

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 612**

**Representatives Patton, Upchurch**

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**A BILL**

To amend sections 4117.01, 4117.14, and 4117.15 of  
the Revised Code regarding collective bargaining  
by juvenile court employees who do not perform a  
judicial function.

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

**Section 1.** That sections 4117.01, 4117.14, and 4117.15 of  
the Revised Code be amended to read as follows:

**Sec. 4117.01.** As used in this chapter:

(A) "Person," in addition to those included in division  
(C) of section 1.59 of the Revised Code, includes employee  
organizations, public employees, and public employers.

(B) "Public employer" means the state or any political  
subdivision of the state located entirely within the state,  
including, without limitation, any municipal corporation with a  
population of at least five thousand according to the most  
recent federal decennial census; county; township with a  
population of at least five thousand in the unincorporated area  
of the township according to the most recent federal decennial  
census; school district; governing authority of a community  
school established under Chapter 3314. of the Revised Code;

college preparatory boarding school established under Chapter 20  
3328. of the Revised Code or its operator; state institution of 21  
higher learning; public or special district; state agency, 22  
authority, commission, or board; or other branch of public 23  
employment. "Public employer" does not include the nonprofit 24  
corporation formed under section 187.01 of the Revised Code. 25

(C) "Public employee" means any person holding a position 26  
by appointment or employment in the service of a public 27  
employer, including any person working pursuant to a contract 28  
between a public employer and a private employer and over whom 29  
the national labor relations board has declined jurisdiction on 30  
the basis that the involved employees are employees of a public 31  
employer, except: 32

(1) Persons holding elective office; 33

(2) Employees of the general assembly and employees of any 34  
other legislative body of the public employer whose principal 35  
duties are directly related to the legislative functions of the 36  
body; 37

(3) Employees on the staff of the governor or the chief 38  
executive of the public employer whose principal duties are 39  
directly related to the performance of the executive functions 40  
of the governor or the chief executive; 41

(4) Persons who are members of the Ohio organized militia, 42  
while training or performing duty under section 5919.29 or 43  
5923.12 of the Revised Code; 44

(5) Employees of the state employment relations board, 45  
including those employees of the state employment relations 46  
board utilized by the state personnel board of review in the 47  
exercise of the powers and the performance of the duties and 48

functions of the state personnel board of review;	49
(6) Confidential employees;	50
(7) Management level employees;	51
(8) <del>Employees and officers of the courts, assistants</del> <u>Assistants</u> to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;	52 53 54 55
(9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised Code;	56 57 58
(10) Supervisors;	59
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	60 61 62 63 64
(12) Employees of county boards of election;	65
(13) Seasonal and casual employees as determined by the state employment relations board;	66 67
(14) Part-time faculty members of an institution of higher education;	68 69
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to	70 71 72 73 74 75

the activity;	76
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	77 78 79
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code;	80 81 82
<u>(18) Employees and officers of the courts unless either of the following applies:</u>	83 84
<u>(a) The employees are employed by a juvenile court and do not perform a judicial function.</u>	85 86
<u>(b) The employees are employed in a juvenile detention center operated by a juvenile court and do not perform a judicial function.</u>	87 88 89
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	90 91 92 93 94
(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.	95 96 97
(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely	98 99 100 101 102 103

routine or clerical nature, but requires the use of independent 104  
judgment, provided that: 105

(1) Employees of school districts who are department 106  
chairpersons or consulting teachers shall not be deemed 107  
supervisors. 108

(2) With respect to members of a police or fire 109  
department, no person shall be deemed a supervisor except the 110  
chief of the department or those individuals who, in the absence 111  
of the chief, are authorized to exercise the authority and 112  
perform the duties of the chief of the department. Where prior 113  
to June 1, 1982, a public employer pursuant to a judicial 114  
decision, rendered in litigation to which the public employer 115  
was a party, has declined to engage in collective bargaining 116  
with members of a police or fire department on the basis that 117  
those members are supervisors, those members of a police or fire 118  
department do not have the rights specified in this chapter for 119  
the purposes of future collective bargaining. The state 120  
employment relations board shall decide all disputes concerning 121  
the application of division (F) (2) of this section. 122

(3) With respect to faculty members of a state institution 123  
of higher education, heads of departments or divisions are 124  
supervisors; however, no other faculty member or group of 125  
faculty members is a supervisor solely because the faculty 126  
member or group of faculty members participate in decisions with 127  
respect to courses, curriculum, personnel, or other matters of 128  
academic policy. 129

(4) No teacher as defined in section 3319.09 of the 130  
Revised Code shall be designated as a supervisor or a management 131  
level employee unless the teacher is employed under a contract 132  
governed by section 3319.01, 3319.011, or 3319.02 of the Revised 133

Code and is assigned to a position for which a license deemed to 134  
be for administrators under state board rules is required 135  
pursuant to section 3319.22 of the Revised Code. 136

(G) "To bargain collectively" means to perform the mutual 137  
obligation of the public employer, by its representatives, and 138  
the representatives of its employees to negotiate in good faith 139  
at reasonable times and places with respect to wages, hours, 140  
terms, and other conditions of employment and the continuation, 141  
modification, or deletion of an existing provision of a 142  
collective bargaining agreement, with the intention of reaching 143  
an agreement, or to resolve questions arising under the 144  
agreement. "To bargain collectively" includes executing a 145  
written contract incorporating the terms of any agreement 146  
reached. The obligation to bargain collectively does not mean 147  
that either party is compelled to agree to a proposal nor does 148  
it require the making of a concession. 149

(H) "Strike" means continuous concerted action in failing 150  
to report to duty; willful absence from one's position; or 151  
stoppage of work in whole from the full, faithful, and proper 152  
performance of the duties of employment, for the purpose of 153  
inducing, influencing, or coercing a change in wages, hours, 154  
terms, and other conditions of employment. "Strike" does not 155  
include a stoppage of work by employees in good faith because of 156  
dangerous or unhealthful working conditions at the place of 157  
employment that are abnormal to the place of employment. 158

(I) "Unauthorized strike" includes, but is not limited to, 159  
concerted action during the term or extended term of a 160  
collective bargaining agreement or during the pendency of the 161  
settlement procedures set forth in section 4117.14 of the 162  
Revised Code in failing to report to duty; willful absence from 163

one's position; stoppage of work; slowdown, or abstinence in 164  
whole or in part from the full, faithful, and proper performance 165  
of the duties of employment for the purpose of inducing, 166  
influencing, or coercing a change in wages, hours, terms, and 167  
other conditions of employment. "Unauthorized strike" includes 168  
any such action, absence, stoppage, slowdown, or abstinence when 169  
done partially or intermittently, whether during or after the 170  
expiration of the term or extended term of a collective 171  
bargaining agreement or during or after the pendency of the 172  
settlement procedures set forth in section 4117.14 of the 173  
Revised Code. 174

(J) "Professional employee" means any employee engaged in 175  
work that is predominantly intellectual, involving the 176  
consistent exercise of discretion and judgment in its 177  
performance and requiring knowledge of an advanced type in a 178  
field of science or learning customarily acquired by a prolonged 179  
course in an institution of higher learning or a hospital, as 180  
distinguished from a general academic education or from an 181  
apprenticeship; or an employee who has completed the courses of 182  
specialized intellectual instruction and is performing related 183  
work under the supervision of a professional person to become 184  
qualified as a professional employee. 185

(K) "Confidential employee" means any employee who works 186  
in the personnel offices of a public employer and deals with 187  
information to be used by the public employer in collective 188  
bargaining; or any employee who works in a close continuing 189  
relationship with public officers or representatives directly 190  
participating in collective bargaining on behalf of the 191  
employer. 192

(L) "Management level employee" means an individual who 193

formulates policy on behalf of the public employer, who 194  
responsibly directs the implementation of policy, or who may 195  
reasonably be required on behalf of the public employer to 196  
assist in the preparation for the conduct of collective 197  
negotiations, administer collectively negotiated agreements, or 198  
have a major role in personnel administration. Assistant 199  
superintendents, principals, and assistant principals whose 200  
employment is governed by section 3319.02 of the Revised Code 201  
are management level employees. With respect to members of a 202  
faculty of a state institution of higher education, no person is 203  
a management level employee because of the person's involvement 204  
in the formulation or implementation of academic or institution 205  
policy. 206

(M) "Wages" means hourly rates of pay, salaries, or other 207  
forms of compensation for services rendered. 208

(N) "Member of a police department" means a person who is 209  
in the employ of a police department of a municipal corporation 210  
as a full-time regular police officer as the result of an 211  
appointment from a duly established civil service eligibility 212  
list or under section 737.15 or 737.16 of the Revised Code, a 213  
full-time deputy sheriff appointed under section 311.04 of the 214  
Revised Code, a township constable appointed under section 215  
509.01 of the Revised Code, or a member of a township or joint 216  
police district police department appointed under section 505.49 217  
of the Revised Code. 218

(O) "Members of the state highway patrol" means highway 219  
patrol troopers and radio operators appointed under section 220  
5503.01 of the Revised Code. 221

(P) "Member of a fire department" means a person who is in 222  
the employ of a fire department of a municipal corporation or a 223

township as a fire cadet, full-time regular firefighter, or 224  
promoted rank as the result of an appointment from a duly 225  
established civil service eligibility list or under section 226  
505.38, 709.012, or 737.22 of the Revised Code. 227

(Q) "Day" means calendar day. 228

(R) "Judicial function" means the exercise of independent 229  
judgment and discretion in the determination of a fact or legal 230  
principle affecting the rights of one or more parties, including 231  
serving as a judicial advisor pursuant to section 121.37 or 232  
serving as a member of a judicial advisory board pursuant to 233  
section 2301.51 of the Revised Code. 234

**Sec. 4117.14.** (A) The procedures contained in this section 235  
govern the settlement of disputes between an exclusive 236  
representative and a public employer concerning the termination 237  
or modification of an existing collective bargaining agreement 238  
or negotiation of a successor agreement, or the negotiation of 239  
an initial collective bargaining agreement. 240

(B) (1) In those cases where there exists a collective 241  
bargaining agreement, any public employer or exclusive 242  
representative desiring to terminate, modify, or negotiate a 243  
successor collective bargaining agreement shall: 244

(a) Serve written notice upon the other party of the 245  
proposed termination, modification, or successor agreement. The 246  
party must serve the notice not less than sixty days prior to 247  
the expiration date of the existing agreement or, in the event 248  
the existing collective bargaining agreement does not contain an 249  
expiration date, not less than sixty days prior to the time it 250  
is proposed to make the termination or modifications or to make 251  
effective a successor agreement. 252

(b) Offer to bargain collectively with the other party for the purpose of modifying or terminating any existing agreement or negotiating a successor agreement;	253 254 255
(c) Notify the state employment relations board of the offer by serving upon the board a copy of the written notice to the other party and a copy of the existing collective bargaining agreement.	256 257 258 259
(2) In the case of initial negotiations between a public employer and an exclusive representative, where a collective bargaining agreement has not been in effect between the parties, any party may serve notice upon the board and the other party setting forth the names and addresses of the parties and offering to meet, for a period of ninety days, with the other party for the purpose of negotiating a collective bargaining agreement.	260 261 262 263 264 265 266 267
If the settlement procedures specified in divisions (B), (C), and (D) of this section govern the parties, where those procedures refer to the expiration of a collective bargaining agreement, it means the expiration of the sixty-day period to negotiate a collective bargaining agreement referred to in this subdivision, or in the case of initial negotiations, it means the ninety-day period referred to in this subdivision.	268 269 270 271 272 273 274
(3) The parties shall continue in full force and effect all the terms and conditions of any existing collective bargaining agreement, without resort to strike or lock-out, for a period of sixty days after the party gives notice or until the expiration date of the collective bargaining agreement, whichever occurs later, or for a period of ninety days where applicable.	275 276 277 278 279 280 281

(4) Upon receipt of the notice, the parties shall enter	282
into collective bargaining.	283
(C) In the event the parties are unable to reach an	284
agreement, they may submit, at any time prior to forty-five days	285
before the expiration date of the collective bargaining	286
agreement, the issues in dispute to any mutually agreed upon	287
dispute settlement procedure which supersedes the procedures	288
contained in this section.	289
(1) The procedures may include:	290
(a) Conventional arbitration of all unsettled issues;	291
(b) Arbitration confined to a choice between the last	292
offer of each party to the agreement as a single package;	293
(c) Arbitration confined to a choice of the last offer of	294
each party to the agreement on each issue submitted;	295
(d) The procedures described in division (C) (1) (a), (b),	296
or (c) of this section and including among the choices for the	297
arbitrator, the recommendations of the fact finder, if there are	298
recommendations, either as a single package or on each issue	299
submitted;	300
(e) Settlement by a citizens' conciliation council	301
composed of three residents within the jurisdiction of the	302
public employer. The public employer shall select one member and	303
the exclusive representative shall select one member. The two	304
members selected shall select the third member who shall chair	305
the council. If the two members cannot agree upon a third member	306
within five days after their appointments, the board shall	307
appoint the third member. Once appointed, the council shall make	308
a final settlement of the issues submitted to it pursuant to	309
division (G) of this section.	310

(f) Any other dispute settlement procedure mutually agreed 311  
to by the parties. 312

(2) If, fifty days before the expiration date of the 313  
collective bargaining agreement, the parties are unable to reach 314  
an agreement, any party may request the state employment 315  
relations board to intervene. The request shall set forth the 316  
names and addresses of the parties, the issues involved, and, if 317  
applicable, the expiration date of any agreement. 318

The board shall intervene and investigate the dispute to 319  
determine whether the parties have engaged in collective 320  
bargaining. 321

If an impasse exists or forty-five days before the 322  
expiration date of the collective bargaining agreement if one 323  
exists, the board shall appoint a mediator to assist the parties 324  
in the collective bargaining process. 325

(3) Any time after the appointment of a mediator, either 326  
party may request the appointment of a fact-finding panel. 327  
Within fifteen days after receipt of a request for a fact- 328  
finding panel, the board shall appoint a fact-finding panel of 329  
not more than three members who have been selected by the 330  
parties in accordance with rules established by the board, from 331  
a list of qualified persons maintained by the board. 332

(a) The fact-finding panel shall, in accordance with rules 333  
and procedures established by the board that include the 334  
regulation of costs and expenses of fact-finding, gather facts 335  
and make recommendations for the resolution of the matter. The 336  
board shall by its rules require each party to specify in 337  
writing the unresolved issues and its position on each issue to 338  
the fact-finding panel. The fact-finding panel shall make final 339

recommendations as to all the unresolved issues. 340

(b) The board may continue mediation, order the parties to 341  
engage in collective bargaining until the expiration date of the 342  
agreement, or both. 343

(4) The following guidelines apply to fact-finding: 344

(a) The fact-finding panel may establish times and place 345  
of hearings which shall be, where feasible, in the jurisdiction 346  
of the state. 347

(b) The fact-finding panel shall conduct the hearing 348  
pursuant to rules established by the board. 349

(c) Upon request of the fact-finding panel, the board 350  
shall issue subpoenas for hearings conducted by the panel. 351

(d) The fact-finding panel may administer oaths. 352

(e) The board shall prescribe guidelines for the fact- 353  
finding panel to follow in making findings. In making its 354  
recommendations, the fact-finding panel shall take into 355  
consideration the factors listed in divisions (G) (7) (a) to (f) 356  
of this section. 357

(f) The fact-finding panel may attempt mediation at any 358  
time during the fact-finding process. From the time of 359  
appointment until the fact-finding panel makes a final 360  
recommendation, it shall not discuss the recommendations for 361  
settlement of the dispute with parties other than the direct 362  
parties to the dispute. 363

(5) The fact-finding panel, acting by a majority of its 364  
members, shall transmit its findings of fact and recommendations 365  
on the unresolved issues to the public employer and employee 366  
organization involved and to the board no later than fourteen 367

days after the appointment of the fact-finding panel, unless the 368  
parties mutually agree to an extension. The parties shall share 369  
the cost of the fact-finding panel in a manner agreed to by the 370  
parties. 371

(6) (a) Not later than seven days after the findings and 372  
recommendations are sent, the legislative body, by a three- 373  
fifths vote of its total membership, and in the case of the 374  
public employee organization, the membership, by a three-fifths 375  
vote of the total membership, may reject the recommendations; if 376  
neither rejects the recommendations, the recommendations shall 377  
be deemed agreed upon as the final resolution of the issues 378  
submitted and a collective bargaining agreement shall be 379  
executed between the parties, including the fact-finding panel's 380  
recommendations, except as otherwise modified by the parties by 381  
mutual agreement. If either the legislative body or the public 382  
employee organization rejects the recommendations, the board 383  
shall publicize the findings of fact and recommendations of the 384  
fact-finding panel. The board shall adopt rules governing the 385  
procedures and methods for public employees to vote on the 386  
recommendations of the fact-finding panel. 387

(b) As used in division (C) (6) (a) of this section, 388  
"legislative body" means the controlling board when the state or 389  
any of its agencies, authorities, commissions, boards, or other 390  
branch of public employment is party to the fact-finding 391  
process. 392

(D) If the parties are unable to reach agreement within 393  
seven days after the publication of findings and recommendations 394  
from the fact-finding panel or the collective bargaining 395  
agreement, if one exists, has expired, then the: 396

~~(1)~~ (1) (a) Public employees listed in division (D) (1) (b) of 397

~~this section, who are members of a police or fire department,~~ 398  
~~members of the state highway patrol, deputy sheriffs,~~ 399  
~~dispatchers employed by a police, fire, or sheriff's department~~ 400  
~~or the state highway patrol or civilian dispatchers employed by~~ 401  
~~a public employer other than a police, fire, or sheriff's~~ 402  
~~department to dispatch police, fire, sheriff's department, or~~ 403  
~~emergency medical or rescue personnel and units, an exclusive~~ 404  
~~nurse's unit, employees of the state school for the deaf or the~~ 405  
~~state school for the blind, employees of any public employee~~ 406  
~~retirement system, corrections officers, guards at penal or~~ 407  
~~mental institutions, special police officers appointed in~~ 408  
~~accordance with sections 5119.08 and 5123.13 of the Revised~~ 409  
~~Code, psychiatric attendants employed at mental health forensic~~ 410  
~~facilities, youth leaders employed at juvenile correctional~~ 411  
~~facilities, or members of a law enforcement security force that~~ 412  
~~is established and maintained exclusively by a board of county~~ 413  
~~commissioners and whose members are employed by that board,~~ 414  
shall submit the matter to a final offer settlement procedure 415  
pursuant to a board order issued forthwith to the parties to 416  
settle by a conciliator selected by the parties. The parties 417  
shall request from the board a list of five qualified 418  
conciliators and the parties shall select a single conciliator 419  
from the list by alternate striking of names. If the parties 420  
cannot agree upon a conciliator within five days after the board 421  
order, the board shall on the sixth day after its order appoint 422  
a conciliator from a list of qualified persons maintained by the 423  
board or shall request a list of qualified conciliators from the 424  
American arbitration association and appoint therefrom. 425

(b) Division (D)(1)(a) of this section applies to all of 426  
the following public employees: 427

(i) Members of a police or fire department; 428

<u>(ii) Members of the state highway patrol;</u>	429
<u>(iii) Deputy sheriffs;</u>	430
<u>(iv) Dispatchers employed by a police, fire, or sheriff's</u>	431
<u>department or the state highway patrol or civilian dispatchers</u>	432
<u>employed by a public employer other than a police, fire, or</u>	433
<u>sheriff's department to dispatch police, fire, sheriff's</u>	434
<u>department, or emergency medical or rescue personnel and units;</u>	435
<u>(v) An exclusive nurse's unit;</u>	436
<u>(vi) Employees of the state school for the deaf or the</u>	437
<u>state school for the blind;</u>	438
<u>(vii) Employees of any public employee retirement system;</u>	439
<u>(viii) Corrections officers;</u>	440
<u>(ix) Guards at penal or mental institutions;</u>	441
<u>(x) Special police officers appointed in accordance with</u>	442
<u>sections 5119.08 and 5123.13 of the Revised Code;</u>	443
<u>(xi) Psychiatric attendants employed at mental health</u>	444
<u>forensic facilities;</u>	445
<u>(xii) Youth leaders employed at juvenile correctional</u>	446
<u>facilities;</u>	447
<u>(xiii) Members of a law enforcement security force that is</u>	448
<u>established and maintained exclusively by a board of county</u>	449
<u>commissioners and whose members are employed by that board;</u>	450
<u>(xiv) Employees employed by a juvenile court who do not</u>	451
<u>perform a judicial function;</u>	452
<u>(xv) Employees employed in a juvenile detention center</u>	453
<u>operated by a juvenile court who do not perform a judicial</u>	454

function. 455

(2) Public employees other than those listed in division 456  
~~(D)(1)~~ (D)(1)(b) of this section have the right to strike under 457  
Chapter 4117. of the Revised Code provided that the employee 458  
organization representing the employees has given a ten-day 459  
prior written notice of an intent to strike to the public 460  
employer and to the board, and further provided that the strike 461  
is for full, consecutive work days and the beginning date of the 462  
strike is at least ten work days after the ending date of the 463  
most recent prior strike involving the same bargaining unit; 464  
however, the board, at its discretion, may attempt mediation at 465  
any time. 466

(E) Nothing in this section shall be construed to prohibit 467  
the parties, at any time, from voluntarily agreeing to submit 468  
any or all of the issues in dispute to any other alternative 469  
dispute settlement procedure. An agreement or statutory 470  
requirement to arbitrate or to settle a dispute pursuant to a 471  
final offer settlement procedure and the award issued in 472  
accordance with the agreement or statutory requirement is 473  
enforceable in the same manner as specified in division (B) of 474  
section 4117.09 of the Revised Code. 475

(F) Nothing in this section shall be construed to prohibit 476  
a party from seeking enforcement of a collective bargaining 477  
agreement or a conciliator's award as specified in division (B) 478  
of section 4117.09 of the Revised Code. 479

(G) The following guidelines apply to final offer 480  
settlement proceedings under division (D)(1) of this section: 481

(1) The parties shall submit to final offer settlement 482  
those issues that are subject to collective bargaining as 483

provided by section 4117.08 of the Revised Code and upon which 484  
the parties have not reached agreement and other matters 485  
mutually agreed to by the public employer and the exclusive 486  
representative; except that the conciliator may attempt 487  
mediation at any time. 488

(2) The conciliator shall hold a hearing within thirty 489  
days of the board's order to submit to a final offer settlement 490  
procedure, or as soon thereafter as is practicable. 491

(3) The conciliator shall conduct the hearing pursuant to 492  
rules developed by the board. The conciliator shall establish 493  
the hearing time and place, but it shall be, where feasible, 494  
within the jurisdiction of the state. Not later than five 495  
calendar days before the hearing, each of the parties shall 496  
submit to the conciliator, to the opposing party, and to the 497  
board, a written report summarizing the unresolved issues, the 498  
party's final offer as to the issues, and the rationale for that 499  
position. 500

(4) Upon the request by the conciliator, the board shall 501  
issue subpoenas for the hearing. 502

(5) The conciliator may administer oaths. 503

(6) The conciliator shall hear testimony from the parties 504  
and provide for a written record to be made of all statements at 505  
the hearing. The board shall submit for inclusion in the record 506  
and for consideration by the conciliator the written report and 507  
recommendation of the fact-finders. 508

(7) After hearing, the conciliator shall resolve the 509  
dispute between the parties by selecting, on an issue-by-issue 510  
basis, from between each of the party's final settlement offers, 511  
taking into consideration the following: 512

(a) Past collectively bargained agreements, if any,	513
between the parties;	514
(b) Comparison of the issues submitted to final offer	515
settlement relative to the employees in the bargaining unit	516
involved with those issues related to other public and private	517
employees doing comparable work, giving consideration to factors	518
peculiar to the area and classification involved;	519
(c) The interests and welfare of the public, the ability	520
of the public employer to finance and administer the issues	521
proposed, and the effect of the adjustments on the normal	522
standard of public service;	523
(d) The lawful authority of the public employer;	524
(e) The stipulations of the parties;	525
(f) Such other factors, not confined to those listed in	526
this section, which are normally or traditionally taken into	527
consideration in the determination of the issues submitted to	528
final offer settlement through voluntary collective bargaining,	529
mediation, fact-finding, or other impasse resolution procedures	530
in the public service or in private employment.	531
(8) Final offer settlement awards made under Chapter 4117.	532
of the Revised Code are subject to Chapter 2711. of the Revised	533
Code.	534
(9) If more than one conciliator is used, the	535
determination must be by majority vote.	536
(10) The conciliator shall make written findings of fact	537
and promulgate a written opinion and order upon the issues	538
presented to the conciliator, and upon the record made before	539
the conciliator and shall mail or otherwise deliver a true copy	540

thereof to the parties and the board. 541

(11) Increases in rates of compensation and other matters 542  
with cost implications awarded by the conciliator may be 543  
effective only at the start of the fiscal year next commencing 544  
after the date of the final offer settlement award; provided 545  
that if a new fiscal year has commenced since the issuance of 546  
the board order to submit to a final offer settlement procedure, 547  
the awarded increases may be retroactive to the commencement of 548  
the new fiscal year. The parties may, at any time, amend or 549  
modify a conciliator's award or order by mutual agreement. 550

(12) The parties shall bear equally the cost of the final 551  
offer settlement procedure. 552

(13) Conciliators appointed pursuant to this section shall 553  
be residents of the state. 554

(H) All final offer settlement awards and orders of the 555  
conciliator made pursuant to Chapter 4117. of the Revised Code 556  
are subject to review by the court of common pleas having 557  
jurisdiction over the public employer as provided in Chapter 558  
2711. of the Revised Code. If the public employer is located in 559  
more than one court of common pleas district, the court of 560  
common pleas in which the principal office of the chief 561  
executive is located has jurisdiction. 562

(I) The issuance of a final offer settlement award 563  
constitutes a binding mandate to the public employer and the 564  
exclusive representative to take whatever actions are necessary 565  
to implement the award. 566

**Sec. 4117.15.** (A) Whenever a strike by ~~members of a police~~ 567  
~~or fire department, members of the state highway patrol, deputy~~ 568  
~~sheriffs, dispatchers employed by a police, fire, or sheriff's~~ 569

~~department or the state highway patrol or civilian dispatchers—~~ 570  
~~employed by a public employer other than a police, fire, or~~ 571  
~~sheriff's department to dispatch police, fire, sheriff's~~ 572  
~~department, or emergency medical or rescue personnel and units,—~~ 573  
~~an exclusive nurse's unit, employees of the state school for the~~ 574  
~~deaf or the state school for the blind, employees of any public~~ 575  
~~employee retirement system, correction officers, guards at penal~~ 576  
~~or mental institutions, or special police officers appointed in~~ 577  
~~accordance with sections 5119.08 and 5123.13 of the Revised~~ 578  
~~Code, psychiatric attendants employed at mental health forensic~~ 579  
~~facilities, youth leaders employed at juvenile correctional~~ 580  
~~facilities, or members of a law enforcement security force that~~ 581  
~~is established and maintained exclusively by a board of county~~ 582  
~~commissioners and whose members are employed by that board~~ 583  
employees listed in division (D) (1) (b) of section 4117.14 of the 584  
Revised Code, a strike by other public employees during the 585  
pendency of the settlement procedures set forth in section 586  
4117.14 of the Revised Code, or a strike during the term or 587  
extended term of a collective bargaining agreement occurs, the 588  
public employer may seek an injunction against the strike in the 589  
court of common pleas of the county in which the strike is 590  
located. 591

(B) An unfair labor practice by a public employer is not a 592  
defense to the injunction proceeding noted in division (A) of 593  
this section. Allegations of unfair labor practices during the 594  
settlement procedures set forth in section 4117.14 of the 595  
Revised Code shall receive priority by the state employment 596  
relations board. 597

(C) No public employee is entitled to pay or compensation 598  
from the public employer for the period engaged in any strike. 599

**Section 2.** That existing sections 4117.01, 4117.14, and 600  
4117.15 of the Revised Code are hereby repealed. 601