

SENATE BILL 5

Act I: The new collective bargaining law

Paul Bittner
614.462.2228
pbittner@szd.com

Aaron Granger
614.462.2312
agranger@szd.com

April 1, 2011

Gov. Kasich signed into law The Public Employees Collective Bargaining Law (PECPL). It is the most extensive overhaul of collective bargaining in Ohio since the law was created in 1984. The law will affect public sector bargaining rights of state and local public employees including police, firefighters and teachers. The law also impacts public employee benefits even if they are not union members or subject to a collective bargaining agreement.

The law leaves open many questions, as some regulations need to be developed to address the full implementation of the law. One example is eliminating various "step" increases in salary and mandating a yet-to-be determined merit based system. Nothing contained in the new law is intended to alter the terms of any collective bargaining agreement in

existence prior to the effective date of the new law. Public employers need to understand the changes in the law as well as the relevant timelines for when the law would become effective.

Generally, non-emergency legislation becomes effective within 90 days of the governor filing it with the Secretary of State's Office. However, opponents have vowed to initiate a petition drive to collect enough signatures to place the law up for a referendum vote on the statewide general election ballot on Nov. 8, 2011. That could alter the effective date of the law. The Ohio Supreme Court previously held that where statutory amendments are challenged by way of a referendum petition, the law is suspended during the pendency of the referendum or until it is determined by the Secretary of State that the petition is insufficient. *Thornton v. Salak* (2006), 112 Ohio St. 3d 254, 858 N.E.2d 1187.

Therefore, although the effective date of the law could be extended until November, employers need to be proactive in assessing how the provisions in the law impact your workforce. SZD can be your partner in developing strategies for collective bargaining negotiations,

planning for the anticipated changes to employee benefits, and navigating employers through difficult questions of allowable conduct involving union activity in the workplace during a petition drive or leading up to Election Day.

SZD will host a seminar to highlight the provisions contained in the new law, share tips regarding implementation strategies and provide training on how to maintain a productive work environment without interfering on employees who are engaging in activities that may be protected by law. Invitations will be sent shortly.

© 2011 Schottenstein Zox & Dunn Co., LPA

COLUMBUS	CLEVELAND
ARENA DISTRICT 250 WEST STREET COLUMBUS, OH 43215	FIFTH THIRD CENTER 600 SUPERIOR AVENUE EAST, SUITE 1701 CLEVELAND, OH 44114
PH: 614.462.2700 FAX: 614.462.5135 INFO@SZD.COM	PH: 216.621.6501 FAX: 216.621.6502 INFO@SZD.COM

