

As Introduced

136th General Assembly

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H. B. No. 191

Representatives Miller, J., Grim

**Cosponsors: Representatives Synenberg, McNally, Denson, Rader, Upchurch,
Russo, Mohamed, Abdullahi, Sigrist, Jarrells, Somani, Cockley, Brewer, Brownlee,
Brent, White, E., Thomas, C., Hall, D.**

To amend sections 3317.14, 4117.10, 5126.24, and	1
5705.412; to enact new section 3317.13; and to	2
repeal section 3317.13 of the Revised Code to	3
require that all school district and educational	4
service center teachers be paid a salary of at	5
least \$50,000.	6

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

Section 1. That sections 3317.14, 4117.10, 5126.24, and	7
5705.412 be amended and new section 3317.13 of the Revised Code	8
be enacted to read as follows:	9

<u>Sec. 3317.13. No city, local, exempted village, or joint</u>	10
<u>vocational school district board of education or educational</u>	11
<u>service center governing board shall pay a teacher a base salary</u>	12
<u>of less than fifty thousand dollars.</u>	13

Sec. 3317.14. Any school district board of education or	14
educational service center governing board participating in	15
funds distributed under Chapter 3317. of the Revised Code shall	16
annually adopt a teachers' salary schedule with provision for	17
increments based upon training and years of service.	18

Notwithstanding sections 3317.13 and 3319.088 of the Revised Code, the board may establish its own service requirements and may grant service credit for such activities as teaching in public or nonpublic schools in this state or in another state, for service as an educational assistant other than as a classroom aide employed in accordance with section 5107.541 of the Revised Code, and for service in the military or in an appropriate state or federal governmental agency, provided no teacher receives less than the amount required to be paid pursuant to section 3317.13 of the Revised Code ~~and provided full credit for a minimum of five years of actual teaching and military experience as defined in division (A) of section 3317.13 of the Revised Code is given to each teacher.~~

Each teacher who has completed training which would qualify such teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the treasurer of the board of education or educational service center satisfactory evidence of the completion of such additional training. The treasurer shall then immediately place the teacher, pursuant to this section ~~and section 3317.13 of the Revised Code~~, in the proper salary bracket in accordance with training and years of service before certifying such salary, training, and years of service to the department of education and workforce. ~~No teacher shall be paid less than the salary to which such teacher is entitled pursuant to section 3317.13 of the Revised Code.~~

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 50
subject solely to that grievance procedure and the state 51
personnel board of review or civil service commissions have no 52
jurisdiction to receive and determine any appeals relating to 53
matters that were the subject of a final and binding grievance 54
procedure. Where no agreement exists or where an agreement makes 55
no specification about a matter, the public employer and public 56
employees are subject to all applicable state or local laws or 57
ordinances pertaining to the wages, hours, and terms and 58
conditions of employment for public employees. All of the 59
following prevail over conflicting provisions of agreements 60
between employee organizations and public employers: 61

(1) Laws pertaining to any of the following subjects: 62

(a) Civil rights; 63

(b) Affirmative action; 64

(c) Unemployment compensation; 65

(d) Workers' compensation; 66

(e) The retirement of public employees; 67

(f) Residency requirements; 68

(g) The minimum educational requirements contained in the 69
Revised Code pertaining to public education including the 70
requirement of a certificate by the fiscal officer of a school 71
district pursuant to section 5705.41 of the Revised Code; 72

(h) The provisions of division (A) of section 124.34 of 73
the Revised Code governing the disciplining of officers and 74
employees who have been convicted of a felony; 75

(i) The minimum standards promulgated by the director of 76

education and workforce pursuant to division (D) of section 77
3301.07 of the Revised Code. 78

(2) The law pertaining to the leave of absence and 79
compensation provided under section 5923.05 of the Revised Code, 80
if the terms of the agreement contain benefits which are less 81
than those contained in that section or the agreement contains 82
no such terms and the public authority is the state or any 83
agency, authority, commission, or board of the state or if the 84
public authority is another entity listed in division (B) of 85
section 4117.01 of the Revised Code that elects to provide leave 86
of absence and compensation as provided in section 5923.05 of 87
the Revised Code; 88

(3) The law pertaining to the leave established under 89
section 5906.02 of the Revised Code, if the terms of the 90
agreement contain benefits that are less than those contained in 91
section 5906.02 of the Revised Code; 92

(4) The law pertaining to excess benefits prohibited under 93
section 3345.311 of the Revised Code with respect to an 94
agreement between an employee organization and a public employer 95
entered into on or after September 29, 2015. 96

(5) For any collective bargaining agreement entered into 97
on or after the effective date of this amendment, the law 98
pertaining to compensation required pursuant to section 3317.13 99
of the Revised Code, if the terms of the agreement provide for 100
wages or compensation that are less than the minimum required 101
under that section. 102

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 103
the Revised Code and arrangements entered into thereunder, and 104
section 4981.21 of the Revised Code as necessary to comply with 105

section 13(c) of the "Urban Mass Transportation Act of 1964," 87 106
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 107
entered into thereunder, this chapter prevails over any and all 108
other conflicting laws, resolutions, provisions, present or 109
future, except as otherwise specified in this chapter or as 110
otherwise specified by the general assembly. Nothing in this 111
section prohibits or shall be construed to invalidate the 112
provisions of an agreement establishing supplemental workers' 113
compensation or unemployment compensation benefits or exceeding 114
minimum requirements contained in the Revised Code pertaining to 115
public education or the minimum standards promulgated by the 116
director of education and workforce pursuant to division (D) of 117
section 3301.07 of the Revised Code. 118

(B) The public employer shall submit a request for funds 119
necessary to implement an agreement and for approval of any 120
other matter requiring the approval of the appropriate 121
legislative body to the legislative body within fourteen days of 122
the date on which the parties finalize the agreement, unless 123
otherwise specified, but if the appropriate legislative body is 124
not in session at the time, then within fourteen days after it 125
convenes. The legislative body must approve or reject the 126
submission as a whole, and the submission is deemed approved if 127
the legislative body fails to act within thirty days after the 128
public employer submits the agreement. The parties may specify 129
that those provisions of the agreement not requiring action by a 130
legislative body are effective and operative in accordance with 131
the terms of the agreement, provided there has been compliance 132
with division (C) of this section. If the legislative body 133
rejects the submission of the public employer, either party may 134
reopen all or part of the entire agreement. 135

As used in this section, "legislative body" includes the 136

governing board of a municipal corporation, school district, 137
college or university, village, township, or board of county 138
commissioners or any other body that has authority to approve 139
the budget of their public jurisdiction and, with regard to the 140
state, "legislative body" means the controlling board. 141

(C) The chief executive officer, or the chief executive 142
officer's representative, of each municipal corporation, the 143
designated representative of the board of education of each 144
school district, college or university, or any other body that 145
has authority to approve the budget of their public 146
jurisdiction, the designated representative of the board of 147
county commissioners and of each elected officeholder of the 148
county whose employees are covered by the collective 149
negotiations, and the designated representative of the village 150
or the board of township trustees of each township is 151
responsible for negotiations in the collective bargaining 152
process; except that the legislative body may accept or reject a 153
proposed collective bargaining agreement. When the matters about 154
which there is agreement are reduced to writing and approved by 155
the employee organization and the legislative body, the 156
agreement is binding upon the legislative body, the employer, 157
and the employee organization and employees covered by the 158
agreement. 159

(D) There is hereby established an office of collective 160
bargaining in the department of administrative services for the 161
purpose of negotiating with and entering into written agreements 162
between state agencies, departments, boards, and commissions and 163
the exclusive representative on matters of wages, hours, terms 164
and other conditions of employment and the continuation, 165
modification, or deletion of an existing provision of a 166
collective bargaining agreement. Nothing in any provision of law 167

to the contrary shall be interpreted as excluding the bureau of 168
workers' compensation and the industrial commission from the 169
preceding sentence. This office shall not negotiate on behalf of 170
other statewide elected officials or boards of trustees of state 171
institutions of higher education who shall be considered as 172
separate public employers for the purposes of this chapter; 173
however, the office may negotiate on behalf of these officials 174
or trustees where authorized by the officials or trustees. The 175
staff of the office of collective bargaining are in the 176
unclassified service. The director of administrative services 177
shall fix the compensation of the staff. 178

The office of collective bargaining shall: 179

(1) Assist the director in formulating management's 180
philosophy for public collective bargaining as well as planning 181
bargaining strategies; 182

(2) Conduct negotiations with the exclusive 183
representatives of each employee organization; 184

(3) Coordinate the state's resources in all mediation, 185
fact-finding, and arbitration cases as well as in all labor 186
disputes; 187

(4) Conduct systematic reviews of collective bargaining 188
agreements for the purpose of contract negotiations; 189

(5) Coordinate the systematic compilation of data by all 190
agencies that is required for negotiating purposes; 191

(6) Prepare and submit an annual report and other reports 192
as requested to the governor and the general assembly on the 193
implementation of this chapter and its impact upon state 194
government. 195

Sec. 5126.24. (A) As used in this section:

(1) "License" means an educator license issued by the state board of education under section 3319.22 of the Revised Code or a certificate issued by the department of developmental disabilities.

(2) "Teacher" means a person employed by a county board of developmental disabilities in a position that requires a license.

(3) "Nonteaching employee" means a person employed by a county board of developmental disabilities in a position that does not require a license.

(4) "Years of service" includes ~~all service described in division (A) of section 3317.13 of the Revised Code~~ the following:

(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22

of the Revised Code, regardless of training level, with each 225
year consisting of at least one hundred twenty days; 226

(d) All years of active military service in the armed 227
forces of the United States, as defined in section 3307.75 of 228
the Revised Code, to a maximum of five years. For purposes of 229
this calculation, a partial year of active military service of 230
eight continuous months or more in the armed forces shall be 231
counted as a full year. 232

(B) Subject to rules established by the director of 233
developmental disabilities pursuant to Chapter 119. of the 234
Revised Code, each county board of developmental disabilities 235
shall annually adopt separate salary schedules for teachers and 236
nonteaching employees. 237

(C) The teachers' salary schedule shall provide for 238
increments based on training and years of service. The board may 239
establish its own service requirements provided no teacher 240
receives less than the salary the teacher would be paid under 241
section 3317.13 of the Revised Code if the teacher were employed 242
by a school district board of education and provided full credit 243
for a minimum of five years of ~~actual teaching and military~~ 244
~~experience as defined in division (A) of such section~~ service is 245
given to each teacher. 246

Each teacher who has completed training that would qualify 247
the teacher for a higher salary bracket pursuant to this section 248
shall file by the fifteenth day of September with the fiscal 249
officer of the board, satisfactory evidence of the completion of 250
such additional training. The fiscal officer shall then 251
immediately place the teacher, pursuant to this section, in the 252
proper salary bracket in accordance with training and years of 253
service. No teacher shall be paid less than the salary to which 254

the teacher would be entitled under section 3317.13 of the 255
Revised Code if the teacher were employed by a school district 256
board of education. 257

The superintendent of each county board, on or before the 258
fifteenth day of October of each year, shall certify to the 259
state board of education and the department of education and 260
workforce the name of each teacher employed, on an annual 261
salary, in each special education program operated pursuant to 262
section 3323.09 of the Revised Code during the first full school 263
week of October. The superintendent further shall certify, for 264
each teacher, the number of years of training completed at a 265
recognized college, the degrees earned from a college recognized 266
by the department of education and workforce, the type of 267
license held, the number of months employed by the board, the 268
annual salary, and other information that the department may 269
request. 270

(D) The nonteaching employees' salary schedule established 271
by the board shall be based on training, experience, and 272
qualifications with initial salaries no less than salaries in 273
effect on July 1, 1985. Each board shall prepare and may amend 274
from time to time, specifications descriptive of duties, 275
responsibilities, requirements, and desirable qualifications of 276
the classifications of employees required to perform the duties 277
specified in the salary schedule. All nonteaching employees 278
shall be notified of the position classification to which they 279
are assigned and the salary for the classification. The 280
compensation of all nonteaching employees working for a 281
particular board shall be uniform for like positions except as 282
compensation would be affected by salary increments based upon 283
length of service. 284

On the fifteenth day of October of each year the 285
nonteaching employees' salary schedule and list of job 286
classifications and salaries in effect on that date shall be 287
filed by each board with the superintendent of public 288
instruction and the department. If such salary schedule and 289
classification plan is not filed, the director of education and 290
workforce shall order the board to file such schedule and list 291
forthwith. If this condition is not corrected within ten days 292
after receipt of the order from the director, no money shall be 293
distributed to the board under Chapter 3317. of the Revised Code 294
until the director has satisfactory evidence of the board's full 295
compliance with such order. 296

Sec. 5705.412. (A) As used in this section, "qualifying 297
contract" means any agreement for the expenditure of money under 298
which aggregate payments from the funds included in the school 299
district's five-year forecast under section 5705.391 of the 300
Revised Code will exceed the lesser of the following amounts: 301

(1) Five hundred thousand dollars; 302

(2) One per cent of the total revenue to be credited in 303
the current fiscal year to the district's general fund, as 304
specified in the district's most recent certificate of estimated 305
resources certified under section 5705.36 of the Revised Code. 306

(B) (1) Notwithstanding section 5705.41 of the Revised 307
Code, no school district shall adopt any appropriation measure, 308
make any qualifying contract, or increase during any school year 309
any wage or salary schedule unless there is attached thereto a 310
certificate, signed as required by this section, that the school 311
district has in effect the authorization to levy taxes including 312
the renewal or replacement of existing levies which, when 313
combined with the estimated revenue from all other sources 314

available to the district at the time of certification, are 315
sufficient to provide the operating revenues necessary to enable 316
the district to maintain all personnel and programs for all the 317
days set forth in its adopted school calendars for the current 318
fiscal year and for a number of days in succeeding fiscal years 319
equal to the number of days instruction was held or is scheduled 320
for the current fiscal year, as follows: 321

(a) A certificate attached to an appropriation measure 322
under this section shall cover only the fiscal year in which the 323
appropriation measure is effective and shall not consider the 324
renewal or replacement of an existing levy as the authority to 325
levy taxes that are subject to appropriation in the current 326
fiscal year unless the renewal or replacement levy has been 327
approved by the electors and is subject to appropriation in the 328
current fiscal year. 329

(b) A certificate attached, in accordance with this 330
section, to any qualifying contract shall cover the term of the 331
contract. 332

(c) A certificate attached under this section to a wage or 333
salary schedule shall cover the term of the schedule. 334

If the board of education has not adopted a school 335
calendar for the school year beginning on the first day of the 336
fiscal year in which a certificate is required, the certificate 337
attached to an appropriation measure shall include the number of 338
days on which instruction was held in the preceding fiscal year 339
and other certificates required under this section shall include 340
that number of days for the fiscal year in which the certificate 341
is required and any succeeding fiscal years that the certificate 342
must cover. 343

The certificate shall be signed by the treasurer and 344
president of the board of education and the superintendent of 345
the school district, unless the district is in a state of fiscal 346
emergency declared under Chapter 3316. of the Revised Code. In 347
that case, the certificate shall be signed by a member of the 348
district's financial planning and supervision commission who is 349
designated by the commission for this purpose. 350

(2) In lieu of the certificate required under division (B) 351
of this section, an alternative certificate stating the 352
following may be attached: 353

(a) The contract is a multi-year contract for materials, 354
equipment, or nonpayroll services essential to the education 355
program of the district; 356

(b) The multi-year contract demonstrates savings over the 357
duration of the contract as compared to costs that otherwise 358
would have been demonstrated in a single year contract, and the 359
terms will allow the district to reduce the deficit it is 360
currently facing in future years as demonstrated in its five- 361
year forecast adopted in accordance with section 5705.391 of the 362
Revised Code. 363

The certificate shall be signed by the treasurer and 364
president of the board of education and the superintendent of 365
the school district, unless the district is in a state of fiscal 366
emergency declared under Chapter 3316. of the Revised Code. In 367
that case, the certificate shall be signed by a member of the 368
district's financial planning and supervision commission who is 369
designated by the commission for this purpose. 370

(C) Every qualifying contract made or wage or salary 371
schedule adopted or put into effect without such a certificate 372

shall be void, and no payment of any amount due thereon shall be 373
made. 374

(D) The department of education and workforce and the 375
auditor of state jointly shall adopt rules governing the methods 376
by which treasurers, presidents of boards of education, 377
superintendents, and members of financial planning and 378
supervision commissions shall estimate revenue and determine 379
whether such revenue is sufficient to provide necessary 380
operating revenue for the purpose of making certifications 381
required by this section. 382

(E) The auditor of state shall be responsible for 383
determining whether school districts are in compliance with this 384
section. At the time a school district is audited pursuant to 385
section 117.11 of the Revised Code, the auditor of state shall 386
review each certificate issued under this section since the 387
district's last audit, and the appropriation measure, contract, 388
or wage and salary schedule to which such certificate was 389
attached. If the auditor of state determines that a school 390
district has not complied with this section with respect to any 391
qualifying contract or wage or salary schedule, the auditor of 392
state shall notify the prosecuting attorney for the county, the 393
city director of law, or other chief law officer of the school 394
district. That officer may file a civil action in any court of 395
appropriate jurisdiction to seek a declaration that the contract 396
or wage or salary schedule is void, to recover for the school 397
district from the payee the amount of payments already made 398
under it, or both, except that the officer shall not seek to 399
recover payments made under any collective bargaining agreement 400
entered into under Chapter 4117. of the Revised Code. If the 401
officer does not file such an action within one hundred twenty 402
days after receiving notice of noncompliance from the auditor of 403

state, any taxpayer may institute the action in the taxpayer's 404
own name on behalf of the school district. 405

(F) This section does not apply to any contract or 406
increase in any wage or salary schedule that is necessary in 407
order to enable a board of education to comply with ~~division (B)~~ 408
~~of~~ section 3317.13 of the Revised Code, provided the contract or 409
increase does not exceed the amount required to be paid to be in 410
compliance with ~~such division~~ that section. 411

(G) Any officer, employee, or other person who expends or 412
authorizes the expenditure of any public funds or authorizes or 413
executes any contract or schedule contrary to this section, 414
expends or authorizes the expenditure of any public funds on the 415
void contract or schedule, or issues a certificate under this 416
section which contains any false statements is liable to the 417
school district for the full amount paid from the district's 418
funds on the contract or schedule. The officer, employee, or 419
other person is jointly and severally liable in person and upon 420
any official bond that the officer, employee, or other person 421
has given to the school district to the extent of any payments 422
on the void claim, not to exceed ten thousand dollars. However, 423
no officer, employee, or other person shall be liable for a 424
mistaken estimate of available resources made in good faith and 425
based upon reasonable grounds. If an officer, employee, or other 426
person is found to have complied with rules jointly adopted by 427
the department of education and workforce and the auditor of 428
state under this section governing methods by which revenue 429
shall be estimated and determined sufficient to provide 430
necessary operating revenue for the purpose of making 431
certifications required by this section, the officer, employee, 432
or other person shall not be liable under this section if the 433
estimates and determinations made according to those rules do 434

not, in fact, conform with actual revenue. The prosecuting 435
attorney of the county, the city director of law, or other chief 436
law officer of the district shall enforce this liability by 437
civil action brought in any court of appropriate jurisdiction in 438
the name of and on behalf of the school district. If the 439
prosecuting attorney, city director of law, or other chief law 440
officer of the district fails, upon the written request of any 441
taxpayer, to institute action for the enforcement of the 442
liability, the attorney general, or the taxpayer in the 443
taxpayer's own name, may institute the action on behalf of the 444
subdivision. 445

(H) This section does not require the attachment of an 446
additional certificate beyond that required by section 5705.41 447
of the Revised Code for current payrolls of, or contracts of 448
employment with, any employees or officers of the school 449
district. 450

This section does not require the attachment of a 451
certificate to a temporary appropriation measure if all of the 452
following apply: 453

(1) The amount appropriated does not exceed twenty-five 454
per cent of the total amount from all sources available for 455
expenditure from any fund during the preceding fiscal year; 456

(2) The measure will not be in effect on or after the 457
thirtieth day following the earliest date on which the district 458
may pass an annual appropriation measure; 459

(3) An amended official certificate of estimated resources 460
for the current year, if required, has not been certified to the 461
board of education under division (B) of section 5705.36 of the 462
Revised Code. 463

Section 2. That existing sections 3317.14, 4117.10,	464
5126.24, and 5705.412 of the Revised Code are hereby repealed.	465
 Section 3. That section 3317.13 of the Revised Code is	466
hereby repealed.	467