

SUPREME COURT OF OHIO

State ex rel. Ohio Civil Service Employees Ass'n v. State Employment Relations Board

104 Ohio St. 3d 122 (Ohio 2004) · Decided December 15, 2004

SUMMARY

The Supreme Court of Ohio held that an amendment to R.C. 3318.31, which excluded Ohio School Facilities Commission employees from the state public-employee collective-bargaining law, violated the Ohio Constitution’s one-subject rule. The court also held that mandamus was an appropriate remedy because a declaratory judgment alone would not have required the State Employment Relations Board to reinstate the pending petitions.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Chief Justice Moyer; Justice Resnick; Justice F.E. Sweeney; Justice O'Donnell; Justice Pfeifer; Justice Lundberg Stratton; Justice O'Connor
JURISDICTION	Ohio
DECIDED	December 15, 2004
DISPOSITION	affirmed
PROCEDURAL POSTURE	SERB appealed as of right from the Ohio Court of Appeals' judgment granting OCSEA a writ of mandamus and ordering SERB to reinstate six petitions concerning representation of Ohio School Facilities Commission employees.
STANDARD OF REVIEW	The court reviewed whether mandamus was available and whether the challenged statutory amendment violated the Ohio Constitution's one-subject rule, while affording the General Assembly great latitude and presuming statutes constitutional.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential.
PARTIES	State Employment Relations Board, State of Ohio v. Ohio Civil Service Employees Association

TOPICS

constitutional law

labor law

remedies

declaratory judgment

equitable relief

PRACTICE AREAS

Ohio constitutional law

public-sector labor law

administrative law

extraordinary remedies

QUESTIONS PRESENTED

1. Whether OCSEA could challenge SERB's dismissal of its petitions through an action for a writ of mandamus.
2. Whether OCSEA had a plain and adequate remedy in the ordinary course of law through a declaratory-judgment action.
3. Whether Am.Sub.H.B. No. 405 violated the one-subject rule in Section 15(D), Article II of the Ohio Constitution by including an amendment exempting OSFC employees from collective bargaining among numerous budget-related provisions.
4. Whether SERB had a clear legal duty to reinstate OCSEA's petitions after the amendment was invalidated.

HOLDINGS

1. Mandamus was an appropriate vehicle because OCSEA sought to compel SERB, a public agency, to perform a specific statutory duty concerning specific petitions, and OCSEA lacked a plain and adequate remedy in the ordinary course of law.
2. Am.Sub.H.B. No. 405 violated the one-subject rule of Section 15(D), Article II of the Ohio Constitution insofar as it amended R.C. 3318.31 to exclude OSFC employees from the collective-bargaining process.
3. Because the amendment to R.C. 3318.31 was invalid, OCSEA had a clear legal right to reinstatement of its six petitions and SERB had a clear legal duty to reinstate them.

KEY QUOTATIONS

“To conclude that a bill violates the one-subject rule, a court must determine that the bill includes a disunity of subject matter such that there is “no discernible practical, rational or legitimate reason for combining the provisions in one Act.”” (130)

“For the foregoing reasons, we hold that Am.Sub.H.B. No. 405 violates the one-subject rule of the Ohio Constitution with regard to the amendment to R.C. 3318.31.” (132)

FACTUAL BACKGROUND

OCSEA was the exclusive bargaining representative for certain state collective-bargaining units and sought to include employees of the Ohio School Facilities Commission. While OCSEA's petitions were pending, the General Assembly enacted Am.Sub.H.B. No. 405, which amended R.C. 3318.31 to exempt OSFC employees from Ohio's public-employee collective-bargaining law. SERB relied on the amendment to dismiss OCSEA's petitions and an unfair-labor-practice charge.

PROCEDURAL HISTORY

OCSEA filed petitions with SERB seeking amendment or clarification of bargaining-unit certification to include OSFC employees. After the General Assembly amended R.C. 3318.31 in Am.Sub.H.B. No. 405, SERB dismissed the petitions and an accompanying unfair-labor-practice charge. The Franklin County Court of Appeals rejected its magistrate's recommendation to dismiss for lack of jurisdiction, held that mandamus was an appropriate vehicle, found the amendment unconstitutional under the one-subject rule, and ordered SERB to reinstate the six petitions. The Supreme Court of Ohio affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The court affirmed the judgment severing the amendment to R.C. 3318.31 from Am.Sub.H.B. No. 405 and preserving the nonoffending provisions, and requiring SERB to reinstate OCSEA's six petitions. The court of appeals had ordered reinstatement within 30 days.

CASES CITED

- State ex rel. Natl. City Bank v. Bd. of Edn., 52 Ohio St. 2d 81, 84, 369 N.E.2d 1200 (1977)
- State ex rel. Quarto Mining Co. v. Foreman, 79 Ohio St. 3d 78, 81, 679 N.E.2d 706 (1997)
- Goldberg v. Indus. Comm., 131 Ohio St. 399, 404, 3 N.E.2d 364 (1936)
- State ex rel. Grendell v. Davidson, 86 Ohio St. 3d 629, 634, 716 N.E.2d 704 (1999)
- State ex rel. Ministerial Day Care Assn. v. Zelman, 100 Ohio St. 3d 347, 2003-Ohio-6447, 800 N.E.2d 21, ¶ 22
- State ex rel. Phillips v. Lorain Cty. Bd. of Elections, 93 Ohio St. 3d 535, 537, 757 N.E.2d 319 (2001)
- State ex rel. Dayton Fraternal Order of Police Lodge No. 44 v. State Emp. Relations Bd., 22 Ohio St. 3d 1, 8, 488 N.E.2d 181 (1986)
- State ex rel. Fenske v. McGovern, 11 Ohio St. 3d 129, 464 N.E.2d 525 (1984)
- State ex rel. Zupancic v. Limbach, 58 Ohio St. 3d 130, 133, 568 N.E.2d 1206 (1991)
- State ex rel. Pressley v. Indus. Comm., 11 Ohio St. 2d 141, 228 N.E.2d 631 (1967)
- State ex rel. Ohio Academy of Trial Lawyers v. Sheward, 86 Ohio St. 3d 451, 495-496, 715 N.E.2d 1062 (1999)
- Foster v. Wood Cty. Commrs., 9 Ohio St. 540, 543 (1859)
- Kinsey v. Board of Trustees, Kinsey v. Bd. of Trustees of Police and Firemen's Disability & Pension Fund of Ohio, 49 Ohio St. 3d 224, 225, 551 N.E.2d 989 (1990)
- Bowen v. Kil-Kare, Inc., 63 Ohio St. 3d 84, 89, 585 N.E.2d 384 (1992)
- Hoover v. Franklin Cty. Bd. of Commrs., 19 Ohio St. 3d 1, 6, 482 N.E.2d 575 (1985)
- Beagle v. Walden, 78 Ohio St. 3d 59, 62, 676 N.E.2d 506 (1997)
- State ex rel. Dix v. Celeste, 11 Ohio St. 3d 141, 143-146, 464 N.E.2d 153 (1984)

- **Simmons-Harris v. Goff**, 86 Ohio St. 3d 1, 14-17, 711 N.E.2d 203 (1999)

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