As Introduced

133rd General Assembly
Regular Session H. B. No. 304
2019-2020

Representatives Clites, Howse


A BILL

To amend sections 4112.04 and 4117.08 and to enact sections 9.79, 9.791, 9.792, 9.793, 9.794, 9.795, 9.796, 9.797, 9.798, 142.01, 142.02, 142.03, 142.04, 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 4113.12, 4113.42, and 4117.141 of the Revised Code to enact the Ohio Equal Pay Act to require state contractors and economic incentive recipients to obtain an equal pay certificate, to require public employers to establish a job evaluation system to identify and eliminate sex-based wage disparities, to prohibit employers from seeking a prospective employee's wage or salary history, and to prohibit employer retaliation against an employee who discusses salary or wage rates with another employee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4112.04 and 4117.08 be amended
and sections 9.79, 9.791, 9.792, 9.793, 9.794, 9.795, 9.796, 9.797, 9.798, 142.01, 142.02, 142.03, 142.04, 142.05, 142.06, 142.07, 142.08, 142.09, 142.10, 4113.12, 4113.42, and 4117.141 of the Revised Code be enacted to read as follows:

Sec. 9.79. As used in sections 9.79 to 9.798 of the Revised Code:

(A) "Business entity" means a corporation, partnership, association, firm, sole proprietorship, limited liability corporation, limited liability partnership, or other entity engaged in business.

(B) "Construction manager" and "construction manager at risk" have the same meanings as in section 9.33 of the Revised Code.

(C) "Contractor" means any person who undertakes to construct, alter, erect, improve, repair, demolish, remove, dig, or drill any part of a public improvement under a contract, and includes a construction manager, construction manager at risk, and design-build firm.

(D) "Design-build firm" has the same meaning as in section 153.65 of the Revised Code.

(E) "EEO-1 report" means the report required by the United States equal employment opportunity commission under 29 C.F.R. 1602.7.

(F) "Public improvement" means any construction, reconstruction, improvement, enlargement, alteration, demolition, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and any other structure or work of any nature by a state agency.
(G) "State agency" has the same meaning as in section 1.60 of the Revised Code.

Sec. 9.791. (A)(1) No state agency shall award a contract for a public improvement to a contractor who employs four or more full-time employees on any day in the prior twelve months in the state where the contractor has the contractor's principal place of business unless the contractor meets one of the following conditions:

(a) The contractor has obtained an equal pay certificate issued under section 9.792 of the Revised Code.

(b) The contractor has certified that the contractor is exempt from obtaining a certificate pursuant to division (B) of this section in accordance with rules adopted by the director of administrative services.

(2) No state agency shall award a contract to provide goods or services to a state agency to a person who employs four or more full-time employees on any day in the prior twelve months in the state where the person has the person's principal place of business unless the person meets one of the following conditions:

(a) The person has obtained an equal pay certificate issued under section 9.792 of the Revised Code.

(b) The person has certified that the person is exempt from obtaining a certificate pursuant to division (B) of this section in accordance with rules adopted by the director.

(3) No state agency shall award a grant or other economic incentive to a business entity that employs four or more full-time employees on any day in the prior twelve months in the state where the business entity has the business entity's
principal place of business, including if the award is being made on recommendation of the nonprofit corporation formed under section 187.01 of the Revised Code, unless the business entity meets one of the following conditions:

(a) The business entity has obtained an equal pay certificate issued under section 9.792 of the Revised Code.

(b) The business entity has certified that the business entity is exempt from obtaining a certificate pursuant to division (B) of this section in accordance with rules adopted by the director.

(B) This section does not apply to a contractor, person, or business entity described in division (A) of this section, with respect to a specific contract for a public improvement, to provide goods or services to a state agency, or to a specific grant or other economic incentive, if the director determines that compliance with division (A) of this section would cause undue hardship to the contractor, person, or business entity.

(C) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:

(1) Establish procedures to apply for and requirements to obtain an exemption described in division (B) of this section;

(2) Define "undue hardship" for purposes of division (B) of this section;

(3) Establish procedures to renew a certificate.

(D) The director shall provide technical assistance to a contractor, person, or business entity who requests assistance regarding compliance with sections 9.79 to 9.798 of the Revised Code.
Sec. 9.792. (A) A contractor wishing to be awarded a contract for a public improvement, a person wishing to provide goods or services to a state agency, or a business entity wishing to be awarded a grant or other economic incentive shall apply for a certificate required by section 9.791 of the Revised Code by submitting a twenty-five-dollar filing fee and an equal pay compliance statement described in this section to the director of administrative services. An equal pay compliance statement shall be signed by the contractor, person, or the chief executive officer of the business entity and contain all of the following information:

   (1) That the contractor, person, or business entity is in compliance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., the Equal Pay Act of 1963, 29 U.S.C. 206(d), Chapter 4112. of the Revised Code, and section 4111.17 of the Revised Code;

   (2) That the average compensation for female employees is not consistently below the average compensation for male employees within each of the major job categories in the contractor's, person's, or business entity's EEO-1 report, if the contractor, person, or business entity is required to file that report, taking into account all of the following factors:

      (a) Length of service;
      (b) Requirements of specific jobs;
      (c) Experience;
      (d) Skill;
      (e) Effort;
      (f) Responsibility;
(g) Working conditions of the job;
(h) Other mitigating factors.
(3) That employees of one sex are not restricted to certain job classifications;
(4) That the contractor, person, or business entity makes retention and promotion decisions without regard to sex;
(5) That compensation and benefit disparities are corrected when identified;
(6) The frequency in which compensation and benefits are evaluated to ensure compliance with the laws listed in division (A)(1) of this section;
(7) Which of the following approaches a contractor, person, or business entity uses in setting compensation and benefits:
(a) Market pricing;
(b) State prevailing wage or labor organization contract requirements;
(c) A performance pay system;
(d) Internal analysis;
(e) An alternative approach as described by the contractor, person, or business entity.
(8) That employees of the contractor, person, or business entity are able to contact the contractor's, person's, or business entity's human resources department and request to see how the employee's compensation compares with other employees with jobs of "comparable skill, effort, responsibility, and working conditions."
(B) Receipt of an equal pay compliance statement by the director does not establish a contractor's, person's, or business entity's compliance with the laws listed in division (A)(1) of this section.

(C) The director shall reject an application only if the statement described in division (A) of this section submitted by the contractor, person, or business entity does not comply with the requirements of that division or the contractor, person, or business entity fails to submit the required fee. The director shall issue a certificate or, if the director rejects an application, a statement explaining the reason for the rejection, to a contractor, person, or business entity within fifteen days after receiving an application submitted under this section. A certificate issued under this section is valid for a period of four years and may be renewed in accordance with rules adopted by the director.

Sec. 9.793. (A)(1) The director of administrative services, in accordance with Chapter 119. of the Revised Code, may suspend or revoke a certificate issued under section 9.792 of the Revised Code for any of the following reasons:

(a) The contractor, person, or business entity fails to comply with the laws listed in division (A)(1) of section 9.792 of the Revised Code.

(b) The contractor, person, or business entity has multiple violations of the laws listed in division (A)(1) of section 9.792 of the Revised Code.

(c) The contractor, person, or business entity fails to comply with section 9.791 of the Revised Code.

(2) The director shall provide a contractor, person, or
business entity an opportunity to comply with section 9.791 or 9.792 of the Revised Code before suspending or revoking the contractor's, person's, or business entity's certificate.

(B) A state agency, in accordance with Chapter 119. of the Revised Code, may abridge or terminate a contract with a contractor or person or revoke a grant or other economic incentive from a business entity on notice that the director has suspended or revoked the certificate issued to a contractor, person, or business entity.

(C) The director may void a contract or revoke a grant or other economic incentive on behalf of a state agency if a contractor, person, or business entity is not in compliance with section 9.791 or 9.792 of the Revised Code.

(D) The director shall notify a state agency that has an agreement with a contractor or person or has awarded a grant or other economic incentive to a business entity before the director voids the contract or revokes the grant or other economic incentive under division (C) of this section.

Sec. 9.794. (A) The director of administrative services shall notify a contractor, person, or business entity that holds a certificate issued under section 9.792 of the Revised Code by certified mail of the director's decision to suspend or revoke a contractor's, person's, or business entity's certificate under section 9.793 of the Revised Code.

(B) A state agency shall notify a contractor, person, or business entity by certified mail of the state agency's decision to abridge or terminate a contractor's or person's contract or to revoke a business entity's grant or other economic incentive under section 9.793 of the Revised Code.
Sec. 9.795. The director of administrative services may audit a contractor, person, or business entity described in section 9.791 of the Revised Code to determine whether the contractor, person, or business entity is in compliance with section 9.791 or 9.792 of the Revised Code. As part of an audit, a contractor, person, or business entity shall provide to the director information for all employees expected to perform work under the contract, grant, or other economic incentive for each of the major job categories included in the contractor's, person's, or business entity's EEO-1 report if the contractor, person, or business entity is required to file that report. As a part of an audit, the contractor, person, or business entity shall provide all of the following information to the director:

(A) Number of male employees;

(B) Number of female employees;

(C) Average length of service for male employees and for female employees within each major job category;

(D) Average annualized salaries paid to male employees and to female employees within each major job category, in the manner most consistent with the compensation system identified by the contractor, person, or business entity under division (A)(7) of section 9.792 of the Revised Code;

(E) Performance payments, benefits, or other elements of compensation, in the manner most consistent with the compensation system identified by the contractor, person, or business entity under division (A)(7) of section 9.792 of the Revised Code;

(F) Other information identified by the director as necessary to determine compliance with division (A) of section.
9.792 of the Revised Code.

Sec. 9.796. Any data on individuals submitted to the director of administrative services under division (A) of section 9.792 of the Revised Code shall be confidential and is not a public record under section 149.43 of the Revised Code.

A record of the director's decision to issue, not issue, revoke, or suspend a certificate is a public record.

Sec. 9.797. Not later than January 31, 2020, and every two years thereafter, the director of administrative services shall submit a report of the activities of the department of administrative services regarding certificates issued under section 9.792 of the Revised Code to the governor and the general assembly. The report shall contain all of the following information:

(A) The number of certificates issued;

(B) The number of audits conducted under section 9.795 of the Revised Code;

(C) The processes contractors for public improvements, persons wishing to provide goods or services to a state agency, or business entities awarded a grant or other economic incentive use to ensure compliance with division (A) of section 9.792 of the Revised Code;

(D) A summary of the director's auditing efforts under section 9.795 of the Revised Code.

Sec. 9.798. There is hereby created in the state treasury the equal pay certificate fund. The fund shall consist of all certificate filing fees collected by the director of administrative services under division (A) of section 9.792 of
the Revised Code. Money in the fund shall be used by the department of administrative services to administer sections 9.79 to 9.798 of the Revised Code. Investment earnings of the fund shall be credited to the fund.

**Sec. 142.01.** As used in this chapter:

(A) "Balanced class" means any class in which both of the following conditions apply:

1. Not more than eighty per cent of the members are male.
2. Not more than seventy per cent of the members are female.

(B) "Comparable work value" means the value of work measured by skill, effort, responsibility, and working conditions normally required in the performance of the work.

(C) "Class" means one or more positions in public employment that have similar duties, responsibilities, and general qualifications necessary to perform the duties, with comparable selection procedures used to recruit employees, and use of the same compensation schedule.

(D) "Equitable compensation relationship" means that the compensation for female-dominated classes is not consistently below the compensation for male-dominated classes of comparable work value, as determined under section 142.04 of the Revised Code, for each public employer.

(E) "Exclusive representative" has the same meaning as in section 4117.01 of the Revised Code.

(F) "Female-dominated class" means any class in which seventy per cent or more of the members are female.
(G) "Male-dominated class" means any class in which eighty per cent or more of the members are male.

(H) "Position" means a group of current duties and responsibilities assigned or delegated by a supervisor to an employee.

(I) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(J) "Public employer" means either of the following:

1. A state agency;
2. A political subdivision.

(K) "State agency" means any organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government.

Sec. 142.02. Subject to Chapter 4117. and sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, but notwithstanding any other law to the contrary, every public employer shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees to eliminate sex-based wage disparities in public employment in this state. A public employer shall make the comparable work value of a position in relationship to other employee positions a primary consideration in negotiating, establishing, recommending, and approving compensation.

Nothing in this chapter limits the ability of the parties to collectively bargain in good faith.

Sec. 142.03. (A) The director of administrative services,
in establishing the job classification plan and assigning pay ranges pursuant to section 124.14 of the Revised Code, and any other public employer with the authority to determine compensation for the employees of the public employer, shall assure all of the following, as applicable:

(1) That compensation for positions in the classified civil service and unclassified civil service bear reasonable relationship to one another;

(2) That compensation for positions bears a reasonable relationship to similar positions outside of that particular public employer;

(3) That compensation for positions within the public employer's workforce bears a reasonable relationship among various classes and among various levels within the same occupation group.

(B) For purposes of division (A) of this section, compensation for a position bears a "reasonable relationship" to another position if both of the following conditions are satisfied:

(1) Compensation for positions that require comparable skill, effort, responsibility, working conditions, and other relevant work-related criteria is comparable.

(2) Compensation for positions that require differing skill, effort, responsibility, working conditions, and other relevant work-related criteria is proportional to the skill, effort, responsibility, working conditions, and other relevant work-related criteria required.

Sec. 142.04. (A) Every public employer shall establish a job evaluation system and use that system to determine the
comparable work value of the work performed by each class of the public employer's employees. A public employer may adopt the job evaluation system established by any other public employer.

A public employer shall meet and confer with the exclusive representative of the public employer's employees on the development or selection of a job evaluation system.

(B)(1) A public employer shall maintain and update a job evaluation system established by the public employer to account for both of the following:

(a) New employee classes;

(b) Changes in factors affecting the comparable work value of existing classes.

(2) A public employer that substantially modifies the public employer's job evaluation system or adopts a new job evaluation system shall notify the director of budget and management.

Sec. 142.05. Every public employer shall submit a report containing the results of the job evaluation system conducted under section 142.04 of the Revised Code to the exclusive representative selected by the public employer's employees under section 4117.05 of the Revised Code to be used by both parties in negotiations for collective bargaining agreements. The report shall contain the following information:

(A) The female-dominated classes of a public employer for which compensation inequity exists, based on the comparable work value;

(B) All data not on individuals used to support the findings in division (A) of this section.
Sec. 142.06. (A)(1) Each public employer shall submit an implementation report to the director of budget and management that contains all of the following information, as of the thirty-first day of December of the preceding year:

(a) A list of all job classes of the public employer;

(b) The number of employees in each class listed in division (A)(1)(a) of this section;

(c) The number of female employees in each class listed in division (A)(1)(a) of this section;

(d) An identification of each class listed in division (A)(1)(a) of this section as male-dominated, female-dominated, or balanced;

(e) The comparable work value of each class listed in division (A)(1)(a) of this section as determined by the job evaluation system used by the public employer under section 142.04 of the Revised Code;

(f) The minimum and maximum salary for each class listed in division (A)(1)(a) of this section, if salary ranges have been established, and the amount of time in employment required to qualify for the maximum salary;

(g) Any additional cash compensation paid to members of a class listed in division (A)(1)(a) of this section;

(h) Any additional information requested by the director.

(2) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to establish a schedule to stagger the submission of the implementation reports required by division (A)(1) of this section. Each public employer shall submit a report every three years, with the first set of reports...
As Introduced

due to the director not later than the thirty-first day of January immediately following the effective date of this section.

(B) A state agency that fails to submit an implementation report is subject to the penalty described in section 142.07 of the Revised Code.

Sec. 142.07. (A) The director of budget and management shall review the implementation reports the director receives under section 142.06 of the Revised Code to determine whether a public employer has established equitable compensation relationships as required under section 142.02 of the Revised Code. The director shall notify a public employer in writing if the director determines that the public employer has complied with the requirement of that section.

(B) If the director finds that a public employer did not comply with that section, the director shall issue a statement to the public employer in writing containing the following information:

(1) A detailed description of the basis of the finding of noncompliance;

(2) Specific recommended actions the public employer is required to take to comply with that section;

(3) An estimate of the cost to the public employer to comply with that section.

(C)(1) A public employer shall notify the director in writing of a disagreement with a finding of the director under division (B) of this section. The director shall provide the public employer a specified time period in which to submit additional evidence to support the employer's claim of
compliance with the requirements of section 142.02 of the Revised Code. That evidence may include any of the following:

(a) Recruitment difficulties;

(b) Retention difficulties;

(c) Recent conciliation awards made under section 4117.14 of the Revised Code that are inconsistent with equitable compensation relationships under section 142.02 of the Revised Code;

(d) Information that demonstrates that the employer made a good faith effort to comply with section 142.02 of the Revised Code, including constraints faced by the employer;

(e) A plan for the employer to comply with that section.

(2) The public employer shall specify with the evidence a date for additional review by the director.

(D)(1) If a state agency does not make changes to comply with the requirements of section 142.02 of the Revised Code within a reasonable time period established by the director, the director shall assess a fine of one hundred dollars for each day the state agency remains noncompliant. The penalty remains in effect until the state agency demonstrates that the state agency has complied with section 142.02 of the Revised Code.

(2) The director may suspend the penalty imposed on a state agency under division (D)(1) of this section for any of the following reasons:

(a) The state agency's failure to comply was attributable to circumstances beyond the control of the state agency.

(b) The state agency's failure to comply was attributable
to severe hardship of the state agency.

(c) The noncompliance is a result of factors unrelated to the sex of the members of the affected classes, and the state agency is taking steps to comply with the requirements of section 142.02 of the Revised Code to the extent possible.

(E) A state agency may appeal a penalty imposed under division (D)(1) of this section to the director within thirty days after the director assesses the penalty. The director shall not impose the penalty on a state agency while an appeal is pending.

Sec. 142.08. On or before the first day of January immediately following the effective date of this section, and on or before the first day of January thereafter, the director of budget and management shall submit a report on the status of compliance of public employers with section 142.02 of the revised Code to the general assembly. The report shall contain all of the following information:

(A) A list of the public employers in compliance with the requirements of section 142.02 of the Revised Code;

(B) The estimated cost of each public employer to be compliant with those requirements;

(C) A list of the public employers the director found to be not in compliance with section 142.02 of the Revised Code;

(D) The basis for the director's finding in division (C) of this section;

(E) The list of recommended changes the public employers listed in division (C) of this section must make to comply with section 142.02 of the Revised Code;
(F) The estimated cost for each public employer to become compliant with section 142.02 of the Revised Code;

(G) A list of the public employers who did not comply with the reporting requirements in section 142.06 of the Revised Code;

(H) Any additional information the director determines the general assembly needs to know from a public employer.

Sec. 142.09. Notwithstanding division (A) of section 4117.11 of the Revised Code, it is not an unfair labor practice for a public employer to specify an amount of funds to be used solely to correct inequitable compensation relationships.

This chapter does not diminish the duty of a public employer to bargain in good faith under Chapter 4117. of the Revised Code.

Sec. 142.10. The Ohio civil rights commission or any court of this state may use either of the following as evidence in any proceeding or action alleging that an unlawful discriminatory practice, as defined in section 4112.01 of the Revised Code, has been committed:

(A) The results of any job evaluation system established under section 142.04 of the Revised Code;

(B) A report compiled by a public employer under section 142.05 of the Revised Code.

Sec. 4112.04. (A) The commission shall do all of the following:

(1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;
(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.

(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;

(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;

(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;

(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;

(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state;

(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A)(7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;

(9) Prepare a comprehensive educational program, in
cooperation with the department of education, for the students of the public schools of this state and for all other residents of this state that is designed to eliminate prejudice on the basis of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry in this state, to further good will among those groups, and to emphasize the origin of prejudice against those groups, its harmful effects, and its incompatibility with American principles of equality and fair play;

(10) Receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited by this chapter, or regarding any affirmative housing accommodations programs developed to eliminate or reduce an imbalance of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry. All agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or its political subdivisions, and all political subdivisions, that have undertaken affirmative action programs pursuant to a conciliation agreement with the commission, an executive order of the governor, any federal statute or rule, or an executive order of the president of the United States shall file progress reports with the commission annually on or before the first day of November. The commission shall analyze and evaluate the progress reports and report its findings annually to the general assembly on or before the thirtieth day of January of the year immediately following the receipt of the reports.
(11) Comply with divisions (D) to (G) of section 4113.12 of the Revised Code.

(B) The commission may do any of the following:

(1) Meet and function at any place within the state;

(2) Initiate and undertake on its own motion investigations of problems of employment or housing accommodations discrimination;

(3) Hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, require the production for examination of any books and papers relating to any matter under investigation or in question before the commission, and make rules as to the issuance of subpoenas by individual commissioners.

(a) In conducting a hearing or investigation, the commission shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy the premises, records, documents, and other evidence or possible sources of evidence and take and record the testimony or statements of the individuals as reasonably necessary for the furtherance of the hearing or investigation. In investigations, the commission shall comply with the fourth amendment to the United States Constitution relating to unreasonable searches and seizures. The commission or a member of the commission may issue subpoenas to compel access to or the production of premises, records, documents, and other evidence or possible sources of evidence or the appearance of individuals, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or
interrogatories were issued or served in aid of a civil action in a court of common pleas.

(b) Upon written application by a party to a hearing under division (B) of section 4112.05 of the Revised Code, the commission shall issue subpoenas in its name to the same extent and subject to the same limitations as subpoenas issued by the commission. Subpoenas issued at the request of a party shall show on their face the name and address of the party and shall state that they were issued at the party's request.

(c) Witnesses summoned by subpoena of the commission are entitled to the witness and mileage fees provided for under section 119.094 of the Revised Code.

(d) Within five days after service of a subpoena upon any person, the person may petition the commission to revoke or modify the subpoena. The commission shall grant the petition if it finds that the subpoena requires an appearance or attendance at an unreasonable time or place, that it requires production of evidence that does not relate to any matter before the commission, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpoena, the commission or person at whose request it was issued may petition for its enforcement in the court of common pleas in the county in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(4) Create local or statewide advisory agencies and conciliation councils to aid in effectuating the purposes of this chapter. The commission may itself, or it may empower these
agencies and councils to, do either or both of the following:

(a) Study the problems of discrimination in all or specific fields of human relationships when based on race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry;

(b) Foster through community effort, or otherwise, good will among the groups and elements of the population of the state.

The agencies and councils may make recommendations to the commission for the development of policies and procedures in general. They shall be composed of representative citizens who shall serve without pay, except that reimbursement for actual and necessary traveling expenses shall be made to citizens who serve on a statewide agency or council.

(5) Issue any publications and the results of investigations and research that in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry.

Sec. 4113.12. (A) As used in this section, "employer" has the same meaning as in section 4112.01 of the Revised Code.

(B) Except as provided in division (C) of this section, no employer shall do either of the following:

(1) Request information regarding or seek a prospective employee's wage or salary history from the prospective employee or the prospective employee's current or former employer;

(2) Require that a prospective employee's prior wage or salary history satisfy certain criteria.
(C) An employer may request information regarding, seek, or confirm a prospective employee's wage or salary history under either of the following circumstances:

(1) The prospective employee has voluntarily disclosed to the employer the prospective employee's wage or salary history.

(2) The employer has made an offer of employment with compensation to the prospective employee.

(D) A prospective employee who has reasonable cause to believe an employer has violated this section may file a written complaint with the Ohio civil rights commission. On receiving a complaint, the commission may investigate an employer to determine whether it is probable that the employer has violated this section. If after an investigation the commission determines it is probable that the employer has violated this section, the commission shall proceed in accordance with the notice and hearing requirements prescribed in Chapter 119. of the Revised Code.

After a hearing conducted under Chapter 119. of the Revised Code, if the commission determines that the employer has violated this section, it shall order the offending employer to complete successfully a remedial training course conducted by the commission to educate the employer on appropriate hiring practices in accordance with this section. The employer shall complete the course not later than six months after the date on which the employer receives the order.

(E) If an offending employer fails to successfully complete the remedial training course within the time period specified in division (D) of this section, or if the commission determines it is probable after an investigation that an
offending employer has committed a second or subsequent violation of this section within two years after a first violation, the commission may refer the matter to the attorney general for commencement of a civil action in a court of common pleas. The attorney general may seek any relief the attorney general considers necessary to enforce this section and costs.

(F) The commission shall adopt rules, in accordance with Chapter 119. of the Revised Code, to develop and administer the remedial training course conducted under division (D) of this section. The commission shall maintain indefinitely a list of offending employers that have successfully completed the course.

(G) The decision and order of the commission is final, subject to review in the manner provided in Chapter 119. of the Revised Code and appeal to the court of common pleas of Franklin county.

Sec. 4113.42. As used in this section, "employee" and "employer" have the same meanings as in section 4113.51 of the Revised Code.

No employer shall discharge or otherwise retaliate against an employee because the employee has discussed the employee's salary or wage rate with another employee.

Sec. 4117.08. (A) All matters pertaining to wages, hours, or terms and other conditions of employment and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement are subject to collective bargaining between the public employer and the exclusive representative, except as otherwise specified in this section and division (E) of section 4117.03 of the Revised Code.

(B) The conduct and grading of civil service examinations,
the rating of candidates, the establishment of eligible lists from the examinations, and the original appointments from the eligible lists are not appropriate subjects for collective bargaining.

(C) Unless a public employer agrees otherwise in a collective bargaining agreement, nothing in Chapter 4117. of the Revised Code impairs the right and responsibility of each public employer to:

1. Determine matters of inherent managerial policy which include, but are not limited to areas of discretion or policy such as the functions and programs of the public employer, standards of services, its overall budget, utilization of technology, and organizational structure;

2. Direct, supervise, evaluate, or hire employees;

3. Maintain and improve the efficiency and effectiveness of governmental operations;

4. Determine the overall methods, process, means, or personnel by which governmental operations are to be conducted;

5. Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees;

6. Determine the adequacy of the work force;

7. Determine the overall mission of the employer as a unit of government;

8. Effectively manage the work force;

9. Take actions to carry out the mission of the public employer as a governmental unit.
The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement.

(D)(1) A public employer shall assure that all of the following occur in preparation for negotiating a collective bargaining agreement, if applicable:

(a) That compensation for positions in the classified civil service and unclassified civil service bear reasonable relationship to one another;

(b) That compensation for positions bears a reasonable relationship to similar positions outside of that particular public employer;

(c) That compensation for positions within the public employer's workforce bears a reasonable relationship among various classes and among various levels within the same occupation group.

(2) As used in division (D)(1) of this section, "reasonable relationship" has the same meaning as in section 142.03 of the Revised Code.

Sec. 4117.141. (A) As used in this section, "balanced class" has the same meaning as in section 142.01 of the Revised Code.

(B) A fact-finding panel or a conciliator appointed under section 4117.14 of the Revised Code shall consider all of the
following in any settlement of a dispute involving a class other
than a balanced class under Chapter 142. of the Revised Code:

   (1) The equitable compensation relationship standards
established in section 142.02 of the Revised Code;

   (2) The reasonable compensation relationships established
under section 142.03 of the Revised Code;

   (3) The results of a job evaluation system conducted under
section 142.04 of the Revised Code;

   (4) Any employee objections to the job evaluation system.

   (C) In settlements of disputes involving a balanced class,
the fact-finding panel or conciliator shall consider similar
classifications of other public employers. The fact-finding
panel or conciliator also may consider the standards established
under section 142.02 of the Revised Code and the results of, and
any employee objections to, a job evaluation system conducted
under section 142.04 of the Revised Code.

   (D) In collective bargaining involving a balanced class,
the parties shall consider similar classifications of other
public employers. The parties also may consider the equitable
compensation relationship standards established under section
142.02 of the Revised Code and the results of a job evaluation
system conducted under section 142.04 of the Revised Code.

Section 2. That existing sections 4112.04 and 4117.08 of
the Revised Code are hereby repealed.

Section 3. This act shall be known as the "Ohio Equal Pay
Act."

Section 4. Section 4112.04 of the Revised Code is
presented in this act as a composite of the section as amended
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.