

As Recommended to the Senate Veterans and Public Safety Committee

135th General Assembly

Regular Session

2023-2024

S. B. No. 113

Senator Hoagland

Cosponsor: Senator Johnson

A BILL

To amend section 4117.10 and to enact sections 3.19
and 124.95 of the Revised Code to prohibit a
person who fails to comply with the Military
Selective Service System from holding a public
office or employment with the state.

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

Section 1. That section 4117.10 be amended and sections
3.19 and 124.95 of the Revised Code be enacted to read as
follows:

Sec. 3.19. (A) As used in this section, "public office"
has the meaning defined in section 117.01 of the Revised Code.

(B) An individual who is required to register with the
selective service system, and fails to do so in violation of
section 3 of the "Military Selective Service Act," 50 U.S.C.
3802, or who failed to do so before the requirement for the
person to so register terminated or had become inapplicable to
the individual, is incompetent to hold an appointed or elected
position of a public office.

(C) An individual who, on or after August 1, 2002,

submitted an application for issuance or renewal of a license 19
during the period of time that the individual was required to 20
register with the selective service system is deemed to have 21
given consent for the bureau of motor vehicles to register the 22
individual with the selective service system, as required under 23
section 4507.062 of the Revised Code, and shall not be 24
considered incompetent to hold an appointed or elected position 25
of a public office under division (B) of this section. 26

(D) This section does not apply to an individual, with 27
respect to an appointed or elected position of a public office, 28
held by the individual before the effective date of this 29
section. 30

Sec. 124.95. (A) As used in this section: 31

(1) "State agency" means all of the following: 32

(a) An organized body, office, agency, institution, or 33
other entity established by the laws of the state for the 34
exercise of a function of state government; 35

(b) Any state-supported institution of higher education; 36

(c) The public employees retirement system; 37

(d) The Ohio police and fire pension fund; 38

(e) The state teachers retirement system; 39

(f) The school employees retirement system; 40

(g) The state highway patrol retirement system. 41

(2) "License" has the same meaning as in section 4507.062 42
of the Revised Code. 43

(B) Except as provided in division (E) of this section, an 44
individual who fails to register with the selective service 45

system in violation of section 3 of the "Military Selective 46
Service Act," 50 U.S.C. 3802 shall be ineligible for an initial 47
appointment to employment with a state agency. 48

(C) An appointing authority of a state agency shall ensure 49
that an applicant for employment with the agency is in 50
compliance with section 3 of the "Military Selective Service 51
Act," 50 U.S.C. 3802 before making an offer of employment to the 52
applicant. 53

(D) This section shall not be construed to require a state 54
agency to remove an individual from employment with the agency, 55
or take any other adverse employment action against an 56
individual, if the individual is employed with the agency on the 57
effective date of this section. 58

(E) An individual who, on or after August 1, 2002, 59
submitted an application for issuance or renewal of a license 60
during the period of time that the individual was required to 61
register with the selective service system is deemed to have 62
given consent for the bureau of motor vehicles to register the 63
individual with the selective service system, as required under 64
section 4507.062 of the Revised Code, and shall not be 65
ineligible for an initial appointment to employment with a state 66
agency under division (B) of this section. 67

Sec. 4117.10. (A) An agreement between a public employer 68
and an exclusive representative entered into pursuant to this 69
chapter governs the wages, hours, and terms and conditions of 70
public employment covered by the agreement. If the agreement 71
provides for a final and binding arbitration of grievances, 72
public employers, employees, and employee organizations are 73
subject solely to that grievance procedure and the state 74
personnel board of review or civil service commissions have no 75

jurisdiction to receive and determine any appeals relating to	76
matters that were the subject of a final and binding grievance	77
procedure. Where no agreement exists or where an agreement makes	78
no specification about a matter, the public employer and public	79
employees are subject to all applicable state or local laws or	80
ordinances pertaining to the wages, hours, and terms and	81
conditions of employment for public employees. All of the	82
following prevail over conflicting provisions of agreements	83
between employee organizations and public employers:	84
(1) Laws pertaining to any of the following subjects:	85
(a) Civil rights;	86
(b) Affirmative action;	87
(c) Unemployment compensation;	88
(d) Workers' compensation;	89
(e) The retirement of public employees;	90
(f) Residency requirements;	91
(g) The minimum educational requirements contained in the	92
Revised Code pertaining to public education including the	93
requirement of a certificate by the fiscal officer of a school	94
district pursuant to section 5705.41 of the Revised Code;	95
(h) The provisions of division (A) of section 124.34 of	96
the Revised Code governing the disciplining of officers and	97
employees who have been convicted of a felony;	98
(i) The minimum standards promulgated by the state board	99
of education pursuant to division (D) of section 3301.07 of the	100
Revised Code.	101
(2) The law pertaining to the leave of absence and	102

compensation provided under section 5923.05 of the Revised Code, 103
if the terms of the agreement contain benefits which are less 104
than those contained in that section or the agreement contains 105
no such terms and the public authority is the state or any 106
agency, authority, commission, or board of the state or if the 107
public authority is another entity listed in division (B) of 108
section 4117.01 of the Revised Code that elects to provide leave 109
of absence and compensation as provided in section 5923.05 of 110
the Revised Code; 111

(3) The law pertaining to the leave established under 112
section 5906.02 of the Revised Code, if the terms of the 113
agreement contain benefits that are less than those contained in 114
section 5906.02 of the Revised Code; 115

(4) The law pertaining to excess benefits prohibited under 116
section 3345.311 of the Revised Code with respect to an 117
agreement between an employee organization and a public employer 118
entered into on or after ~~the effective date of this amendment~~ 119
September 29, 2015; 120

(5) The law pertaining to ineligibility for an initial 121
appointment with a state agency under section 124.95 of the 122
Revised Code with respect to an agreement between an employee 123
organization and a public employer entered into on or after the 124
effective date of this amendment. 125

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 126
the Revised Code and arrangements entered into thereunder, and 127
section 4981.21 of the Revised Code as necessary to comply with 128
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 129
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 130
entered into thereunder, this chapter prevails over any and all 131
other conflicting laws, resolutions, provisions, present or 132

future, except as otherwise specified in this chapter or as 133
otherwise specified by the general assembly. Nothing in this 134
section prohibits or shall be construed to invalidate the 135
provisions of an agreement establishing supplemental workers' 136
compensation or unemployment compensation benefits or exceeding 137
minimum requirements contained in the Revised Code pertaining to 138
public education or the minimum standards promulgated by the 139
state board of education pursuant to division (D) of section 140
3301.07 of the Revised Code. 141

(B) The public employer shall submit a request for funds 142
necessary to implement an agreement and for approval of any 143
other matter requiring the approval of the appropriate 144
legislative body to the legislative body within fourteen days of 145
the date on which the parties finalize the agreement, unless 146
otherwise specified, but if the appropriate legislative body is 147
not in session at the time, then within fourteen days after it 148
convenes. The legislative body must approve or reject the 149
submission as a whole, and the submission is deemed approved if 150
the legislative body fails to act within thirty days after the 151
public employer submits the agreement. The parties may specify 152
that those provisions of the agreement not requiring action by a 153
legislative body are effective and operative in accordance with 154
the terms of the agreement, provided there has been compliance 155
with division (C) of this section. If the legislative body 156
rejects the submission of the public employer, either party may 157
reopen all or part of the entire agreement. 158

As used in this section, "legislative body" includes the 159
governing board of a municipal corporation, school district, 160
college or university, village, township, or board of county 161
commissioners or any other body that has authority to approve 162
the budget of their public jurisdiction and, with regard to the 163

state, "legislative body" means the controlling board. 164

(C) The chief executive officer, or the chief executive 165
officer's representative, of each municipal corporation, the 166
designated representative of the board of education of each 167
school district, college or university, or any other body that 168
has authority to approve the budget of their public 169
jurisdiction, the designated representative of the board of 170
county commissioners and of each elected officeholder of the 171
county whose employees are covered by the collective 172
negotiations, and the designated representative of the village 173
or the board of township trustees of each township is 174
responsible for negotiations in the collective bargaining 175
process; except that the legislative body may accept or reject a 176
proposed collective bargaining agreement. When the matters about 177
which there is agreement are reduced to writing and approved by 178
the employee organization and the legislative body, the 179
agreement is binding upon the legislative body, the employer, 180
and the employee organization and employees covered by the 181
agreement. 182

(D) There is hereby established an office of collective 183
bargaining in the department of administrative services for the 184
purpose of negotiating with and entering into written agreements 185
between state agencies, departments, boards, and commissions and 186
the exclusive representative on matters of wages, hours, terms 187
and other conditions of employment and the continuation, 188
modification, or deletion of an existing provision of a 189
collective bargaining agreement. Nothing in any provision of law 190
to the contrary shall be interpreted as excluding the bureau of 191
workers' compensation and the industrial commission from the 192
preceding sentence. This office shall not negotiate on behalf of 193
other statewide elected officials or boards of trustees of state 194

institutions of higher education who shall be considered as 195
separate public employers for the purposes of this chapter; 196
however, the office may negotiate on behalf of these officials 197
or trustees where authorized by the officials or trustees. The 198
staff of the office of collective bargaining are in the 199
unclassified service. The director of administrative services 200
shall fix the compensation of the staff. 201

The office of collective bargaining shall: 202

(1) Assist the director in formulating management's 203
philosophy for public collective bargaining as well as planning 204
bargaining strategies; 205

(2) Conduct negotiations with the exclusive 206
representatives of each employee organization; 207

(3) Coordinate the state's resources in all mediation, 208
fact-finding, and arbitration cases as well as in all labor 209
disputes; 210

(4) Conduct systematic reviews of collective bargaining 211
agreements for the purpose of contract negotiations; 212

(5) Coordinate the systematic compilation of data by all 213
agencies that is required for negotiating purposes; 214

(6) Prepare and submit an annual report and other reports 215
as requested to the governor and the general assembly on the 216
implementation of this chapter and its impact upon state 217
government. 218

Section 2. That existing section 4117.10 of the Revised 219
Code is hereby repealed. 220