

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 510

Representative Dean

A BILL

To amend sections 9.81, 4117.09, and 4117.11 and to
enact sections 4119.01, 4119.02, 4119.07,
4119.08, and 4119.99 of the Revised Code to
prohibit any requirement that employees join or
pay dues to an employee organization.

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

Section 1. That sections 9.81, 4117.09, and 4117.11 be
amended and sections 4119.01, 4119.02, 4119.07, 4119.08, and
4119.99 of the Revised Code be enacted to read as follows:

Sec. 9.81. After an authorization adopted under section
9.80 of the Revised Code, any public officer or employee of any
department or division of the state, any political subdivision
or school district thereof, or of any institution supported in
whole or in part by the state, a county, or municipal
corporation, who desires to make a contribution by the payroll
deduction plan to one or more of the specified charitable
agencies which are corporations not for profit, community
chest, united funds, or other similar united community fund
organizations, may be permitted to have such contribution
payments deducted from the salary or wages due such public

officer or employee by filing a written request and 20
authorization signed by such public officer or employee and 21
specifying the amount of the deduction in each payroll period 22
with the fiscal officer of the state, political subdivision, or 23
school district, or institution by which such public officer or 24
employee is employed. Such authorization may be withdrawn in 25
writing by such public officer or employee at any time. No funds 26
may be withheld from the salary or wages of any such public 27
officer or employee for the purposes permitted by sections 9.80 28
and 9.81 of the Revised Code unless the withholding is 29
specifically, freely, and voluntarily authorized by that public 30
officer or employee in writing. 31

Upon receipt of evidence of such request by the 32
appropriate fiscal officer, or upon receipt of a written 33
deduction authorization under division (B) (2) ~~or (C)~~ of section 34
4117.09 of the Revised Code, such fiscal officer shall make such 35
deduction and shall, at periodic intervals to the extent of the 36
amount collected, pay the designated charitable agencies which 37
are corporations not for profit, community chests, united funds, 38
or other similar united community fund organizations, or the 39
exclusive representative designated under section 4117.05 of the 40
Revised Code. 41

Sec. 4117.09. (A) The parties to any collective bargaining 42
agreement shall reduce the agreement to writing and both execute 43
it. 44

(B) The agreement shall contain a provision that: 45

(1) Provides for a grievance procedure which may culminate 46
with final and binding arbitration of unresolved grievances, and 47
disputed interpretations of agreements, and which is valid and 48
enforceable under its terms when entered into in accordance with 49

this chapter. No publication thereof is required to make it 50
effective. A party to the agreement may bring suits for 51
violation of agreements or the enforcement of an award by an 52
arbitrator in the court of common pleas of any county wherein a 53
party resides or transacts business. 54

(2) Authorizes the public employer to deduct the periodic 55
dues, initiation fees, and assessments of members of the 56
exclusive representative upon presentation of a written 57
deduction authorization by the employee. 58

(C) ~~The agreement may contain a provision that requires as 59
a condition of employment, on or after a mutually agreed upon 60
probationary period or sixty days following the beginning of 61
employment, whichever is less, or the effective date of a 62
collective bargaining agreement, whichever is later, that the 63
employees in the unit who are not members of the employee 64
organization pay to the employee organization a fair share fee. 65
The arrangement does not require any employee to become a member 66
of the employee organization, nor shall fair share fees exceed 67
dues paid by members of the employee organization who are in the 68
same bargaining unit. Any public employee organization 69
representing public employees pursuant to this chapter shall 70
prescribe an internal procedure to determine a rebate, if any, 71
for nonmembers which conforms to federal law, provided a 72
nonmember makes a timely demand on the employee organization. 73
Absent arbitrary and capricious action, such determination is 74
conclusive on the parties except that a challenge to the 75
determination may be filed with the state employment relations 76
board within thirty days of the determination date specifying 77
the arbitrary or capricious nature of the determination and the 78
board shall review the rebate determination and decide whether 79
it was arbitrary or capricious. The deduction of a fair share 80~~

~~fee by the public employer from the payroll check of the~~ 81
~~employee and its payment to the employee organization is~~ 82
~~automatic and does not require the written authorization of the~~ 83
~~employee.~~ 84

~~The internal rebate procedure shall provide for a rebate~~ 85
~~of expenditures in support of partisan politics or ideological~~ 86
~~causes not germane to the work of employee organizations in the~~ 87
~~realm of collective bargaining.~~ 88

~~Any public employee who is a member of and adheres to~~ 89
~~established and traditional tenets or teachings of a bona fide~~ 90
~~religion or religious body which has historically held~~ 91
~~conscientious objections to joining or financially supporting an~~ 92
~~employee organization and which is exempt from taxation under~~ 93
~~the provisions of the Internal Revenue Code shall not be~~ 94
~~required to join or financially support any employee~~ 95
~~organization as a condition of employment. Upon submission of~~ 96
~~proper proof of religious conviction to the board, the board~~ 97
~~shall declare the employee exempt from becoming a member of or~~ 98
~~financially supporting an employee organization. The employee~~ 99
~~shall be required, in lieu of the fair share fee, to pay an~~ 100
~~amount of money equal to the fair share fee to a nonreligious~~ 101
~~charitable fund exempt from taxation under section 501(c)(3) of~~ 102
~~the Internal Revenue Code mutually agreed upon by the employee~~ 103
~~and the representative of the employee organization to which the~~ 104
~~employee would otherwise be required to pay the fair share fee.~~ 105
~~The employee shall furnish to the employee organization written~~ 106
~~receipts evidencing such payment, and failure to make the~~ 107
~~payment or furnish the receipts shall subject the employee to~~ 108
~~the same sanctions as would nonpayment of dues under the~~ 109
~~applicable collective bargaining agreement.~~ 110

No public employer shall agree to a provision requiring 111
that a public employee become a member of an employee 112
organization as a condition for securing or retaining 113
employment. 114

(D) As used in this division, "teacher" means any employee 115
of a school district certified to teach in the public schools of 116
this state. 117

The agreement may contain a provision that provides for a 118
peer review plan under which teachers in a bargaining unit or 119
representatives of an employee organization representing 120
teachers may, for other teachers of the same bargaining unit or 121
teachers whom the employee organization represents, participate 122
in assisting, instructing, reviewing, evaluating, or appraising 123
and make recommendations or participate in decisions with 124
respect to the retention, discharge, renewal, or nonrenewal of, 125
the teachers covered by a peer review plan. 126

The participation of teachers or their employee 127
organization representative in a peer review plan permitted 128
under this division shall not be construed as an unfair labor 129
practice under this chapter or as a violation of any other 130
provision of law or rule adopted pursuant thereto. 131

(E) No agreement shall contain an expiration date that is 132
later than three years from the date of execution. The parties 133
may extend any agreement, but the extensions do not affect the 134
expiration date of the original agreement. 135

Sec. 4117.11. (A) It is an unfair labor practice for a 136
public employer, its agents, or representatives to: 137

(1) Interfere with, restrain, or coerce employees in the 138
exercise of the rights guaranteed in Chapter 4117. of the 139

Revised Code or an employee organization in the selection of its 140
representative for the purposes of collective bargaining or the 141
adjustment of grievances; 142

(2) Initiate, create, dominate, or interfere with the 143
formation or administration of any employee organization, or 144
contribute financial or other support to it; except that a 145
public employer may permit employees to confer with it during 146
working hours without loss of time or pay, permit the exclusive 147
representative to use the facilities of the public employer for 148
membership or other meetings, or permit the exclusive 149
representative to use the internal mail system or other internal 150
communications system; 151

(3) Discriminate in regard to hire or tenure of employment 152
or any term or condition of employment on the basis of the 153
exercise of rights guaranteed by Chapter 4117. of the Revised 154
Code. ~~Nothing precludes any employer from making and enforcing~~ 155
~~an agreement pursuant to division (C) of section 4117.09 of the~~ 156
~~Revised Code.~~ 157

(4) Discharge or otherwise discriminate against an 158
employee because ~~he~~ the employee has filed charges or given 159
testimony under Chapter 4117. of the Revised Code; 160

(5) Refuse to bargain collectively with the representative 161
of ~~his~~ the employer's employees recognized as the exclusive 162
representative or certified pursuant to Chapter 4117. of the 163
Revised Code; 164

(6) Establish a pattern or practice of repeated failures 165
to timely process grievances and requests for arbitration of 166
grievances; 167

(7) Lock out or otherwise prevent employees from 168

performing their regularly assigned duties where an object 169
thereof is to bring pressure on the employees or an employee 170
organization to compromise or capitulate to the employer's terms 171
regarding a labor relations dispute; 172

(8) Cause or attempt to cause an employee organization, 173
its agents, or representatives to violate division (B) of this 174
section. 175

(B) It is an unfair labor practice for an employee 176
organization, its agents, or representatives, or public 177
employees to: 178

(1) Restrain or coerce employees in the exercise of the 179
rights guaranteed in Chapter 4117. of the Revised Code. This 180
division does not impair the right of an employee organization 181
to prescribe its own rules with respect to the acquisition or 182
retention of membership therein, or an employer in the selection 183
of his the employer's representative for the purpose of 184
collective ~~bargaining~~ bargaining or the adjustment of grievances. 185

(2) Cause or attempt to cause an employer to violate 186
division (A) of this section; 187

(3) Refuse to bargain collectively with a public employer 188
if the employee organization is recognized as the exclusive 189
representative or certified as the exclusive representative of 190
public employees in a bargaining unit; 191

(4) Call, institute, maintain, or conduct a boycott 192
against any public employer, or picket any place of business of 193
a public employer, on account of any jurisdictional work 194
dispute; 195

(5) Induce or encourage any individual employed by any 196
person to engage in a strike in violation of Chapter 4117. of 197

the Revised Code or refusal to handle goods or perform services; 198
or threaten, coerce, or restrain any person where an object 199
thereof is to force or require any public employee to cease 200
dealing or doing business with any other person, or force or 201
require a public employer to recognize for representation 202
purposes an employee organization not certified by the state 203
employment relations board; 204

(6) Fail to fairly represent all public employees in a 205
bargaining unit; 206

(7) Induce or encourage any individual in connection with 207
a labor relations dispute to picket the residence or any place 208
of private employment of any public official or representative 209
of the public employer; 210

(8) Engage in any picketing, striking, or other concerted 211
refusal to work without giving written notice to the public 212
employer and to the state employment relations board not less 213
than ten days prior to the action. The notice shall state the 214
date and time that the action will commence and, once the notice 215
is given, the parties may extend it by the written agreement of 216
both. 217

(C) The determination by the board or any court that a 218
public officer or employee has committed any of the acts 219
prohibited by divisions (A) and (B) of this section shall not be 220
made the basis of any charge for the removal from office or 221
recall of the public officer or the suspension from or 222
termination of employment of or disciplinary acts against an 223
employee, nor shall the officer or employee be found subject to 224
any suit for damages based on such a determination; however 225
nothing in this division prevents any party to a collective 226
bargaining agreement from seeking enforcement or damages for a 227

violation thereof against the other party to the agreement. 228

(D) As to jurisdictional work disputes, the board shall 229
hear and determine the dispute unless, within ten days after 230
notice to the board by a party to the dispute that a dispute 231
exists, the parties to the dispute submit to the board 232
satisfactory evidence that they have adjusted, or agreed upon 233
the method for the voluntary adjustment of, the dispute. 234

Sec. 4119.01. As used in this chapter: 235

(A) (1) "Employer" means any person who has one or more 236
employees and includes an agent of an employer, the state or any 237
agency or instrumentality of the state, and any municipal 238
corporation, county, township, school district, or other 239
political subdivision or any agency or instrumentality thereof. 240

(2) "Employer" does not include either of the following: 241

(a) The United States or any corporation or enclave wholly 242
owned or controlled by the United States; 243

(b) Any person subject to the "Railway Labor Act of 1926," 244
45 U.S.C. 151 et seq. 245

(B) "Employee organization" means any labor or bona fide 246
organization in which employees participate and that exists for 247
the purpose, in whole or in part, of dealing with employers 248
concerning grievances, labor disputes, wages, hours, terms, and 249
other conditions of employment. 250

Sec. 4119.02. (A) No employer or employee organization 251
shall recklessly require any person to do any of the following 252
as a condition of employment or continued employment: 253

(1) Become or remain a member of any employee 254
organization; 255

(2) Pay any dues, fees, assessments, or other charges to 256
an employee organization; 257

(3) Pay any amount to a charity or other third party in 258
lieu of paying dues, fees, assessments, or other charges to an 259
employee organization. 260

(B) An employer and an employee organization shall not 261
enter into an oral or written agreement, contract, or promise 262
that violates division (A) of this section. Any such agreement, 263
contract, or promise is void. 264

Sec. 4119.07. Any person who is injured or is likely to be 265
injured as a result of a violation of section 4119.02 of the 266
Revised Code may bring an action in the court of common pleas in 267
the county in which the violation is alleged to have occurred. 268
The person may obtain injunctive relief and recover costs, 269
including reasonable attorney's fees, and any actual damages the 270
person sustained as a result of the violation or threatened 271
violation. Remedies available under this section are independent 272
of and in addition to penalties under section 4119.99 of the 273
Revised Code. 274

Sec. 4119.08. Any person may file a complaint alleging a 275
violation of section 4119.02 of the Revised Code with the 276
attorney general. The attorney general shall investigate any 277
complaints of an alleged violation of that section and shall 278
prosecute any violation the attorney general determines has 279
occurred based on that investigation. 280

Sec. 4119.99. Any employer or employee organization who 281
violates section 4119.04 of the Revised Code is guilty of a 282
misdemeanor of the third degree. 283

Section 2. That existing sections 9.81, 4117.09, and 284

4117.11 of the Revised Code are hereby repealed. 285

Section 3. Section 1 of this act applies to any agreement, 286
contract, or promise entered into, renewed, or extended on or 287
after the effective date of this section. 288