

**As Recommended to the Senate Veterans and Public Safety Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 113**

**Senator Hoagland**

**Cosponsor: Senator Johnson**

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**A BILL**

To amend section 4117.10 and to enact sections 3.19 1  
and 124.95 of the Revised Code to prohibit a 2  
person who fails to comply with the Military 3  
Selective Service System from holding a public 4  
office or employment with the state. 5

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

**Section 1.** That section 4117.10 be amended and sections 6  
3.19 and 124.95 of the Revised Code be enacted to read as 7  
follows: 8

Sec. 3.19. (A) As used in this section, "public office" 9  
has the meaning defined in section 117.01 of the Revised Code. 10

(B) An individual who is required to register with the 11  
selective service system, and fails to do so in violation of 12  
section 3 of the "Military Selective Service Act," 50 U.S.C. 13  
3802, or who failed to do so before the requirement for the 14  
person to so register terminated or had become inapplicable to 15  
the individual, is incompetent to hold an appointed or elected 16  
position of a public office. 17

(C) An individual who, on or after August 1, 2002, 18

submitted an application for issuance or renewal of a license 19  
during the period of time that the individual was required to 20  
register with the selective service system is deemed to have 21  
given consent for the bureau of motor vehicles to register the 22  
individual with the selective service system, as required under 23  
section 4507.062 of the Revised Code, and shall not be 24  
considered incompetent to hold an appointed or elected position 25  
of a public office under division (B) of this section. 26

(D) This section does not apply to an individual, with 27  
respect to an appointed or elected position of a public office, 28  
held by the individual before the effective date of this 29  
section. 30

**Sec. 124.95.** (A) As used in this section: 31

(1) "State agency" means all of the following: 32

(a) An organized body, office, agency, institution, or 33  
other entity established by the laws of the state for the 34  
exercise of a function of state government; 35

(b) Any state-supported institution of higher education; 36

(c) The public employees retirement system; 37

(d) The Ohio police and fire pension fund; 38

(e) The state teachers retirement system; 39

(f) The school employees retirement system; 40

(g) The state highway patrol retirement system. 41

(2) "License" has the same meaning as in section 4507.062 42  
of the Revised Code. 43

(B) Except as provided in division (E) of this section, an 44  
individual who fails to register with the selective service 45

system in violation of section 3 of the "Military Selective Service Act," 50 U.S.C. 3802 shall be ineligible for an initial appointment to employment with a state agency. 46  
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(C) An appointing authority of a state agency shall ensure that an applicant for employment with the agency is in compliance with section 3 of the "Military Selective Service Act," 50 U.S.C. 3802 before making an offer of employment to the applicant. 49  
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(D) This section shall not be construed to require a state agency to remove an individual from employment with the agency, or take any other adverse employment action against an individual, if the individual is employed with the agency on the effective date of this section. 54  
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(E) An individual who, on or after August 1, 2002, submitted an application for issuance or renewal of a license during the period of time that the individual was required to register with the selective service system is deemed to have given consent for the bureau of motor vehicles to register the individual with the selective service system, as required under section 4507.062 of the Revised Code, and shall not be ineligible for an initial appointment to employment with a state agency under division (B) of this section. 59  
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**Sec. 4117.10.** (A) An agreement between a public employer and an exclusive representative entered into pursuant to this chapter governs the wages, hours, and terms and conditions of public employment covered by the agreement. If the agreement provides for a final and binding arbitration of grievances, public employers, employees, and employee organizations are subject solely to that grievance procedure and the state personnel board of review or civil service commissions have no 68  
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jurisdiction to receive and determine any appeals relating to	76
matters that were the subject of a final and binding grievance	77
procedure. Where no agreement exists or where an agreement makes	78
no specification about a matter, the public employer and public	79
employees are subject to all applicable state or local laws or	80
ordinances pertaining to the wages, hours, and terms and	81
conditions of employment for public employees. All of the	82
following prevail over conflicting provisions of agreements	83
between employee organizations and public employers:	84
(1) Laws pertaining to any of the following subjects:	85
(a) Civil rights;	86
(b) Affirmative action;	87
(c) Unemployment compensation;	88
(d) Workers' compensation;	89
(e) The retirement of public employees;	90
(f) Residency requirements;	91
(g) The minimum educational requirements contained in the	92
Revised Code pertaining to public education including the	93
requirement of a certificate by the fiscal officer of a school	94
district pursuant to section 5705.41 of the Revised Code;	95
(h) The provisions of division (A) of section 124.34 of	96
the Revised Code governing the disciplining of officers and	97
employees who have been convicted of a felony;	98
(i) The minimum standards promulgated by the state board	99
of education pursuant to division (D) of section 3301.07 of the	100
Revised Code.	101
(2) The law pertaining to the leave of absence and	102

compensation provided under section 5923.05 of the Revised Code, 103  
if the terms of the agreement contain benefits which are less 104  
than those contained in that section or the agreement contains 105  
no such terms and the public authority is the state or any 106  
agency, authority, commission, or board of the state or if the 107  
public authority is another entity listed in division (B) of 108  
section 4117.01 of the Revised Code that elects to provide leave 109  
of absence and compensation as provided in section 5923.05 of 110  
the Revised Code; 111

(3) The law pertaining to the leave established under 112  
section 5906.02 of the Revised Code, if the terms of the 113  
agreement contain benefits that are less than those contained in 114  
section 5906.02 of the Revised Code; 115

(4) The law pertaining to excess benefits prohibited under 116  
section 3345.311 of the Revised Code with respect to an 117  
agreement between an employee organization and a public employer 118  
entered into on or after ~~the effective date of this amendment~~ 119  
September 29, 2015; 120

(5) The law pertaining to ineligibility for an initial 121  
appointment with a state agency under section 124.95 of the 122  
Revised Code with respect to an agreement between an employee 123  
organization and a public employer entered into on or after the 124  
effective date of this amendment. 125

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 126  
the Revised Code and arrangements entered into thereunder, and 127  
section 4981.21 of the Revised Code as necessary to comply with 128  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 129  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 130  
entered into thereunder, this chapter prevails over any and all 131  
other conflicting laws, resolutions, provisions, present or 132

future, except as otherwise specified in this chapter or as 133  
otherwise specified by the general assembly. Nothing in this 134  
section prohibits or shall be construed to invalidate the 135  
provisions of an agreement establishing supplemental workers' 136  
compensation or unemployment compensation benefits or exceeding 137  
minimum requirements contained in the Revised Code pertaining to 138  
public education or the minimum standards promulgated by the 139  
state board of education pursuant to division (D) of section 140  
3301.07 of the Revised Code. 141

(B) The public employer shall submit a request for funds 142  
necessary to implement an agreement and for approval of any 143  
other matter requiring the approval of the appropriate 144  
legislative body to the legislative body within fourteen days of 145  
the date on which the parties finalize the agreement, unless 146  
otherwise specified, but if the appropriate legislative body is 147  
not in session at the time, then within fourteen days after it 148  
convenes. The legislative body must approve or reject the 149  
submission as a whole, and the submission is deemed approved if 150  
the legislative body fails to act within thirty days after the 151  
public employer submits the agreement. The parties may specify 152  
that those provisions of the agreement not requiring action by a 153  
legislative body are effective and operative in accordance with 154  
the terms of the agreement, provided there has been compliance 155  
with division (C) of this section. If the legislative body 156  
rejects the submission of the public employer, either party may 157  
reopen all or part of the entire agreement. 158

As used in this section, "legislative body" includes the 159  
governing board of a municipal corporation, school district, 160  
college or university, village, township, or board of county 161  
commissioners or any other body that has authority to approve 162  
the budget of their public jurisdiction and, with regard to the 163

state, "legislative body" means the controlling board. 164

(C) The chief executive officer, or the chief executive 165  
officer's representative, of each municipal corporation, the 166  
designated representative of the board of education of each 167  
school district, college or university, or any other body that 168  
has authority to approve the budget of their public 169  
jurisdiction, the designated representative of the board of 170  
county commissioners and of each elected officeholder of the 171  
county whose employees are covered by the collective 172  
negotiations, and the designated representative of the village 173  
or the board of township trustees of each township is 174  
responsible for negotiations in the collective bargaining 175  
process; except that the legislative body may accept or reject a 176  
proposed collective bargaining agreement. When the matters about 177  
which there is agreement are reduced to writing and approved by 178  
the employee organization and the legislative body, the 179  
agreement is binding upon the legislative body, the employer, 180  
and the employee organization and employees covered by the 181  
agreement. 182

(D) There is hereby established an office of collective 183  
bargaining in the department of administrative services for the 184  
purpose of negotiating with and entering into written agreements 185  
between state agencies, departments, boards, and commissions and 186  
the exclusive representative on matters of wages, hours, terms 187  
and other conditions of employment and the continuation, 188  
modification, or deletion of an existing provision of a 189  
collective bargaining agreement. Nothing in any provision of law 190  
to the contrary shall be interpreted as excluding the bureau of 191  
workers' compensation and the industrial commission from the 192  
preceding sentence. This office shall not negotiate on behalf of 193  
other statewide elected officials or boards of trustees of state 194

institutions of higher education who shall be considered as 195  
separate public employers for the purposes of this chapter; 196  
however, the office may negotiate on behalf of these officials 197  
or trustees where authorized by the officials or trustees. The 198  
staff of the office of collective bargaining are in the 199  
unclassified service. The director of administrative services 200  
shall fix the compensation of the staff. 201

The office of collective bargaining shall: 202

(1) Assist the director in formulating management's 203  
philosophy for public collective bargaining as well as planning 204  
bargaining strategies; 205

(2) Conduct negotiations with the exclusive 206  
representatives of each employee organization; 207

(3) Coordinate the state's resources in all mediation, 208  
fact-finding, and arbitration cases as well as in all labor 209  
disputes; 210

(4) Conduct systematic reviews of collective bargaining 211  
agreements for the purpose of contract negotiations; 212

(5) Coordinate the systematic compilation of data by all 213  
agencies that is required for negotiating purposes; 214

(6) Prepare and submit an annual report and other reports 215  
as requested to the governor and the general assembly on the 216  
implementation of this chapter and its impact upon state 217  
government. 218

**Section 2.** That existing section 4117.10 of the Revised 219  
Code is hereby repealed. 220