

House Civil Justice Committee
Interested Party Testimony
Senate Bill 4
Stephen Buehrer, Legislative Counsel
Protect Ohio Pensions
April 20, 2021

Chairman Hillyer, Vice Chairman Grendell and Ranking Member Galonski,

Thank you for the opportunity to present interested party testimony on Senate Bill 4. My name is Steve Buehrer, legislative counsel for Protect Ohio Pensions (POP5). The purpose of POP 5 is to support and protect the defined benefit plans of all five of Ohio's retirement funds. This mission is achieved through education aimed at ensuring the stability of the funds and their ability to provide a meaningful pension for Ohio's retired public employees.

As you are aware, the legislation before you exempts certain classes of employees from the Public Records Law. The bill continues a line of legislation in recent years, including House Bill 41 of the current General Assembly that exempts classes of public employees' addresses and other personal information from the Ohio Public Record Act.

Let me say first and foremost, POP 5 supports reasonable measures that are taken to protect the safety of Ohio's public workers. To the extent there have been demonstrated threats against certain individual classes of employees, measures that can prevent harm should be undertaken. Unfortunately, no enactment of legislative measures can completely remove all of the risks that Ohio workers, public and private, may face in performing their duties. Certainly, those public workers whose professional roles expose them to unique situations involving potentially violent clientele deserve not only our respect, but also our protection.

Despite these very real concerns, POP 5 would urge this committee and the General Assembly as a whole to be cautious in expanding the lists of employees whose records are exempt from the public records act beyond those that are truly necessary. Our view in this matter is twofold. First, Ohio has a long tradition of open access to public record. Ohioans have a legitimate interest in having access to all types of public records including the details of who the state in fact employs. Our purpose today is not to debate the appropriate lines of "citizens' right to know" through access to public records, but simply to remind you of this important balance.

The second reason for our testimony is a more practical one. POP 5 like every other retiree organization including organizations representing police, fire, teachers, school employees and every other group of public employee retirees receives its potential membership lists from the retirement systems through a public records request. The Ohio Revised Code in section 145.27 also supports this idea of granting retiree organizations access. However, once an employee by

the virtue of their employment in one of the exempted classes of workers is removed from the public records the retirement systems cannot provide those names to retiree organizations. This exemption, therefore, deprives certain retirees from the ability to gain the social as well as educational and advocacy benefits that membership in one of the retiree organizations could provide. We certainly acknowledge preventing physical danger to certain classes of employees may outweigh the positive benefits of having the opportunity to gather in membership and advocacy with other retirees. However, the purpose of our testimony is to raise your awareness of possible detrimental effects of passing legislation like Senate Bill 4. Our hope in the coming days is that bills like this one are narrowly tailored in a way that protects real threats of harm to public employees, not only speculative risk. If this wider definition of risk becomes more common place, then soon all employees' records will be exempt. This result will not only wipe from existence associations like POP 5 and others like it, but it will deprive our citizens as a whole from their fundamental right to public record access.

Mr. Chairman and members of the committee, we appreciate your time today and would appreciate your consideration of the issues we have raised in this bill as well as in future legislation.