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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 788
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. T. Mathews and Dovilla

Chris Edwards, Attorney

SUMMARY

- Increases, from 176 hours to 408 hours, the amount of paid military leave to which a law enforcement officer who is a permanent public employee is entitled for each federal fiscal year.

DETAILED ANALYSIS

Paid military leave for law enforcement officers

The bill increases the amount of paid military leave to which a law enforcement officer who is a permanent public employee is entitled for military service. Specifically, it entitles an officer who is a member of the Ohio organized militia or of another U.S. armed forces reserve component to up to 408 hours of paid leave for each federal fiscal year (October 1 to September 30) in which the officer performs military service. This increase aligns law enforcement officers with firefighters and emergency medical technicians (EMT), who, under continuing law, are entitled to 408 hours of leave. Currently, an officer who is not a firefighter or EMT is entitled to 176 hours of leave, which is the same amount available to other permanent public employees under continuing law.¹

For purposes of the bill, “law enforcement officer” is defined broadly to include any person employed, commissioned, disposed, appointed, or elected as a peace officer or law enforcement officer under continuing law. It also includes any person employed in Ohio and authorized to carry firearms who is subject to annual firearms requalification training for the state, a political subdivision, or any agency, department, or instrumentality of the state or a political subdivision. Under continuing law, a “permanent public employee” is any person holding a position in public employment that requires working a regular schedule of 26 consecutive

¹ R.C. 5923.05(A).

biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration.²

Under continuing law, a permanent public employee called to duty under specified circumstances for longer than the time periods described above is entitled to pay in addition to the paid military leave. A state employee receives for each month of additional leave the difference between the employee's gross monthly pay and the sum of the gross uniformed pay and allowances. A political subdivision employee receives the lesser of the difference in pay or \$500. An employee cannot receive these payments if the employee's gross uniformed pay and allowances are greater than the employee's gross public wages.³

Collective bargaining

The bill applies the increased paid military leave for law enforcement officers to any public sector collective bargaining agreement (CBA) entered into, modified, or renewed on or after the bill's effective date.⁴ Under the law providing the statutory military leave entitlement, a CBA covering a permanent public employee of a political subdivision cannot provide fewer benefits than those required by the statutory military leave provision.⁵ However, the Public Employees' Collective Bargaining Law⁶ (PECBL) also addresses this topic. Under the PECBL, the statutory military leave entitlement prevails over conflicting CBA provisions only when the public employer is the state or any state agency, authority, commission, or board. For political subdivisions subject to the PECBL, the statutory military leave entitlement prevails only if the employer elects to provide the statutory military leave benefits.⁷ According to the Ohio Supreme Court, if a political subdivision does not make that election, the statutory military leave provision would not prevail over conflicting CBA provisions.⁸

Compensation of municipal employees

The Ohio Supreme Court has held that the Home Rule Amendment to the Ohio Constitution allows a municipality, under the municipality's local self-government power, to set the compensation of its employees, including benefits that vary from the current law statutory military leave benefits amended by this bill. The Home Rule Amendment limits the General

² R.C. 5923.05(A), by reference to R.C. 9.69, not in the bill.

³ R.C. 5923.05(B) to (D).

⁴ Section 3.

⁵ R.C. 5923.05(G).

⁶ R.C. Chapter 4117.

⁷ R.C. 4117.10(A)(2), not in the bill.

⁸ *State ex rel. FOP, Ohio Labor Council v. City of Sidney*, 91 Ohio St.3d 399, 402 (2001).

Assembly's ability to restrict a municipality's exercise of its local self-government authority (a charter county has the same home rule authority as a municipality).⁹

HISTORY

Action	Date
Introduced	03-24-26

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⁹ Ohio Constitution, Article X, Section 3, and art. XVIII, sec. 3; *United Brotherhood of Teamsters, Chauffeurs, Warehouseman, & Helpers, Local Union No. 377 v. City of Youngstown*, 64 Ohio St.2d 158, 160 (1980), *Northern Ohio Patrolmen's Benevolent Assn. v. Parma*, 61 Ohio St.2d 375 (1980), and *State ex rel. FOP, Ohio Labor Council v. City of Sidney*, 91 Ohio St.3d 399, 402 (2001).