

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 180

Representatives Clyde, Howse

**Cosponsors: Representatives Ramos, Smith, K., Antonio, Kelly, Fedor, Boggs,
Bocchieri, West, Craig, Boyd, Kent, Ingram, Lepore-Hagan, Leland**

A BILL

To amend section 4117.08 and to enact sections 1
9.78, 9.781, 9.782, 9.783, 9.784, 9.785, 9.786, 2
9.787, 9.788, 142.01, 142.02, 142.03, 142.04, 3
142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 4
4113.42, and 4117.141 of the Revised Code to 5
require a contractor or person submitting a bid 6
or other proposal for a state contract or a 7
business entity applying for a grant or other 8
economic incentive from a state agency to obtain 9
an equal pay certificate, to require state 10
agencies and political subdivisions to establish 11
a job evaluation system to identify and 12
eliminate sex-based wage disparities among 13
classes of employees, and to prohibit an 14
employer from retaliating against an employee 15
who discusses the employee's salary or wage rate 16
with another employee. 17

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

Section 1. That section 4117.08 be amended and sections 18

9.78, 9.781, 9.782, 9.783, 9.784, 9.785, 9.786, 9.787, 9.788, 19
142.01, 142.02, 142.03, 142.04, 142.05, 142.06, 142.07, 142.08, 20
142.09, 142.10, 4113.42, and 4117.141 of the Revised Code be 21
enacted to read as follows: 22

Sec. 9.78. As used in sections 9.78 to 9.788 of the 23
Revised Code: 24

(A) "Business entity" means a corporation, partnership, 25
association, firm, sole proprietorship, limited liability 26
corporation, limited liability partnership, or other entity 27
engaged in business. 28

(B) "Construction manager" and "construction manager at 29
risk" have the same meanings as in section 9.33 of the Revised 30
Code. 31

(C) "Contractor" means any person who undertakes to 32
construct, alter, erect, improve, repair, demolish, remove, dig, 33
or drill any part of a public improvement under a contract, and 34
includes a construction manager, construction manager at risk, 35
and design-build firm. 36

(D) "Design-build firm" has the same meaning as in section 37
153.65 of the Revised Code. 38

(E) "EEO-1 report" means the report required by the United 39
States equal employment opportunity commission under 29 C.F.R. 40
1602.7. 41

(F) "Public improvement" means any construction, 42
reconstruction, improvement, enlargement, alteration, 43
demolition, or repair of a building, highway, drainage system, 44
water system, road, street, alley, sewer, ditch, sewage disposal 45
plant, water works, and any other structure or work of any 46
nature by a state agency. 47

(G) "State agency" has the same meaning as in section 1.60 48
of the Revised Code. 49

Sec. 9.781. (A) (1) No state agency shall award a contract 50
for a public improvement to a contractor who employs four or 51
more full-time employees on any day in the prior twelve months 52
in the state where the contractor has the contractor's principal 53
place of business unless the contractor meets one of the 54
following conditions: 55

(a) The contractor has obtained an equal pay certificate 56
issued under section 9.782 of the Revised Code. 57

(b) The contractor has certified that the contractor is 58
exempt from obtaining a certificate pursuant to division (B) of 59
this section in accordance with rules adopted by the director of 60
administrative services. 61

(2) No state agency shall award a contract to provide 62
goods or services to a state agency to a person who employs four 63
or more full-time employees on any day in the prior twelve 64
months in the state where the person has the person's principal 65
place of business unless the person meets one of the following 66
conditions: 67

(a) The person has obtained an equal pay certificate 68
issued under section 9.782 of the Revised Code. 69

(b) The person has certified that the person is exempt 70
from obtaining a certificate pursuant to division (B) of this 71
section in accordance with rules adopted by the director. 72

(3) No state agency shall award a grant or other economic 73
incentive to a business entity that employs four or more full- 74
time employees on any day in the prior twelve months in the 75
state where the business entity has the business entity's 76

principal place of business, including if the award is being 77
made upon recommendation of the nonprofit corporation formed 78
under section 187.01 of the Revised Code, unless the business 79
entity meets one of the following conditions: 80

(a) The business entity has obtained an equal pay 81
certificate issued under section 9.782 of the Revised Code. 82

(b) The business entity has certified that the business 83
entity is exempt from obtaining a certificate pursuant to 84
division (B) of this section in accordance with rules adopted by 85
the director. 86

(B) This section does not apply to a contractor, person, 87
or business entity described in division (A) of this section, 88
with respect to a specific contract for a public improvement, to 89
provide goods or services to a state agency, or to a specific 90
grant or other economic incentive, if the director determines 91
that compliance with division (A) of this section would cause 92
undue hardship to the contractor, person, or business entity. 93

(C) The director shall adopt rules in accordance with 94
Chapter 119. of the Revised Code to do all of the following: 95

(1) Establish procedures to apply for and requirements to 96
obtain an exemption described in division (A) of this section; 97

(2) Define "undue hardship" for purposes of division (B) 98
of this section; 99

(3) Establish procedures to renew a certificate. 100

(D) The director shall provide technical assistance to a 101
contractor, person, or business entity who requests assistance 102
regarding compliance with sections 9.78 to 9.788 of the Revised 103
Code. 104

Sec. 9.782. (A) A contractor wishing to be awarded a 105
contract for a public improvement, a person wishing to provide 106
goods or services to a state agency, or a business entity 107
wishing to be awarded a grant or other economic incentive shall 108
apply for a certificate required by section 9.781 of the Revised 109
Code by submitting a twenty-five-dollar filing fee and an equal 110
pay compliance statement described in this section to the 111
director of administrative services. An equal pay compliance 112
statement shall be signed by the contractor, person, or the 113
chief executive officer of the business entity and contain all 114
of the following information: 115

(1) That the contractor, person, or business entity is in 116
compliance with Title VII of the Civil Rights Act of 1964, 42 117
U.S.C. 2000e et seq., the Equal Pay Act of 1963, 29 U.S.C. 118
206(d), Chapter 4112. of the Revised Code, and section 4111.17 119
of the Revised Code; 120

(2) That the average compensation for female employees is 121
not consistently below the average compensation for male 122
employees within each of the major job categories in the 123
contractor's, person's, or business entity's EEO-1 report, if 124
the contractor, person, or business entity is required to file 125
that report, taking into account all of the following factors: 126

(a) Length of service; 127

(b) Requirements of specific jobs; 128

(c) Experience; 129

(d) Skill; 130

(e) Effort; 131

(f) Responsibility; 132

<u>(g) Working conditions of the job;</u>	133
<u>(h) Other mitigating factors.</u>	134
<u>(3) That employees of one sex are not restricted to certain job classifications;</u>	135 136
<u>(4) That the contractor, person, or business entity makes retention and promotion decisions without regard to sex;</u>	137 138
<u>(5) That compensation and benefit disparities are corrected when identified;</u>	139 140
<u>(6) The frequency in which compensation and benefits are evaluated to ensure compliance with the laws listed in division (A) (1) of this section;</u>	141 142 143
<u>(7) Which of the following approaches a contractor, person, or business entity uses in setting compensation and benefits:</u>	144 145 146
<u>(a) Market pricing;</u>	147
<u>(b) State prevailing wage or labor organization contract requirements;</u>	148 149
<u>(c) A performance pay system;</u>	150
<u>(d) Internal analysis;</u>	151
<u>(e) An alternative approach as described by the contractor, person, or business entity.</u>	152 153
<u>(8) That employees of the contractor, person, or business entity are able to contact the contractor's, person's, or business entity's human resources department and request to see how the employee's compensation compares with other employees with jobs of "comparable skill, effort, responsibility, and working conditions."</u>	154 155 156 157 158 159

(B) Receipt of an equal pay compliance statement by the 160
director does not establish a contractor's, person's, or 161
business entity's compliance with the laws listed in division 162
(A) (1) of this section. 163

(C) The director shall reject an application only if the 164
statement described in division (A) of this section submitted by 165
the contractor, person, or business entity does not comply with 166
the requirements of that division or the contractor, person, or 167
business entity fails to submit the required fee. The director 168
shall issue a certificate or, if the director rejects an 169
application, a statement explaining the reason for the 170
rejection, to a contractor, person, or business entity within 171
fifteen days after receiving an application submitted under this 172
section. A certificate issued under this section is valid for a 173
period of four years and may be renewed in accordance with rules 174
adopted by the director. 175

Sec. 9.783. (A) (1) The director of administrative 176
services, in accordance with Chapter 119. of the Revised Code, 177
may suspend or revoke a certificate for any of the following 178
reasons: 179

(a) The contractor, person, or business entity fails to 180
comply with the laws listed in division (A) (1) of section 9.782 181
of the Revised Code. 182

(b) The contractor, person, or business entity has 183
multiple violations of the laws listed in division (A) (1) of 184
section 9.782 of the Revised Code. 185

(c) The contractor, person, or business entity fails to 186
comply with section 9.781 of the Revised Code. 187

(2) The director shall provide a contractor, person, or 188

business entity an opportunity to comply with section 9.781 or 189
9.782 of the Revised Code before suspending or revoking the 190
contractor's, person's, or business entity's certificate. 191

(B) A state agency, in accordance with Chapter 119. of the 192
Revised Code, may abridge or terminate a contract with a 193
contractor or person or revoke a grant or other economic 194
incentive from a business entity upon notice that the director 195
has suspended or revoked the certificate issued to a contractor, 196
person, or business entity. 197

(C) The director may void a contract or revoke a grant or 198
other economic incentive on behalf of a state agency if a 199
contractor, person, or business entity is not in compliance with 200
section 9.781 or 9.782 of the Revised Code. 201

(D) The director shall notify a state agency that has an 202
agreement with a contractor or person or has awarded a grant or 203
other economic incentive to a business entity before the 204
director voids the contract or revokes the grant or other 205
economic incentive under division (C) of this section. 206

Sec. 9.784. (A) The director of administrative services 207
shall notify a contractor, person, or business entity who holds 208
a certificate issued under section 9.782 of the Revised Code by 209
certified mail of the director's decision to suspend or revoke a 210
contractor's, person's, or business entity's certificate under 211
section 9.783 of the Revised Code. 212

(B) A state agency shall notify a contractor, person, or 213
business entity by certified mail of the state agency's decision 214
to abridge or terminate a contractor's or person's contract or 215
to revoke a business entity's grant or other economic incentive 216
under section 9.783 of the Revised Code. 217

Sec. 9.785. The director of administrative services may 218
audit a contractor, person, or business entity described in 219
section 9.781 of the Revised Code to determine whether the 220
contractor, person, or business entity is in compliance with 221
section 9.781 or 9.782 of the Revised Code. As part of an audit, 222
a contractor, person, or business entity shall provide to the 223
director information for all employees expected to perform work 224
under the contract, grant, or other economic incentive for each 225
of the major job categories included in the contractor's, 226
person's, or business entity's EEO-1 report if the contractor, 227
person, or business entity is required to file that report. As a 228
part of an audit, the contractor, person, or business entity 229
shall provide all of the following information to the director: 230

(A) Number of male employees; 231

(B) Number of female employees; 232

(C) Average length of service for male employees and for 233
female employees within each major job category; 234

(D) Average annualized salaries paid to male employees and 235
to female employees within each major job category, in the 236
manner most consistent with the compensation system identified 237
by the contractor, person, or business entity under division (A) 238
(7) of section 9.782 of the Revised Code; 239

(E) Performance payments, benefits, or other elements of 240
compensation, in the manner most consistent with the 241
compensation system identified by the contractor, person, or 242
business entity under division (A) (7) of section 9.782 of the 243
Revised Code; 244

(F) Other information identified by the director as 245
necessary to determine compliance with division (A) of section 246

9.782 of the Revised Code. 247

Sec. 9.786. (A) Any data on individuals submitted to the 248
director of administrative services under division (A) of 249
section 9.782 of the Revised Code shall be confidential and is 250
not a public record under section 149.43 of the Revised Code. 251

(B) A record of the director's decision to issue, not 252
issue, revoke, or suspend a certificate is a public record. 253

Sec. 9.787. Not later than January 31, 2020, and every two 254
years thereafter, the director of administrative services shall 255
submit a report of the activities of the department of 256
administrative services regarding certificates issued under 257
section 9.782 of the Revised Code to the governor and the 258
general assembly. The report shall contain all of the following 259
information: 260

(A) The number of certificates issued; 261

(B) The number of audits conducted under section 9.785 of 262
the Revised Code; 263

(C) The processes contractors for public improvements, 264
persons wishing to provide goods or services to a state agency, 265
or business entities awarded a grant or other economic incentive 266
use to ensure compliance with division (A) of section 9.782 of 267
the Revised Code; 268

(D) A summary of the director's auditing efforts under 269
section 9.785 of the Revised Code. 270

Sec. 9.788. There is hereby created in the state treasury 271
the equal pay certificate fund. The fund shall consist of all 272
certificate filing fees collected by the director of 273
administrative services under division (A) of section 9.782 of 274

the Revised Code. Money in the fund shall be used by the 275
department of administrative services to administer sections 276
9.78 to 9.788 of the Revised Code. Investment earnings of the 277
fund shall be credited to the fund. 278

Sec. 142.01. As used in this chapter: 279

(A) "Balanced class" means any class in which both of the 280
following conditions apply: 281

(1) Not more than eighty per cent of the members are male; 282

(2) Not more than seventy per cent of the members are 283
female. 284

(B) "Comparable work value" means the value of work 285
measured by skill, effort, responsibility, and working 286
conditions normally required in the performance of the work. 287

(C) "Class" means one or more positions in public 288
employment that have similar duties, responsibilities, and 289
general qualifications necessary to perform the duties, with 290
comparable selection procedures used to recruit employees, and 291
use of the same compensation schedule. 292

(D) "Equitable compensation relationship" means that the 293
compensation for female-dominated classes is not consistently 294
below the compensation for male-dominated classes of comparable 295
work value, as determined under section 142.04 of the Revised 296
Code, for each public employer. 297

(E) "Exclusive representative" has the same meaning as in 298
section 4117.01 of the Revised Code. 299

(F) "Female-dominated class" means any class in which 300
seventy per cent or more of the members are female. 301

(G) "Male-dominated class" means any class in which eighty 302
per cent or more of the members are male. 303

(H) "Position" means a group of current duties and 304
responsibilities assigned or delegated by a supervisor to an 305
employee. 306

(I) "Political subdivision" means a county, township, 307
municipal corporation, or any other body corporate and politic 308
that is responsible for government activities in a geographic 309
area smaller than that of the state. 310

(J) "Public employer" means either of the following: 311

(1) A state agency; 312

(2) A political subdivision. 313

(K) "State agency" means any organized body, office, 314
agency, institution, or other entity established by the laws of 315
the state for the exercise of any function of state government. 316

Sec. 142.02. Subject to Chapter 4117. and sections 4115.03 317
to 4115.21 and 4115.99 of the Revised Code, but notwithstanding 318
any other law to the contrary, every public employer shall 319
establish equitable compensation relationships between female- 320
dominated, male-dominated, and balanced classes of employees to 321
eliminate sex-based wage disparities in public employment in 322
this state. A public employer shall make the comparable work 323
value of a position in relationship to other employee positions 324
a primary consideration in negotiating, establishing, 325
recommending, and approving compensation. 326

Nothing in this chapter limits the ability of the parties 327
to collectively bargain in good faith. 328

Sec. 142.03. (A) The director of administrative services, 329

in establishing the job classification plan and assigning pay 330
ranges pursuant to section 124.14 of the Revised Code, and any 331
other public employer with the authority to determine 332
compensation for the employees of the public employer, shall 333
assure all of the following, as applicable: 334

(1) That compensation for positions in the classified 335
civil service and unclassified civil service bear reasonable 336
relationship to one another; 337

(2) That compensation for positions bears a reasonable 338
relationship to similar positions outside of that particular 339
public employer; 340

(3) That compensation for positions within the public 341
employer's workforce bears a reasonable relationship among 342
various classes and among various levels within the same 343
occupation group. 344

(B) For purposes of division (A) of this section, 345
compensation for a position bears a "reasonable relationship" to 346
another position if both of the following conditions are 347
satisfied: 348

(1) Compensation for positions that require comparable 349
skill, effort, responsibility, working conditions, and other 350
relevant work-related criteria is comparable. 351

(2) Compensation for positions that require differing 352
skill, effort, responsibility, working conditions, and other 353
relevant work-related criteria is proportional to the skill, 354
effort, responsibility, working conditions, and other relevant 355
work-related criteria required. 356

Sec. 142.04. (A) Every public employer shall establish a 357
job evaluation system and use that system to determine the 358

comparable work value of the work performed by each class of the 359
public employer's employees. A public employer may adopt the job 360
evaluation system established by any other public employer. 361

A public employer shall meet and confer with the exclusive 362
representative of the public employer's employees on the 363
development or selection of a job evaluation system. 364

(B) (1) A public employer shall maintain and update a job 365
evaluation system established by the public employer to account 366
for both of the following: 367

(a) New employee classes; 368

(b) Changes in factors affecting the comparable work value 369
of existing classes. 370

(2) A public employer that substantially modifies the 371
public employer's job evaluation system or adopts a new job 372
evaluation system shall notify the director of budget and 373
management. 374

Sec. 142.05. Every public employer shall submit a report 375
containing the results of the job evaluation system conducted 376
under section 142.04 of the Revised Code to the exclusive 377
representative selected by the public employer's employees under 378
section 4117.05 of the Revised Code to be used by both parties 379
in negotiations for collective bargaining agreements. The report 380
shall contain the following information: 381

(A) The female-dominated classes of a public employer for 382
which compensation inequity exists, based on the comparable work 383
value; 384

(B) All data not on individuals used to support the 385
findings in division (A) of this section. 386

<u>Sec. 142.06. (A) (1) Each public employer shall submit an</u>	387
<u>implementation report to the director of budget and management</u>	388
<u>that contains all of the following information, as of the</u>	389
<u>thirty-first day of December of the preceding year:</u>	390
<u>(a) A list of all job classes of the public employer;</u>	391
<u>(b) The number of employees in each class listed in</u>	392
<u>division (A) (1) (a) of this section;</u>	393
<u>(c) The number of female employees in each class listed in</u>	394
<u>division (A) (1) (a) of this section;</u>	395
<u>(d) An identification of each class listed in division (A)</u>	396
<u>(1) (a) of this section as male-dominated, female-dominated, or</u>	397
<u>balanced;</u>	398
<u>(e) The comparable work value of each class listed in</u>	399
<u>division (A) (1) (a) of this section as determined by the job</u>	400
<u>evaluation system used by the public employer under section</u>	401
<u>142.04 of the Revised Code;</u>	402
<u>(f) The minimum and maximum salary for each class listed</u>	403
<u>in division (A) (1) (a) of this section, if salary ranges have</u>	404
<u>been established, and the amount of time in employment required</u>	405
<u>to qualify for the maximum salary;</u>	406
<u>(g) Any additional cash compensation paid to members of a</u>	407
<u>class listed in division (A) (1) (a) of this section;</u>	408
<u>(h) Any additional information requested by the director.</u>	409
<u>(2) The director shall adopt rules in accordance with</u>	410
<u>Chapter 119. of the Revised Code to establish a schedule to</u>	411
<u>stagger the submission of the implementation reports required by</u>	412
<u>division (A) (1) of this section. Each public employer shall</u>	413
<u>submit a report every three years, with the first set of reports</u>	414

due to the director not later than the thirty-first day of 415
January immediately following the effective date of this 416
section. 417

(B) A state agency that fails to submit an implementation 418
report is subject to the penalty described in section 142.07 of 419
the Revised Code. 420

Sec. 142.07. (A) The director of budget and management 421
shall review the implementation reports the director receives 422
under section 142.06 of the Revised Code to determine whether a 423
public employer has established equitable compensation 424
relationships as required under section 142.02 of the Revised 425
Code. The director shall notify a public employer in writing if 426
the director determines that the public employer has complied 427
with the requirement of that section. 428

(B) If the director finds that a public employer did not 429
comply with that section, the director shall issue a statement 430
to the public employer in writing containing the following 431
information: 432

(1) A detailed description of the basis of the finding of 433
noncompliance; 434

(2) Specific recommended actions the public employer is 435
required to take to comply with that section; 436

(3) An estimate of the cost to the public employer to 437
comply with that section. 438

(C) (1) A public employer shall notify the director in 439
writing of a disagreement with a finding of the director under 440
division (B) of this section. The director shall provide the 441
public employer a specified time period in which to submit 442
additional evidence to support the employer's claim of 443

<u>compliance with the requirements of section 142.02 of the</u>	444
<u>Revised Code. That evidence may include any of the following:</u>	445
<u>(a) Recruitment difficulties;</u>	446
<u>(b) Retention difficulties;</u>	447
<u>(c) Recent conciliation awards made under section 4117.14</u>	448
<u>of the Revised Code that are inconsistent with equitable</u>	449
<u>compensation relationships under section 142.02 of the Revised</u>	450
<u>Code;</u>	451
<u>(d) Information that demonstrates that the employer made a</u>	452
<u>good faith effort to comply with section 142.02 of the Revised</u>	453
<u>Code, including constraints faced by the employer;</u>	454
<u>(e) A plan for the employer to comply with that section.</u>	455
<u>(2) The public employer shall specify with the evidence a</u>	456
<u>date for additional review by the director.</u>	457
<u>(D) (1) If a state agency does not make changes to comply</u>	458
<u>with the requirements of section 142.02 of the Revised Code</u>	459
<u>within a reasonable time period established by the director, the</u>	460
<u>director shall assess a fine of one hundred dollars for each day</u>	461
<u>the state agency remains noncompliant. The penalty remains in</u>	462
<u>effect until the state agency demonstrates that the state agency</u>	463
<u>has complied with section 142.02 of the Revised Code.</u>	464
<u>(2) The director may suspend the penalty imposed on a</u>	465
<u>state agency under division (D) (1) of this section for any of</u>	466
<u>the following reasons:</u>	467
<u>(a) The state agency's failure to comply was attributable</u>	468
<u>to circumstances beyond the control of the state agency.</u>	469
<u>(b) The state agency's failure to comply was attributable</u>	470

to severe hardship of the state agency. 471

(c) The noncompliance is a result of factors unrelated to 472
the sex of the members of the affected classes, and the state 473
agency is taking steps to comply with the requirements of 474
section 142.02 of the Revised Code to the extent possible. 475

(E) A state agency may appeal a penalty imposed under 476
division (D) (1) of this section to the director within thirty 477
days after the director assesses the penalty. The director shall 478
not impose the penalty on a state agency while an appeal is 479
pending. 480

Sec. 142.08. On or before the first day of January 481
immediately following the effective date of this section, and on 482
or before the first day of January thereafter, the director of 483
budget and management shall submit a report on the status of 484
compliance of public employers with section 142.02 of the 485
Revised Code to the general assembly. The report shall contain 486
all of the following information: 487

(A) A list of the public employers in compliance with the 488
requirements of section 142.02 of the Revised Code; 489

(B) The estimated cost of each public employer to be 490
compliant with those requirements; 491

(C) A list of the public employers the director found to 492
be not in compliance with section 142.02 of the Revised Code; 493

(D) The basis for the director's finding in division (C) 494
of this section; 495

(E) The list of recommended changes the public employers 496
listed in division (C) of this section must make to comply with 497
section 142.02 of the Revised Code; 498

<u>(F) The estimated cost for each public employer to become</u>	499
<u>compliant with section 142.02 of the Revised Code;</u>	500
<u>(G) A list of the public employers who did not comply with</u>	501
<u>the reporting requirements in section 142.06 of the Revised</u>	502
<u>Code;</u>	503
<u>(H) Any additional information the director determines the</u>	504
<u>general assembly needs to know from a public employer.</u>	505
<u>Sec. 142.09. Notwithstanding division (A) of section</u>	506
<u>4117.11 of the Revised Code, it is not an unfair labor practice</u>	507
<u>for a public employer to specify an amount of funds to be used</u>	508
<u>solely to correct inequitable compensation relationships.</u>	509
<u>This chapter does not diminish the duty of a public</u>	510
<u>employer to bargain in good faith under Chapter 4117. of the</u>	511
<u>Revised Code.</u>	512
<u>Sec. 142.10. The Ohio civil rights commission or any court</u>	513
<u>of this state may use either of the following as evidence in any</u>	514
<u>proceeding or action alleging that an unlawful discriminatory</u>	515
<u>practice, as defined in section 4112.01 of the Revised Code, has</u>	516
<u>been committed:</u>	517
<u>(A) The results of any job evaluation system established</u>	518
<u>under section 142.04 of the Revised Code;</u>	519
<u>(B) A report compiled by a public employer under section</u>	520
<u>142.05 of the Revised Code.</u>	521
<u>Sec. 4113.42. (A) As used in this section, "employee" and</u>	522
<u>"employer" have the same meanings as in section 4113.51 of the</u>	523
<u>Revised Code.</u>	524
<u>(B) No employer shall discharge or otherwise retaliate</u>	525
<u>against an employee because the employee has discussed the</u>	526

employee's salary or wage rate with another employee. 527

Sec. 4117.08. (A) All matters pertaining to wages, hours, 528
or terms and other conditions of employment and the 529
continuation, modification, or deletion of an existing provision 530
of a collective bargaining agreement are subject to collective 531
bargaining between the public employer and the exclusive 532
representative, except as otherwise specified in this section 533
and division (E) of section 4117.03 of the Revised Code. 534

(B) The conduct and grading of civil service examinations, 535
the rating of candidates, the establishment of eligible lists 536
from the examinations, and the original appointments from the 537
eligible lists are not appropriate subjects for collective 538
bargaining. 539

(C) Unless a public employer agrees otherwise in a 540
collective bargaining agreement, nothing in Chapter 4117. of the 541
Revised Code impairs the right and responsibility of each public 542
employer to: 543

(1) Determine matters of inherent managerial policy which 544
include, but are not limited to, areas of discretion or policy 545
such as the functions and programs of the public employer, 546
standards of services, its overall budget, utilization of 547
technology, and organizational structure; 548

(2) Direct, supervise, evaluate, or hire employees; 549

(3) Maintain and improve the efficiency and effectiveness 550
of governmental operations; 551

(4) Determine the overall methods, process, means, or 552
personnel by which governmental operations are to be conducted; 553

(5) Suspend, discipline, demote, or discharge for just 554

cause, or lay off, transfer, assign, schedule, promote, or 555
retain employees; 556

(6) Determine the adequacy of the work force; 557

(7) Determine the overall mission of the employer as a 558
unit of government; 559

(8) Effectively manage the work force; 560

(9) Take actions to carry out the mission of the public 561
employer as a governmental unit. 562

The employer is not required to bargain on subjects 563
reserved to the management and direction of the governmental 564
unit except as affect wages, hours, terms and conditions of 565
employment, and the continuation, modification, or deletion of 566
an existing provision of a collective bargaining agreement. A 567
public employee or exclusive representative may raise a 568
legitimate complaint or file a grievance based on the collective 569
bargaining agreement. 570

(D) (1) A public employer shall assure that all of the 571
following occur in preparation for negotiating a collective 572
bargaining agreement, if applicable: 573

(a) That compensation for positions in the classified 574
civil service and unclassified civil service bear reasonable 575
relationship to one another; 576

(b) That compensation for positions bears a reasonable 577
relationship to similar positions outside of that particular 578
public employer; 579

(c) That compensation for positions within the public 580
employer's workforce bears a reasonable relationship among 581
various classes and among various levels within the same 582

occupation group. 583

(2) As used in division (D) (1) of this section, 584
"reasonable relationship" has the same meaning as in section 585
142.03 of the Revised Code. 586

Sec. 4117.141. (A) As used in this section, "balanced 587
class" has the same meaning as in section 142.01 of the Revised 588
Code. 589

(B) A fact-finding panel or a conciliator appointed under 590
section 4117.14 of the Revised Code shall consider all of the 591
following in any settlement of a dispute involving a class other 592
than a balanced class under Chapter 142. of the Revised Code: 593

(1) The equitable compensation relationship standards 594
established in section 142.02 of the Revised Code; 595

(2) The reasonable compensation relationships established 596
under section 142.03 of the Revised Code; 597

(3) The results of a job evaluation system conducted under 598
section 142.04 of the Revised Code; 599

(4) Any employee objections to the job evaluation system. 600

(C) In settlements of disputes involving a balanced class, 601
the fact-finding panel or conciliator shall consider similar 602
classifications of other public employers. The fact-finding 603
panel or conciliator also may consider the standards established 604
under section 142.02 of the Revised Code and the results of, and 605
any employee objections to, a job evaluation system conducted 606
under section 142.04 of the Revised Code. 607

(D) In collective bargaining involving a balanced class, 608
the parties shall consider similar classifications of other 609
public employers. The parties also may consider the equitable 610

compensation relationship standards established under section 611
142.02 of the Revised Code and the results of a job evaluation 612
system conducted under section 142.04 of the Revised Code. 613

Section 2. That existing section 4117.08 of the Revised 614
Code is hereby repealed. 615