



Ohio Administrative Code

Rule 4117-13-05 Penalties for unauthorized strikes; notice and hearing.

Effective: January 2, 2005

(A) If the board determines that the strike is not authorized, then the public employer:

(1) May remove or suspend those employees who one day after notification by the public employer of the board decision that a strike is not authorized continue to engage in the unauthorized strike; and

(2) If the employee is appointed or reappointed, employed, or reemployed, as a public employee, with the same appointing authority, may impose the following conditions:

(a) The employee's compensation shall in no event exceed that received by him or her immediately prior to the time of the violation.

(b) The employee's compensation is not increased until after the expiration of one year from the appointment or reappointment, employment, or reemployment.

(3) Shall deduct from each striking employee's wages, if the board also determines that the public employer did not provoke the strike, the equivalent of two days' wages for each day the employee remains on strike commencing one day after receiving the notice called for in rule 4117-13-03 of the Administrative Code. The employer shall give the employee credit for wages not paid after that point in time due to the employee's absence from the place of employment because the employee is on strike.

(B) If an employer imposes a penalty upon an employee pursuant to paragraph (A) of this rule, it shall serve notice of such action upon the employee, the exclusive representative, if any, and the board on or before the date on which the action is to be effective. The notice shall advise the employee of the right to appeal to the board. The employee shall have ten days from receipt of notice to appeal to the board.

(C) After receipt of a timely appeal, the board may conduct a hearing to determine whether the



penalty imposed by the employer is appropriate to the situation. If the board finds that the penalty is not appropriate, it may suspend, modify, or reverse the penalty.

(D) Pursuant to division (B)(3) of section 4117.23 of the Revised Code, and upon the employer's written request, the board may authorize the public employer to impose the penalties stated in this rule and under division (B) of section 4117.23 of the Revised Code retroactively to the date the unauthorized strike commenced.