



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

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### **H.B. 385**

132nd General Assembly  
(As Introduced)

**Reps.** West, K. Smith, Howse, Ashford, Sheehy, Kent, Craig

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### **BILL SUMMARY**

- Prohibits a state agency from requiring, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing information about the employee's own wages or about another employee's wages.
  - Prohibits a state agency from taking adverse action against an employee or prospective employee because the employee or prospective employee opposed actions or practices prohibited by the bill, disclosed the employee's wages, or inquired about or discussed the wages of another employee.
  - Creates the Wage Disparity Study Committee to examine the bill's effect on disparities in wages paid by state agencies and to examine employees' attitudes toward the bill.
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### **CONTENT AND OPERATION**

#### **Prior wages and salary history**

The bill prohibits a state agency from doing any of the following:

- Requiring, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing information about the employee's own wages or about any other employee's wages;
- Seeking a prospective employee's wage or salary history from the prospective employee or from a current or former employer;
- Requiring a prospective employee's prior wage or salary history to satisfy certain criteria;

- Discharging or otherwise retaliating against an employee or prospective employee for opposing any action or practice prohibited by the bill, disclosing the employee's wages, or inquiring about or discussing the wages of another employee.

A state agency that violates the bill's prohibitions can be sued for damages, an injunction, or any other appropriate relief.<sup>1</sup>

## **Wage Disparity Study Committee**

### **Duties**

The bill creates the Wage Disparity Study Committee that must examine how the bill affects disparities in wages paid by state agencies and employee attitudes about the bill's prohibitions. The Committee must prepare a report of its findings five years after its first meeting. It must post the report to the General Assembly's website and provide the report to the General Assembly, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, the Treasurer of State, and the Auditor of State. The Committee is abolished upon submitting the report.<sup>2</sup>

### **Membership**

The Committee has five members, all of whom must be appointed no later than 90 days after the bill's effective date. The Speaker of the House of Representatives appoints three members from the majority party in the House. The House Minority Leader appoints two House members from the minority party. Vacancies on the Committee are filled in the same manner as original appointments.

The Committee must hold the first meeting within 90 days after the bill's effective date. Members of the Committee must select a chairperson and a vice-chairperson from among their membership.

Members serve without compensation but are reimbursed for actual and necessary expenses incurred while performing their duties.<sup>3</sup>

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<sup>1</sup> R.C. 124.16.

<sup>2</sup> R.C. 124.161(A) and 124.161(D)(2).

<sup>3</sup> R.C. 124.161(B), (C), and (D)(1).

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## HISTORY

ACTION

DATE

Introduced

10-17-17

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