



Ohio Legislative Service Commission

Bill Analysis

Meredith L. Rockwell

Sub. H.B. 271

128th General Assembly
(As Passed by the House)

Reps. Patten and Stewart, DeGeeter, Dodd, Domenick, Foley, Garland, Gerberry, Goyal, Hagan, Harris, Letson, Luckie, Mallory, Murray, Oelslager, Phillips, Pryor, Szollosi, Ujvagi, Brown, Book, Boyd, Carney, Celeste, Chandler, DeBose, Driehaus, Dyer, Fende, Garrison, Harwood, Heard, Lundy, Okey, Otterman, Pillich, Sayre, Skindell, Slesnick, Weddington, B. Williams, S. Williams, Winburn, Yates, Yuko

BILL SUMMARY

- Provides that a township is considered to be a public employer for purposes of the Public Employees' Collective Bargaining Law with respect to members of the township fire department if the township has a population of less than 5,000 in its unincorporated area, but has a total population of at least 5,000 in both the incorporated and unincorporated areas of the township served by the fire department.

CONTENT AND OPERATION

The Public Employees' Collective Bargaining Law (PECBL) permits certain public employees to bargain collectively with their public employers concerning wages, hours, terms, and conditions of employment and the continuation, modification, or deletion of an existing collective bargaining agreement (R.C. 4117.08(A), not in the bill). Current law defines "public employer" to include a township with a population of at least 5,000 in its unincorporated area according to the most recent federal decennial census (R.C. 4117.01(B)(1)). A township with a population of less than 5,000 in its unincorporated area is not a public employer and thus is excluded from the scope of the PECBL. However, it appears that such a township may elect to collectively bargain with the township's employees.¹

¹ See, e.g., *In re Mingo Junction Safety Forces Assn., Local No. 1* (1991), 74 Ohio App.3d 313, 320 and *Village of Dublin* (1986), 1986 OPER (LRP) LEXIS 279.

The bill expands the definition of "public employer" for purposes of the PECBL to include, in addition, that a township is considered to be a public employer with respect to members of the township fire department if the township has a population of less than 5,000 in its unincorporated area, but has a total population of at least 5,000 in the incorporated and unincorporated areas of the township served by the fire department (R.C. 4117.01(B)(2)). Thus, if the employees of the township's fire department elects to collectively bargain, and requirements specified in the PECBL are satisfied, the township is required to collectively bargain with those employees.

Under the bill, an agreement entered into between such a township and an employee organization representing the members of the township's fire department must contain a provision stating that if any incorporated municipal corporation located within the township elect to no longer receive fire protection through the township and, as a result, the population served by that township's fire department becomes less than 5,000 according to the most recent federal decennial census, the township, at the township's option, may terminate the agreement between the township and the employee organization (R.C. 4117.09(F)).

HISTORY

ACTION	DATE
Introduced	08-18-09
Reported, H. Commerce & Labor	11-18-09
Passed House (54-42)	12-08-09

h0271-ph-128.docx/kl