

**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,  
Boccieri, West, Craig, Boyd, Kent, Ingram, Lepore-Hagan, Leland**

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**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</u>	135
<u>certain job classifications;</u>	136
<u>(4) That the contractor, person, or business entity makes</u>	137
<u>retention and promotion decisions without regard to sex;</u>	138
<u>(5) That compensation and benefit disparities are</u>	139
<u>corrected when identified;</u>	140
<u>(6) The frequency in which compensation and benefits are</u>	141
<u>evaluated to ensure compliance with the laws listed in division</u>	142
<u>(A) (1) of this section;</u>	143
<u>(7) Which of the following approaches a contractor,</u>	144
<u>person, or business entity uses in setting compensation and</u>	145
<u>benefits:</u>	146
<u>(a) Market pricing;</u>	147
<u>(b) State prevailing wage or labor organization contract</u>	148
<u>requirements;</u>	149
<u>(c) A performance pay system;</u>	150
<u>(d) Internal analysis;</u>	151
<u>(e) An alternative approach as described by the</u>	152
<u>contractor, person, or business entity.</u>	153
<u>(8) That employees of the contractor, person, or business</u>	154
<u>entity are able to contact the contractor's, person's, or</u>	155
<u>business entity's human resources department and request to see</u>	156
<u>how the employee's compensation compares with other employees</u>	157
<u>with jobs of "comparable skill, effort, responsibility, and</u>	158
<u>working conditions."</u>	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

Sec. 142.06. (A) (1) Each public employer shall submit an 387  
implementation report to the director of budget and management 388  
that contains all of the following information, as of the 389  
thirty-first day of December of the preceding year: 390

(a) A list of all job classes of the public employer; 391

(b) The number of employees in each class listed in 392  
division (A) (1) (a) of this section; 393

(c) The number of female employees in each class listed in 394  
division (A) (1) (a) of this section; 395

(d) An identification of each class listed in division (A) 396  
(1) (a) of this section as male-dominated, female-dominated, or 397  
balanced; 398

(e) The comparable work value of each class listed in 399  
division (A) (1) (a) of this section as determined by the job 400  
evaluation system used by the public employer under section 401  
142.04 of the Revised Code; 402

(f) The minimum and maximum salary for each class listed 403  
in division (A) (1) (a) of this section, if salary ranges have 404  
been established, and the amount of time in employment required 405  
to qualify for the maximum salary; 406

(g) Any additional cash compensation paid to members of a 407  
class listed in division (A) (1) (a) of this section; 408

(h) Any additional information requested by the director. 409

(2) The director shall adopt rules in accordance with 410  
Chapter 119. of the Revised Code to establish a schedule to 411  
stagger the submission of the implementation reports required by 412  
division (A) (1) of this section. Each public employer shall 413  
submit a report every three years, with the first set of reports 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



compliance with the requirements of section 142.02 of the 444  
Revised Code. That evidence may include any of the following: 445

(a) Recruitment difficulties; 446

(b) Retention difficulties; 447

(c) Recent conciliation awards made under section 4117.14 448  
of the Revised Code that are inconsistent with equitable 449  
compensation relationships under section 142.02 of the Revised 450  
Code; 451

(d) Information that demonstrates that the employer made a 452  
good faith effort to comply with section 142.02 of the Revised 453  
Code, including constraints faced by the employer; 454

(e) A plan for the employer to comply with that section. 455

(2) The public employer shall specify with the evidence a 456  
date for additional review by the director. 457

(D)(1) If a state agency does not make changes to comply 458  
with the requirements of section 142.02 of the Revised Code 459  
within a reasonable time period established by the director, the 460  
director shall assess a fine of one hundred dollars for each day 461  
the state agency remains noncompliant. The penalty remains in 462  
effect until the state agency demonstrates that the state agency 463  
has complied with section 142.02 of the Revised Code. 464

(2) The director may suspend the penalty imposed on a 465  
state agency under division (D)(1) of this section for any of 466  
the following reasons: 467

(a) The state agency's failure to comply was attributable 468  
to circumstances beyond the control of the state agency. 469

(b) The state agency's failure to comply was attributable 470

to severe hardship of the state agency.

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

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

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

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

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

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

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

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

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(F) The estimated cost for each public employer to become 499  
compliant with section 142.02 of the Revised Code; 500

(G) A list of the public employers who did not comply with 501  
the reporting requirements in section 142.06 of the Revised 502  
Code; 503

(H) Any additional information the director determines the 504  
general assembly needs to know from a public employer. 505

**Sec. 142.09.** Notwithstanding division (A) of section 506  
4117.11 of the Revised Code, it is not an unfair labor practice 507  
for a public employer to specify an amount of funds to be used 508  
solely to correct inequitable compensation relationships. 509

This chapter does not diminish the duty of a public 510  
employer to bargain in good faith under Chapter 4117. of the 511  
Revised Code. 512

**Sec. 142.10.** The Ohio civil rights commission or any court 513  
of this state may use either of the following as evidence in any 514  
proceeding or action alleging that an unlawful discriminatory 515  
practice, as defined in section 4112.01 of the Revised Code, has 516  
been committed: 517

(A) The results of any job evaluation system established 518  
under section 142.04 of the Revised Code; 519

(B) A report compiled by a public employer under section 520  
142.05 of the Revised Code. 521

**Sec. 4113.42.** (A) As used in this section, "employee" and 522  
"employer" have the same meanings as in section 4113.51 of the 523  
Revised Code. 524

(B) No employer shall discharge or otherwise retaliate 525  
against an employee because the employee has discussed the 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