

Ohio voters likely to decide fate of S.B. 5 on November 8th

July 05, 2011 by [George Asimou](#)

In a demonstration that worker revolt in debt-laden states is not the mere province of cheese loving peoples (the Greeks, the French, and Wisconsinites), members of Ohio's public employee unions, under the banner of "[We Are Ohio](#)", took to the streets of Columbus on June 29th and presented Secretary of State Jon Husted with nearly 1.3 million signatures in favor of a petition for a public referendum to repeal recently passed amendments to the Public Employees' Collective Bargaining Law (popularly known as [S.B. 5](#)). The 1,298,301 signatures collected far exceed the 231,149-signature requirement for putting repeal of S.B. 5 on the ballot this coming November—and in fact represents the largest haul of signatures ever collected for a referendum petition in the state's history.

As a quick re-cap, S.B. 5, which passed on March 30, 2011 and will be held in abeyance pending validation of the submitted signatures and the near certain holding of a referendum on November 8, 2011, represented a sweeping revamp of Ohio's public sector bargaining laws, including:

1. A blanket prohibition on strike activity by public employees, making strike activity a fineable offense.
2. Provisions limiting future negotiations to wages, hours, and terms and conditions of employment.
3. Provisions explicitly reserving to management's discretion decisions as to public employer contributions to retirement funds on behalf of employees (i.e., public employers may contribute only their share of pension contributions), the design of employee health care plans (with the exception of the percentage of employee premium contributions, which can still be negotiated, subject to caps explained below), the privatization of certain state functions, and appropriate staffing levels.
4. A cap on public employer contributions for public employee health care premiums at 85% as well as on paid leave banks.
5. Provisions scrapping seniority systems as to pay and job security in favor of performance standards.
6. Provisions explicitly reserving to management the right to serve notice to terminate, modify, or negotiate a CBA in the event that a public employer is declared to be in a state of fiscal emergency, and the right to serve notice to suspend pay and/or benefits increases in the event that a public employer is declared to be in a state of fiscal watch.



7. A provision eliminating binding arbitration as the means to resolve stalled negotiations in favor of a vote of the public employer's legislative body.

While this re-cap does not capture all of S.B. 5's amendments to the Public Employees' Collective Bargaining Law, a fair assessment of the amendments as a whole is that they collectively afford public employers significantly greater ability to manage public employees, direct the provision of public services, and contain costs. Please note that S.B. 5 has no effect on private employers and their union contracts.