



## Ohio Administrative Code Rule 4117-9-02 Notice to negotiate.

Effective: October 25, 2010

---

(A) Any public employer or exclusive representative desiring to terminate, modify, or reopen an existing collective bargaining agreement or negotiate a successor collective bargaining agreement shall, not less than sixty days prior to the expiration date of the existing collective bargaining agreement, or, if there is no relevant expiration date, not less than sixty days prior to the time of the proposed effective date of the termination, successor agreement, modification, or adjustments resulting from a reopener:

(1) Serve via electronic mail a notice to negotiate stating such desire upon the other party and the board.

The notice to negotiate shall include:

(a) Duration of any current agreement;

(b) Nature of the bargaining (successor agreement, reopener);

(c) The impasse resolution provisions of the current collective bargaining agreement; and

(d) Any mutually agreed-upon dispute settlement procedure that may have been entered into by the parties not included in the previous collective bargaining agreement.

(2) Offer to bargain collectively with the other party for the purpose of modifying, reopening, or terminating any existing agreement or negotiating a successor agreement; and

(3) File via electronic mail with the board a certification that the current agreement previously has been filed with the board or a copy of the existing collective bargaining agreement.

(B) Where a collective bargaining agreement has not been in effect between an employer and a



newly certified exclusive representative, the employer or exclusive representative may, at any time after the board votes to certify the exclusive representative, file via electronic mail with the board and serve notice upon the other party offering to meet, for a period of ninety days, with the other party for the purpose of negotiating a collective bargaining agreement. Such notice shall set forth the name, mailing address, and email address of the party and the name, mailing address, telephone number, and email address of its principal representative.

(C) Where the filing party wishes to engage in multi-unit bargaining, the party shall file via electronic mail a separate notice to negotiate for each unit. With the notices to negotiate, the party shall file with the board and serve upon the other party a notice of the party's desire to engage in multi-unit bargaining. An agreement with the proposed multi-unit bargaining must be filed via electronic mail with the board and served upon the other party within ten days of service of the notice or the board will consider the parties to be engaging in single-unit bargaining.

(D) For purposes of Chapter 4117-9 of the Administrative Code, "negotiation period" means:

(1) For negotiations in anticipation of the expiration of a current collective bargaining agreement, the period of sixty days after the notice to negotiate is served via electronic mail upon the other party and filed with the board, or the sixty-day period preceding the expiration of the collective bargaining agreement, whichever period expires later unless there is an agreement to extend;

(2) For a newly certified employee organization that has not been a party to a collective bargaining agreement with the employer, the period of ninety days after the notice to negotiate is served via electronic mail upon the other party and filed with the board, unless there is an agreement to extend;

(3) For collective bargaining negotiations under a reopener provision of an effective collective bargaining agreement, the period of sixty days after the notice to negotiate is served via electronic mail upon the party and filed with the board, unless there is an agreement to extend.

(E) Except as the parties may modify the negotiation process by mutually agreed-upon dispute settlement procedures, the parties shall continue in full force and effect all the terms and conditions of any existing collective bargaining agreement, without resort to strike or lockout, for a period of sixty days after the party gives notice, until the expiration date of the collective bargaining



agreement, or the statutory dispute settlement procedures are exhausted, whichever occurs later.

(F) Following the filing of a notice to negotiate, the board will continue with the timely application of the statutory procedure set forth in divisions (C)(2) to (C)(6), (D), and (G) of section 4117.14 of the Revised Code unless:

(1) The parties are subject to a mutually agreed-upon dispute settlement procedure pursuant to rule 4117-9-03 of the Administrative Code;

(2) A motion to stay for good cause shown is granted by the board, however, the board may delegate to the executive director or the office of the general counsel authority to grant a stay conditionally, pending action at the next meeting of the board, in accordance with this paragraph;

(3) The parties file with the board a joint written notification of settlement or tentative agreement. In the event of written notification of a tentative settlement, the board shall suspend the statutory dispute settlement procedure until notified in writing by either party that the tentative agreement has been rejected. The board may delegate to the administrator of the bureau of mediation or the executive director authority to suspend procedures in accordance with this paragraph.

(G) A notice to negotiate or motion relating to a notice to negotiate shall not be accepted for filing with the board unless it contains proof of service pursuant to paragraph (B) of rule 4117-1-02 of the Administrative Code.