Collective bargaining ruled proper in OSU work cases

By Roger K. Lowe
Dispatch Statehouse Reporter

Collective bargaining negotiations can be used to settle disputes between unions and universities over contracting out work, the Ohio Supreme Court said yesterday.

In its ruling, the court tried to limit an earlier ruling, which was reached before the state's public employee collective bargaining law went into effect.

In the earlier decision, the court had said Ohio State University should not freeze civil service hiring and then contract for work previously performed by classified workers.

The case went back to the Franklin County Common Pleas Court, which said service contracting was valid so long as the university did not do it to set up a spoils system or because of political reasons.

The Communications Workers of America appealed that ruling, which was upheld by the Franklin County Court of Appeals.

The Supreme Court yesterday said the scope of its previous ruling should be limited to a rare instance in which the civil service positions affected by a hiring freeze are, or may be, filled by public employees who aren't covered by the collective bargaining law.

The court said the new collective bargaining law provides a check on the powers of public employers that did not exist when the union challenged the practice of contracting out the work.

"It is hoped that today's decision will encourage resolution of the parties' dispute without further resort to the court," the ruling said.

"With this in mind, we reiterate that the university's contracting for custodial services is a proper subject for collective bargaining, and we note that disputes of this nature should be resolved, whenever possible, through arbitration."

In another ruling, the court said the Bolton Field Golf Course can retain its tax-exempt status.

The board of the South-Western City Schools filed a complaint Dec. 31, 1980, challenging the tax-exempt status of several properties owned by Columbus, including the golf course at Bolton Field.

The Board of Tax Appeals last year agreed with the recommendation of an attorney examiner and affirmed an order keeping the tax-exempt status. The school board appealed to the Supreme Court.

In a decision written by Justice Andy Douglas, the court said the city can retain the tax-exempt status of the golf course.