hardship" for purposes of division (B) 98
of this section; 99

(3) Procedures to renew a certificate. 100

(D) The director shall provide technical assistance to a 101
contractor, person, or business entity who requests assistance 102

regarding compliance with sections 9.71 to 9.79 of the Revised 103
Code. 104

Sec. 9.73. (A) A contractor wishing to be awarded a 105
contract for a public improvement, a person wishing to provide 106
goods or services to a state agency, or a business entity 107
wishing to be awarded a grant or other economic incentive shall 108
apply for a certificate required by section 9.72 of the Revised 109
Code by submitting a twenty-five-dollar filing fee and an equal 110
pay compliance statement described in this section to the 111
director of administrative services. An equal pay compliance 112
statement shall be signed by the contractor, person, or the 113
chief executive officer of the business entity and contain all 114
of the following information: 115

(1) That the contractor, person, or business entity is in 116
compliance with Title VII of the Civil Rights Act of 1964, 42 117
U.S.C. 2000e et seq., the Equal Pay Act of 1963, 29 U.S.C. 118
206(d), Chapter 4112. of the Revised Code, and section 4111.17 119
of the Revised Code; 120

(2) That the average compensation for female employees is 121
not consistently below the average compensation for male 122
employees within each of the major job categories in the 123
contractor's, person's, or business entity's EEO-1 report, if 124
the contractor, person, or business entity is required to file 125
that report, taking into account all of the following factors: 126

(a) Length of service; 127

(b) Requirements of specific jobs; 128

(c) Experience; 129

(d) Skill; 130

<u>(e) Effort;</u>	131
<u>(f) Responsibility;</u>	132
<u>(g) Working conditions of the job;</u>	133
<u>(h) Other mitigating factors.</u>	134
<u>(3) That employees of one sex are not restricted to</u> <u>certain job classifications;</u>	135 136
<u>(4) That the contractor, person, or business entity makes</u> <u>retention and promotion decisions without regard to sex;</u>	137 138
<u>(5) That compensation and benefit disparities are</u> <u>corrected when identified;</u>	139 140
<u>(6) The frequency in which compensation and benefits are</u> <u>evaluated to ensure compliance with the laws listed in division</u> <u>(A)(1) of this section;</u>	141 142 143
<u>(7) Which of the following approaches a contractor,</u> <u>person, or business entity uses in setting compensation and</u> <u>benefits:</u>	144 145 146
<u>(a) Market pricing;</u>	147
<u>(b) State prevailing wage or labor organization contract</u> <u>requirements;</u>	148 149
<u>(c) A performance pay system;</u>	150
<u>(d) Internal analysis;</u>	151
<u>(e) An alternative approach as described by the</u> <u>contractor, person, or business entity.</u>	152 153
<u>(8) That employees of the contractor, person, or business</u> <u>entity are able to contact the contractor's, person's, or</u> <u>business entity's human resources department and request to see</u>	154 155 156

how the employee's compensation compares with other employees 157
with jobs of "comparable skill, effort, responsibility, and 158
working conditions." 159

(B) Receipt of an equal pay compliance statement by the 160
director does not establish a contractor's, person's, or 161
business entity's compliance with the laws listed in division 162
(A) (1) of this section. 163

(C) The director shall reject an application only if the 164
statement described in division (A) of this section submitted by 165
the contractor, person, or business entity does not comply with 166
the requirements of that division or the contractor, person, or 167
business entity fails to submit the required fee. The director 168
shall issue a certificate or, if the director rejects an 169
application, a statement explaining the reason for the 170
rejection, to a contractor, person, or business entity within 171
fifteen days after receiving an application submitted under this 172
section. A certificate issued under this section is valid for a 173
period of four years and may be renewed in accordance with rules 174
adopted by the director. 175

Sec. 9.74. (A) (1) The director of administrative services, 176
in accordance with Chapter 119. of the Revised Code, may suspend 177
or revoke a certificate for any of the following reasons: 178

(a) The contractor, person, or business entity fails to 179
comply with the laws listed in division (A) (1) of section 9.73 180
of the Revised Code; 181

(b) The contractor, person, or business entity has 182
multiple violations of the laws listed in division (A) (1) of 183
section 9.73 of the Revised Code; 184

(c) The contractor, person, or business entity fails to 185

comply with section 9.72 of the Revised Code. 186

(2) The director shall provide a contractor, person, or 187
business entity an opportunity to comply with section 9.72 or 188
9.73 of the Revised Code before suspending or revoking the 189
contractor's, person's, or business entity's certificate. 190

(B) A state agency, in accordance with Chapter 119. of the 191
Revised Code, may abridge or terminate a contract with a 192
contractor or person or revoke a grant or other economic 193
incentive from a business entity upon notice that the director 194
has suspended or revoked the certificate issued to a contractor, 195
person, or business entity. 196

(C) The director may void a contract or revoke a grant or 197
other economic incentive on behalf of a state agency if a 198
contractor, person, or business entity is not in compliance with 199
section 9.72 or 9.73 of the Revised Code. 200

(D) The director shall notify a state agency that has an 201
agreement with a contractor or person or has awarded a grant or 202
other economic incentive to a business entity before the 203
director voids the contract or revokes the grant or other 204
economic incentive under division (C) of this section. 205

Sec. 9.75. (A) The director of administrative services 206
shall notify a contractor, person, or business entity who holds 207
a certificate issued under section 9.73 of the Revised Code by 208
certified mail of the director's decision to suspend or revoke a 209
contractor's, person's, or business entity's certificate under 210
section 9.74 of the Revised Code. 211

(B) A state agency shall notify a contractor, person, or 212
business entity by certified mail of the state agency's decision 213
to abridge or terminate a contractor's or person's contract or 214

to revoke a business entity's grant or other economic incentive 215
under section 9.74 of the Revised Code. 216

Sec. 9.76. The director of administrative services may 217
audit a contractor, person, or business entity described in 218
section 9.72 of the Revised Code to determine whether the 219
contractor, person, or business entity is in compliance with 220
section 9.72 or 9.73 of the Revised Code. As part of an audit, a 221
contractor, person, or business entity shall provide to the 222
director information for all employees expected to perform work 223
under the contract, grant, or other economic incentive for each 224
of the major job categories included in the contractor's, 225
person's, or business entity's EEO-1 report if the contractor, 226
person, or business entity is required to file that report. As a 227
part of an audit, the contractor, person, or business entity 228
shall provide all of the following information to the director: 229

(A) Number of male employees; 230

(B) Number of female employees; 231

(C) Average length of service for male employees and for 232
female employees within each major job category; 233

(D) Average annualized salaries paid to male employees and 234
to female employees within each major job category, in the 235
manner most consistent with the compensation system identified 236
by the contractor, person, or business entity under division (A) 237
(7) of section 9.73 of the Revised Code; 238

(E) Performance payments, benefits, or other elements of 239
compensation, in the manner most consistent with the 240
compensation system identified by the contractor, person, or 241
business entity under division (A) (7) of section 9.73 of the 242
Revised Code; 243

(F) Other information identified by the director as 244
necessary to determine compliance with division (A) of section 245
9.73 of the Revised Code. 246

Sec. 9.77. (A) Any data on individuals submitted to the 247
director of administrative services under division (A) of 248
section 9.73 of the Revised Code shall be confidential and is 249
not a public record under section 149.43 of the Revised Code. 250

(B) A record of the director's decision to issue, not 251
issue, revoke, or suspend a certificate is a public record. 252

Sec. 9.78. Not later than January 31, 2018, and every two 253
years thereafter, the director of administrative services shall 254
submit a report of the activities of the department of 255
administrative services regarding certificates issued under 256
section 9.73 of the Revised Code to the governor and the general 257
assembly. The report shall contain all of the following 258
information: 259

(A) The number of certificates issued; 260

(B) The number of audits conducted under section 9.76 of 261
the Revised Code; 262

(C) The processes contractors for public improvements, 263
persons wishing to provide goods or services to a state agency, 264
or business entities awarded a grant or other economic incentive 265
use to ensure compliance with division (A) of section 9.73 of 266
the Revised Code; 267

(D) A summary of the director's auditing efforts under 268
section 9.76 of the Revised Code. 269

Sec. 9.79. There is hereby created in the state treasury 270
the equal pay certificate fund. The fund shall consist of all 271

certificate filing fees collected by the director of 272
administrative services under division (A) of section 9.73 of 273
the Revised Code. Money in the fund shall be used by the 274
department of administrative services to administer sections 275
9.71 to 9.79 of the Revised Code. Investment earnings of the 276
fund shall be credited to the fund. 277

Sec. 142.01. As used in this chapter: 278

(A) "Balanced class" means any class in which both of the 279
following conditions apply: 280

(1) Not more than eighty per cent of the members are male; 281

(2) Not more than seventy per cent of the members are 282
female. 283

(B) "Comparable work value" means the value of work 284
measured by skill, effort, responsibility, and working 285
conditions normally required in the performance of the work. 286

(C) "Class" means one or more positions in public 287
employment that have similar duties, responsibilities, and 288
general qualifications necessary to perform the duties, with 289
comparable selection procedures used to recruit employees, and 290
use of the same compensation schedule. 291

(D) "Equitable compensation relationship" means that the 292
compensation for female-dominated classes is not consistently 293
below the compensation for male-dominated classes of comparable 294
work value, as determined under section 142.04 of the Revised 295
Code, for each public employer. 296

(E) "Exclusive representative" has the same meaning as in 297
section 4117.01 of the Revised Code. 298

(F) "Female-dominated class" means any class in which 299

seventy per cent or more of the members are female. 300

(G) "Male-dominated class" means any class in which eighty per cent or more of the members are male. 301
302

(H) "Position" means a group of current duties and responsibilities assigned or delegated by a supervisor to an employee. 303
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(I) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 306
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(J) "Public employer" means either of the following: 310

(1) A state agency; 311

(2) A political subdivision. 312

(K) "State agency" means any organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government. 313
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Sec. 142.02. Subject to Chapter 4117. and sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, but notwithstanding any other law to the contrary, every public employer shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees to eliminate sex-based wage disparities in public employment in this state. A public employer shall make the comparable work value of a position in relationship to other employee positions a primary consideration in negotiating, establishing, recommending, and approving compensation. 316
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Nothing in this chapter limits the ability of the parties to collectively bargain in good faith. 326
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Sec. 142.03. (A) The director of administrative services, 328
in establishing the job classification plan and assigning pay 329
ranges pursuant to section 124.14 of the Revised Code, and any 330
other public employer with the authority to determine 331
compensation for the employees of the public employer, shall 332
assure all of the following, as applicable: 333

(1) That compensation for positions in the classified 334
civil service and unclassified civil service bear reasonable 335
relationship to one another; 336

(2) That compensation for positions bears a reasonable 337
relationship to similar positions outside of that particular 338
public employer; 339

(3) That compensation for positions within the public 340
employer's workforce bears a reasonable relationship among 341
various classes and among various levels within the same 342
occupation group. 343

(B) For purposes of division (A) of this section, 344
compensation for a position bears a "reasonable relationship" to 345
another position if both of the following conditions are 346
satisfied: 347

(1) Compensation for positions that require comparable 348
skill, effort, responsibility, working conditions, and other 349
relevant work-related criteria is comparable; 350

(2) Compensation for positions that require differing 351
skill, effort, responsibility, working conditions, and other 352
relevant work-related criteria is proportional to the skill, 353
effort, responsibility, working conditions, and other relevant 354
work-related criteria required. 355

Sec. 142.04. (A) Every public employer shall establish a 356

job evaluation system and use that system to determine the 357
comparable work value of the work performed by each class of the 358
public employer's employees. A public employer may adopt the job 359
evaluation system established by any other public employer. 360

A public employer shall meet and confer with the exclusive 361
representative of the public employer's employees on the 362
development or selection of a job evaluation system. 363

(B) (1) A public employer shall maintain and update a job 364
evaluation system established by the public employer to account 365
for both of the following: 366

(a) New employee classes; 367

(b) Changes in factors affecting the comparable work value 368
of existing classes. 369

(2) A public employer that substantially modifies the 370
public employer's job evaluation system or adopts a new job 371
evaluation system shall notify the director of budget and 372
management. 373

Sec. 142.05. Every public employer shall submit a report 374
containing the results of the job evaluation system conducted 375
under section 142.04 of the Revised Code to the exclusive 376
representative selected by the public employer's employees under 377
section 4117.05 of the Revised Code to be used by both parties 378
in negotiations for collective bargaining agreements. The report 379
shall contain the following information: 380

(A) The female-dominated classes of a public employer for 381
which compensation inequity exists, based on the comparable work 382
value; 383

(B) All data not on individuals used to support the 384

<u>findings in division (A) of this section.</u>	385
<u>Sec. 142.06. (A) (1) Each public employer shall submit an</u>	386
<u>implementation report to the director of budget and management</u>	387
<u>that contains all of the following information, as of the</u>	388
<u>thirty-first day of December of the preceding year:</u>	389
<u>(a) A list of all job classes of the public employer;</u>	390
<u>(b) The number of employees in each class listed in</u>	391
<u>division (A) (1) (a) of this section;</u>	392
<u>(c) The number of female employees in each class listed in</u>	393
<u>division (A) (1) (a) of this section;</u>	394
<u>(d) An identification of each class listed in division (A)</u>	395
<u>(1) (a) of this section as male-dominated, female-dominated, or</u>	396
<u>balanced;</u>	397
<u>(e) The comparable work value of each class listed in</u>	398
<u>division (A) (1) (a) of this section as determined by the job</u>	399
<u>evaluation system used by the public employer under section</u>	400
<u>142.04 of the Revised Code;</u>	401
<u>(f) The minimum and maximum salary for each class listed</u>	402
<u>in division (A) (1) (a) of this section, if salary ranges have</u>	403
<u>been established, and the amount of time in employment required</u>	404
<u>to qualify for the maximum salary;</u>	405
<u>(g) Any additional cash compensation paid to members of a</u>	406
<u>class listed in division (A) (1) (a) of this section;</u>	407
<u>(h) Any additional information requested by the director.</u>	408
<u>(2) The director shall adopt rules in accordance with</u>	409
<u>Chapter 119. of the Revised Code to establish a schedule to</u>	410
<u>stagger the submission of the implementation reports required by</u>	411

division (A) (1) of this section. Each public employer shall 412
submit a report every three years, with the first set of reports 413
due to the director not later than the thirty-first day of 414
January immediately following the effective date of this 415
section. 416

(B) A state agency that fails to submit an implementation 417
report is subject to the penalty described in section 142.07 of 418
the Revised Code. 419

Sec. 142.07. (A) The director of budget and management 420
shall review the implementation reports the director receives 421
under section 142.06 of the Revised Code to determine whether a 422
public employer has established equitable compensation 423
relationships as required under section 142.02 of the Revised 424
Code. The director shall notify a public employer in writing if 425
the director determines that the public employer has complied 426
with the requirement of that section. 427

(B) If the director finds that a public employer did not 428
comply with that section, the director shall issue a statement 429
to the public employer in writing containing the following 430
information: 431

(1) A detailed description of the basis of the finding of 432
noncompliance; 433

(2) Specific recommended actions the public employer is 434
required to take to comply with that section; 435

(3) An estimate of the cost to the public employer to 436
comply with that section. 437

(C) (1) A public employer shall notify the director in 438
writing of a disagreement with a finding of the director under 439
division (B) of this section. The director shall provide the 440

public employer a specified time period in which to submit 441
additional evidence to support the employer's claim of 442
compliance with the requirements of section 142.02 of the 443
Revised Code. That evidence may include any of the following: 444

(a) Recruitment difficulties; 445

(b) Retention difficulties; 446

(c) Recent conciliation awards made under section 4117.14 447
of the Revised Code that are inconsistent with equitable 448
compensation relationships under section 142.02 of the Revised 449
Code; 450

(d) Information that demonstrates that the employer made a 451
good faith effort to comply with section 142.02 of the Revised 452
Code, including constraints faced by the employer; 453

(e) A plan for the employer to comply with that section. 454

(2) The public employer shall specify with the evidence a 455
date for additional review by the director. 456

(D) (1) If a state agency does not make changes to comply 457
with the requirements of section 142.02 of the Revised Code 458
within a reasonable time period established by the director, the 459
director shall assess a fine of one hundred dollars for each day 460
the state agency remains noncompliant. The penalty remains in 461
effect until the state agency demonstrates that the state agency 462
has complied with section 142.02 of the Revised Code. 463

(2) The director may suspend the penalty imposed on a 464
state agency under division (D) (1) of this section for any of 465
the following reasons: 466

(a) The state agency's failure to comply was attributable 467
to circumstances beyond the control of the state agency. 468

(b) The state agency's failure to comply was attributable 469
to severe hardship of the state agency. 470

(c) The noncompliance is a result of factors unrelated to 471
the sex of the members of the affected classes, and the state 472
agency is taking steps to comply with the requirements of 473
section 142.02 of the Revised Code to the extent possible. 474

(E) A state agency may appeal a penalty imposed under 475
division (D) (1) of this section to the director within thirty 476
days after the director assesses the penalty. The director shall 477
not impose the penalty on a state agency while an appeal is 478
pending. 479

Sec. 142.08. On or before the first day of January 480
immediately following the effective date of this section, and on 481
or before the first day of January thereafter, the director of 482
budget and management shall submit a report on the status of 483
compliance of public employers with section 142.02 of the 484
Revised Code to the general assembly. The report shall contain 485
all of the following information: 486

(A) A list of the public employers in compliance with the 487
requirements of section 142.02 of the Revised Code; 488

(B) The estimated cost of each public employer to be 489
compliant with those requirements; 490

(C) A list of the public employers the director found to 491
be not in compliance with section 142.02 of the Revised Code; 492

(D) The basis for the director's finding in division (C) 493
of this section; 494

(E) The list of recommended changes the public employers 495
listed in division (C) of this section must make to comply with 496

<u>section 142.02 of the Revised Code;</u>	497
<u>(F) The estimated cost for each public employer to become</u>	498
<u>compliant with section 142.02 of the Revised Code;</u>	499
<u>(G) A list of the public employers who did not comply with</u>	500
<u>the reporting requirements in section 142.07 of the Revised</u>	501
<u>Code;</u>	502
<u>(H) Any additional information the director determines the</u>	503
<u>general assembly needs to know from a public employer.</u>	504
<u>Sec. 142.09. Notwithstanding division (A) of section</u>	505
<u>4117.11 of the Revised Code, it is not an unfair labor practice</u>	506
<u>for a public employer to specify an amount of funds to be used</u>	507
<u>solely to correct inequitable compensation relationships.</u>	508
<u>This chapter does not diminish the duty of a public</u>	509
<u>employer to bargain in good faith under Chapter 4117. of the</u>	510
<u>Revised Code.</u>	511
<u>Sec. 142.10. The Ohio civil rights commission or any court</u>	512
<u>of this state may use either of the following as evidence in any</u>	513
<u>proceeding or action alleging that an unlawful discriminatory</u>	514
<u>practice, as defined in section 4112.01 of the Revised Code, has</u>	515
<u>been committed:</u>	516
<u>(A) The results of any job evaluation system established</u>	517
<u>under section 142.04 of the Revised Code;</u>	518
<u>(B) A report compiled by a public employer under section</u>	519
<u>142.05 of the Revised Code.</u>	520
<u>Sec. 4113.42. (A) As used in this section, "employee" and</u>	521
<u>"employer" have the same meanings as in section 4113.51 of the</u>	522
<u>Revised Code.</u>	523

(B) No employer shall discharge or otherwise retaliate 524
against an employee because the employee has discussed the 525
employee's salary or wage rate with another employee. 526

Sec. 4117.08. (A) All matters pertaining to wages, hours, 527
or terms and other conditions of employment and the 528
continuation, modification, or deletion of an existing provision 529
of a collective bargaining agreement are subject to collective 530
bargaining between the public employer and the exclusive 531
representative, except as otherwise specified in this section 532
and division (E) of section 4117.03 of the Revised Code. 533

(B) The conduct and grading of civil service examinations, 534
the rating of candidates, the establishment of eligible lists 535
from the examinations, and the original appointments from the 536
eligible lists are not appropriate subjects for collective 537
bargaining. 538

(C) Unless a public employer agrees otherwise in a 539
collective bargaining agreement, nothing in Chapter 4117. of the 540
Revised Code impairs the right and responsibility of each public 541
employer to: 542

(1) Determine matters of inherent managerial policy which 543
include, but are not limited to, areas of discretion or policy 544
such as the functions and programs of the public employer, 545
standards of services, its overall budget, utilization of 546
technology, and organizational structure; 547

(2) Direct, supervise, evaluate, or hire employees; 548

(3) Maintain and improve the efficiency and effectiveness 549
of governmental operations; 550

(4) Determine the overall methods, process, means, or 551
personnel by which governmental operations are to be conducted; 552

(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;

(6) Determine the adequacy of the work force;

(7) Determine the overall mission of the employer as a unit of government;

(8) Effectively manage the work force;

(9) Take actions to carry out the mission of the public employer as a governmental unit.

The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement.

(D) (1) A public employer shall assure that all of the following occur in preparation for negotiating a collective bargaining agreement, if applicable:

(a) That compensation for positions in the classified civil service and unclassified civil service bear reasonable relationship to one another;

(b) That compensation for positions bears a reasonable relationship to similar positions outside of that particular public employer;

(c) That compensation for positions within the public employer's workforce bears a reasonable relationship among

various classes and among various levels within the same 581
occupation group. 582

(2) As used in division (D) (1) of this section, 583
"reasonable relationship" has the same meaning as in section 584
142.03 of the Revised Code. 585

Sec. 4117.141. (A) As used in this section, "balanced 586
class" has the same meaning as in section 142.01 of the Revised 587
Code. 588

(B) A fact-finding panel or a conciliator appointed under 589
section 4117.14 of the Revised Code shall consider all of the 590
following in any settlement of a dispute involving a class other 591
than a balanced class under Chapter 142. of the Revised Code: 592

(a) The equitable compensation relationship standards 593
established in section 142.02 of the Revised Code; 594

(b) The reasonable compensation relationships established 595
under section 142.03 of the Revised Code; 596

(c) The results of a job evaluation system conducted under 597
section 142.04 of the Revised Code; 598

(d) Any employee objections to the job evaluation system. 599

(B) In settlements of disputes involving a balanced class, 600
the fact-finding panel or conciliator shall consider similar 601
classifications of other public employers. The fact-finding 602
panel or conciliator also may consider the standards established 603
under section 142.02 of the Revised Code and the results of, and 604
any employee objections to, a job evaluation system conducted 605
under section 142.04 of the Revised Code. 606

(C) In collective bargaining involving a balanced class, 607
the parties shall consider similar classifications of other 608

public employers. The parties also may consider the equitable 609
compensation relationship standards established under section 610
142.02 of the Revised Code and the results of a job evaluation 611
system conducted under section 142.04 of the Revised Code. 612

Section 2. That existing section 4117.08 of the Revised 613
Code is hereby repealed. 614