

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**H. B. No. 96**

**Representatives Jarrells, Mohamed**

**Cosponsors: Representatives Baker, Upchurch, Russo, Somani, Liston, Miranda, Blackshear, Brown, Galonski, Humphrey, Isaacsohn, Miller, A., Miller, J., Rogers, McNally, Robinson, Skindell, Brent, Brewer, Brennan, Weinstein, Troy, Thomas, C., Grim, Abdullahi, Sweeney, Lightbody, Denson, Forhan, Dell'Aquila**

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**A BILL**

To amend sections 4111.02, 4111.05, 4111.09, and 1  
4111.14 and to repeal section 4111.07 of the 2  
Revised Code to increase the state minimum wage. 3

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

**Section 1.** That sections 4111.02, 4111.05, 4111.09, and 4  
4111.14 of the Revised Code be amended to read as follows: 5

**Sec. 4111.02.** (A) Every employer, as defined in Section 6  
34a of Article II, Ohio Constitution, shall pay each of the 7  
employer's employees at a wage rate of not less than the ~~wage-~~ 8  
~~rate specified in Section 34a of Article II, Ohio~~ 9  
~~Constitution~~following wage rates: 10

(1) During the period beginning January 1, 2024, and 11  
ending December 31, 2024, eleven dollars per hour; 12

(2) During the period beginning January 1, 2025, and 13  
ending December 31, 2025, twelve dollars per hour; 14

(3) During the period beginning January 1, 2026, and 15

ending December 31, 2026, thirteen dollars per hour; 16

(4) During the period beginning January 1, 2027, and 17  
ending December 31, 2027, fourteen dollars per hour; 18

(5) Beginning January 1, 2028, fifteen dollars per hour. 19

~~The~~ (B) On September 30, 2028, and every thirtieth day of 20  
September thereafter, the director of commerce annually shall 21  
adjust the wage rate as specified in division (A) (5) of this 22  
section in accordance with Section 34a of Article II, Ohio 23  
Constitution. The adjusted wage rate takes effect on the first 24  
day of January immediately following the date of the adjustment. 25

(C) No political subdivision shall establish a minimum 26  
wage rate different from the wage rate required under this 27  
section. 28

(D) As used in this section, "employee" has the same 29  
meaning as in section 4111.14 of the Revised Code. 30

**Sec. 4111.05.** The director of commerce shall adopt rules 31  
in accordance with Chapter 119. of the Revised Code as the 32  
director considers appropriate to carry out the purposes of 33  
sections 4111.01 to 4111.17 of the Revised Code. The rules may 34  
be amended from time to time and may include, but are not 35  
limited to, rules defining and governing ~~apprentices, their~~ 36  
~~number, proportion, and length of service,~~ bonuses and special 37  
pay for special or extra work; permitted deductions or charges 38  
to employees for board, lodging, apparel, or other facilities or 39  
services customarily furnished by employers to employees; 40  
inclusion of ascertainable gratuities in wages paid; allowances 41  
for unascertainable gratuities or for other special conditions 42  
or circumstances which may be usual in particular employer- 43  
employee relationships; and the method of computation or the 44

period of time over which wages may be averaged to determine 45  
whether the minimum wage or overtime rate has been paid. 46

**Sec. 4111.09.** Every employer subject to sections 4111.01 47  
to 4111.17 of the Revised Code, or to any rules issued 48  
thereunder, shall keep a summary of the sections, approved by 49  
the director of commerce, and copies of any applicable rules 50  
issued thereunder, or a summary of the rules, posted in a 51  
conspicuous and accessible place in or about the premises 52  
wherein any person subject thereto is employed. The director of 53  
commerce shall make the summary described in this section 54  
available on the web site of the department of commerce. The 55  
director shall update this summary as necessary, but not less 56  
than annually, in order to reflect changes in the minimum wage 57  
rate as required under Section 34a of Article II, Ohio 58  
Constitution, and section 4111.02 of the Revised Code. Employees 59  
and employers shall be furnished copies of the summaries and 60  
rules by the state, on request, without charge. 61

**Sec. 4111.14.** (A) Pursuant to the general assembly's 62  
authority to establish a minimum wage under Section 34 of 63  
Article II, Ohio Constitution, this section is in implementation 64  
of Section 34a of Article II, Ohio Constitution. In implementing 65  
Section 34a of Article II, Ohio Constitution, the general 66  
assembly hereby finds that the purpose of Section 34a of Article 67  
II, Ohio Constitution, is to: 68

(1) Ensure that Ohio employees, as defined in division (B) 69  
(1) of this section, are paid the wage rate required by section 70  
4111.02 of the Revised Code in accordance with Section 34a of 71  
Article II, Ohio Constitution; 72

(2) Ensure that covered Ohio employers maintain certain 73  
records that are directly related to the enforcement of the wage 74

rate requirements ~~in~~ of Section 34a of Article II, Ohio 75  
Constitution and section 4111.02 of the Revised Code; 76

(3) Ensure that Ohio employees who are paid the wage rate 77  
required by ~~Section 34a of Article II, Ohio Constitution~~ section  
4111.02 of the Revised Code, may enforce their right to receive 78  
that wage rate in the manner set forth in Section 34a of Article 79  
II, Ohio Constitution; and 80  
81

(4) Protect the privacy of Ohio employees' pay and 82  
personal information specified in Section 34a of Article II, 83  
Ohio Constitution, by restricting an employee's access, and 84  
access by a person acting on behalf of that employee, to the 85  
employee's own pay and personal information. 86

(B) In accordance with Section 34a of Article II, Ohio 87  
Constitution, the terms "employer," "employee," "employ," 88  
"person," and "independent contractor" have the same meanings as 89  
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 90  
U.S.C. 203, as amended. In construing the meaning of these 91  
terms, due consideration and great weight shall be given to the 92  
United States department of labor's and federal courts' 93  
interpretations of those terms under the Fair Labor Standards 94  
Act and its regulations. As used in division (B) of this 95  
section: 96

(1) "Employee" means individuals employed in Ohio, but 97  
does not mean individuals who are excluded from the definition 98  
of "employee" under 29 U.S.C. 203(e) or individuals who are 99  
exempted from the minimum wage requirements in 29 U.S.C. 213 and 100  
from the definition of "employee" in this chapter. 101

(2) "Employ" and "employee" do not include any person 102  
acting as a volunteer. In construing who is a volunteer, 103

"volunteer" shall have the same meaning as in sections 553.101 104  
to 553.106 of Title 29 of the Code of Federal Regulations, as 105  
amended, and due consideration and great weight shall be given 106  
to the United States department of labor's and federal courts' 107  
interpretations of the term "volunteer" under the Fair Labor 108  
Standards Act and its regulations. 109

(3) "Employer" does not include a franchisor with respect 110  
to the franchisor's relationship with a franchisee or an 111  
employee of a franchisee, unless the franchisor agrees to assume 112  
that role in writing or a court of competent jurisdiction 113  
determines that the franchisor exercises a type or degree of 114  
control over the franchisee or the franchisee's employees that 115  
is not customarily exercised by a franchisor for the purpose of 116  
protecting the franchisor's trademark, brand, or both. For 117  
purposes of this division, "franchisor" and "franchisee" have 118  
the same meanings as in 16 C.F.R. 436.1. 119

(4) Subject to division (B)(5) of this section, "employee" 120  
does not include an individual who operates a vehicle or vessel 121  
in the performance of services for or on behalf of a motor 122  
carrier transporting property and to whom all of the following 123  
factors apply: 124

(a) The individual owns the vehicle or vessel that is used 125  
in performing the services for or on behalf of the carrier, or 126  
the individual leases the vehicle or vessel under a bona fide 127  
lease agreement that is not a temporary replacement lease 128  
agreement. For purposes of this division, a bona fide lease 129  
agreement does not include an agreement between the individual 130  
and the motor carrier transporting property for which, or on 131  
whose behalf, the individual provides services. 132

(b) The individual is responsible for supplying the 133

necessary personal services to operate the vehicle or vessel	134
used to provide the service.	135
(c) The compensation paid to the individual is based on	136
factors related to work performed, including on a mileage-based	137
rate or a percentage of any schedule of rates, and not solely on	138
the basis of the hours or time expended.	139
(d) The individual substantially controls the means and	140
manner of performing the services, in conformance with	141
regulatory requirements and specifications of the shipper.	142
(e) The individual enters into a written contract with the	143
carrier for whom the individual is performing the services that	144
describes the relationship between the individual and the	145
carrier to be that of an independent contractor and not that of	146
an employee.	147
(f) The individual is responsible for substantially all of	148
the principal operating costs of the vehicle or vessel and	149
equipment used to provide the services, including maintenance,	150
fuel, repairs, supplies, vehicle or vessel insurance, and	151
personal expenses, except that the individual may be paid by the	152
carrier the carrier's fuel surcharge and incidental costs,	153
including tolls, permits, and lumper fees.	154
(g) The individual is responsible for any economic loss or	155
economic gain from the arrangement with the carrier.	156
(5) A motor carrier may elect to consider an individual	157
described in division (B) (4) of this section as an employee for	158
purposes of this section.	159
(6) "Motor carrier" has the same meaning as in section	160
4923.01 of the Revised Code.	161

(C) In accordance with Section 34a of Article II, Ohio 162  
Constitution, the state may issue licenses to employers 163  
authorizing payment of a wage below that required by Section 34a 164  
of Article II, Ohio Constitution, or section 4111.02 of the 165  
Revised Code to individuals with mental or physical disabilities 166  
that may otherwise adversely affect their opportunity for 167  
employment. In issuing such licenses, the state shall abide by 168  
the rules adopted pursuant to section 4111.06 of the Revised 169  
Code. 170

(D) (1) In accordance with Section 34a of Article II, Ohio 171  
Constitution, individuals employed in or about the property of 172  
an employer or an individual's residence on a casual basis are 173  
not included within the coverage of Section 34a of Article II, 174  
Ohio Constitution. As used in division (D) of this section: 175

(a) "Casual basis" means employment that is irregular or 176  
intermittent and that is not performed by an individual whose 177  
vocation is to be employed in or about the property of the 178  
employer or individual's residence. In construing who is 179  
employed on a "casual basis," due consideration and great weight 180  
shall be given to the United States department of labor's and 181  
federal courts' interpretations of the term "casual basis" under 182  
the Fair Labor Standards Act and its regulations. 183

(b) "An individual employed in or about the property of an 184  
employer or individual's residence" means an individual employed 185  
on a casual basis or an individual employed in or about a 186  
residence on a casual basis, respectively. 187

(2) In accordance with Section 34a of Article II, Ohio 188  
Constitution, employees of a solely family-owned and operated 189  
business who are family members of an owner are not included 190  
within the coverage of Section 34a of Article II, Ohio 191

Constitution. As used in division (D) (2) of this section, 192  
"family member" means a parent, spouse, child, stepchild, 193  
sibling, grandparent, grandchild, or other member of an owner's 194  
immediate family. 195

(E) In accordance with Section 34a of Article II, Ohio 196  
Constitution, an employer shall at the time of hire provide an 197  
employee with the employer's name, address, telephone number, 198  
and other contact information and update such information when 199  
it changes. As used in division (E) of this section: 200

(1) "Other contact information" may include, where 201  
applicable, the address of the employer's internet site on the 202  
world wide web, the employer's electronic mail address, fax 203  
number, or the name, address, and telephone number of the 204  
employer's statutory agent. "Other contact information" does not 205  
include the name, address, telephone number, fax number, 206  
internet site address, or electronic mail address of any 207  
employee, shareholder, officer, director, supervisor, manager, 208  
or other individual employed by or associated with an employer. 209

(2) "When it changes" means that the employer shall 210  
provide its employees with the change in its name, address, 211  
telephone number, or other contact information within sixty 212  
business days after the change occurs. The employer shall 213  
provide the changed information by using any of its usual 214  
methods of communicating with its employees, including, but not 215  
limited to, listing the change on the employer's internet site 216  
on the world wide web, internal computer network, or a bulletin 217  
board where it commonly posts employee communications or by 218  
insertion or inclusion with employees' paychecks or pay stubs. 219

(F) In accordance with Section 34a of Article II, Ohio 220  
Constitution, an employer shall maintain a record of the name, 221



address, occupation, pay rate, hours worked for each day worked, 222  
and each amount paid an employee for a period of not less than 223  
three years following the last date the employee was employed by 224  
that employer. As used in division (F) of this section: 225

(1) "Address" means an employee's home address as 226  
maintained in the employer's personnel file or personnel 227  
database for that employee. 228

(2) (a) With respect to employees who are not exempt from 229  
the overtime pay requirements of the Fair Labor Standards Act or 230  
this chapter, "pay rate" means an employee's base rate of pay. 231

(b) With respect to employees who are exempt from the 232  
overtime pay requirements of the Fair Labor Standards Act or 233  
this chapter, "pay rate" means an employee's annual base salary 234  
or other rate of pay by which the particular employee qualifies 235  
for that exemption under the Fair Labor Standards Act or this 236  
chapter, but does not include bonuses, stock options, 237  
incentives, deferred compensation, or any other similar form of 238  
compensation. 239

(3) "Record" means the name, address, occupation, pay 240  
rate, hours worked for each day worked, and each amount paid an 241  
employee in one or more documents, databases, or other paper or 242  
electronic forms of record-keeping maintained by an employer. No 243  
one particular method or form of maintaining such a record or 244  
records is required under this division. An employer is not 245  
required to create or maintain a single record containing only 246  
the employee's name, address, occupation, pay rate, hours worked 247  
for each day worked, and each amount paid an employee. An 248  
employer shall maintain a record or records from which the 249  
employee or person acting on behalf of that employee could 250  
reasonably review the information requested by the employee or 251

person.	252
An employer is not required to maintain the records	253
specified in division (F) (3) of this section for any period	254
before January 1, 2007. On and after January 1, 2007, the	255
employer shall maintain the records required by division (F) (3)	256
of this section for three years from the date the hours were	257
worked by the employee and for three years after the date the	258
employee's employment ends.	259
(4) (a) Except for individuals specified in division (F) (4)	260
(b) of this section, "hours worked for each day worked" means	261
the total amount of time worked by an employee in whatever	262
increments the employer uses for its payroll purposes during a	263
day worked by the employee. An employer is not required to keep	264
a record of the time of day an employee begins and ends work on	265
any given day. As used in division (F) (4) of this section, "day"	266
means a fixed period of twenty-four consecutive hours during	267
which an employee performs work for an employer.	268
(b) An employer is not required to keep records of "hours	269
worked for each day worked" for individuals for whom the	270
employer is not required to keep those records under the Fair	271
Labor Standards Act and its regulations or individuals who are	272
not subject to the overtime pay requirements specified in	273
section 4111.03 of the Revised Code.	274
(5) "Each amount paid an employee" means the total gross	275
wages paid to an employee for each pay period. As used in	276
division (F) (5) of this section, "pay period" means the period	277
of time designated by an employer to pay an employee the	278
employee's gross wages in accordance with the employer's payroll	279
practices under section 4113.15 of the Revised Code.	280

(G) In accordance with Section 34a of Article II, Ohio 281  
Constitution, an employer must provide such information without 282  
charge to an employee or person acting on behalf of an employee 283  
upon request. As used in division (G) of this section: 284

(1) "Such information" means the name, address, 285  
occupation, pay rate, hours worked for each day worked, and each 286  
amount paid for the specific employee who has requested that 287  
specific employee's own information and does not include the 288  
name, address, occupation, pay rate, hours worked for each day 289  
worked, or each amount paid of any other employee of the 290  
employer. "Such information" does not include hours worked for 291  
each day worked by individuals for whom an employer is not 292  
required to keep that information under the Fair Labor Standards 293  
Act and its regulations or individuals who are not subject to 294  
the overtime pay requirements specified in section 4111.03 of 295  
the Revised Code. 296

(2) "Acting on behalf of an employee" means a person 297  
acting on behalf of an employee as any of the following: 298

(a) The certified or legally recognized collective 299  
bargaining representative for that employee under the applicable 300  
federal law or Chapter 4117. of the Revised Code; 301

(b) The employee's attorney; 302

(c) The employee's parent, guardian, or legal custodian. 303

A person "acting on behalf of an employee" must be 304  
specifically authorized by an employee in order to make a 305  
request for that employee's own name, address, occupation, pay 306  
rate, hours worked for each day worked, and each amount paid to 307  
that employee. 308

(3) "Provide" means that an employer shall provide the 309

requested information within thirty business days after the date 310  
the employer receives the request, unless either of the 311  
following occurs: 312

(a) The employer and the employee or person acting on 313  
behalf of the employee agree to some alternative time period for 314  
providing the information. 315

(b) The thirty-day period would cause a hardship on the 316  
employer under the circumstances, in which case the employer 317  
must provide the requested information as soon as practicable. 318

(4) A "request" made by an employee or a person acting on 319  
behalf of an employee means a request by an employee or a person 320  
acting on behalf of an employee for the employee's own 321  
information. The employer may require that the employee provide 322  
the employer with a written request that has been signed by the 323  
employee and notarized and that reasonably specifies the 324  
particular information being requested. The employer may require 325  
that the person acting on behalf of an employee provide the 326  
employer with a written request that has been signed by the 327  
employee whose information is being requested and notarized and 328  
that reasonably specifies the particular information being 329  
requested. 330

(H) In accordance with Section 34a of Article II, Ohio 331  
Constitution, an employee, person acting on behalf of one or 332  
more employees, and any other interested party may file a 333  
complaint with the state for a violation of any provision of 334  
Section 34a of Article II, Ohio Constitution, or any law or 335  
regulation implementing its provisions. Such complaint shall be 336  
promptly investigated and resolved by the state. The employee's 337  
name shall be kept confidential unless disclosure is necessary 338  
to resolution of a complaint and the employee consents to 339

disclosure. As used in division (H) of this section: 340

(1) "Complaint" means a complaint of an alleged violation 341  
pertaining to harm suffered by the employee filing the 342  
complaint, by a person acting on behalf of one or more 343  
employees, or by an interested party. 344

(2) "Acting on behalf of one or more employees" has the 345  
same meaning as "acting on behalf of an employee" in division 346  
(G) (2) of this section. Each employee must provide a separate 347  
written and notarized authorization before the person acting on 348  
that employee's or those employees' behalf may request the name, 349  
address, occupation, pay rate, hours worked for each day worked, 350  
and each amount paid for the particular employee. 351

(3) "Interested party" means a party who alleges to be 352  
injured by the alleged violation and who has standing to file a 353  
complaint under common law principles of standing. 354

(4) "Resolved by the state" means that the complaint has 355  
been resolved to the satisfaction of the state. 356

(5) "Shall be kept confidential" means that the state 357  
shall keep the name of the employee confidential as required by 358  
division (H) of this section. 359

(I) In accordance with Section 34a of Article II, Ohio 360  
Constitution, the state may on its own initiative investigate an 361  
employer's compliance with Section 34a of Article II, Ohio 362  
Constitution, and any law or regulation implementing Section 34a 363  
of Article II, Ohio Constitution. The employer shall make 364  
available to the state any records related to such investigation 365  
and other information required for enforcement of Section 34a of 366  
Article II, Ohio Constitution or any law or regulation 367  
implementing Section 34a of Article II, Ohio Constitution. The 368

state shall investigate an employer's compliance with this 369  
section in accordance with the procedures described in section 370  
4111.04 of the Revised Code. All records and information related 371  
to investigations by the state are confidential and are not a 372  
public record subject to section 149.43 of the Revised Code. 373  
This division does not prevent the state from releasing to or 374  
exchanging with other state and federal wage and hour regulatory 375  
authorities information related to investigations. 376

(J) In accordance with Section 34a of Article II, Ohio 377  
Constitution, damages shall be calculated as an additional two 378  
times the amount of the back wages and in the case of a 379  
violation of an anti-retaliation provision an amount set by the 380  
state or court sufficient to compensate the employee and deter 381  
future violations, but not less than one hundred fifty dollars 382  
for each day that the violation continued. The "not less than 383  
one hundred fifty dollar" penalty specified in division (J) of 384  
this section shall be imposed only for violations of the anti- 385  
retaliation provision in Section 34a of Article II, Ohio 386  
Constitution. 387

(K) In accordance with Section 34a of Article II, Ohio 388  
Constitution, an action for equitable and monetary relief may be 389  
brought against an employer by the attorney general and/or an 390  
employee or person acting on behalf of an employee or all 391  
similarly situated employees in any court of competent 392  
jurisdiction, including the court of common pleas of an 393  
employee's county of residence, for any violation of Section 34a 394  
of Article II, Ohio Constitution, or any law or regulation 395  
implementing its provisions within three years of the violation 396  
or of when the violation ceased if it was of a continuing 397  
nature, or within one year after notification to the employee of 398  
final disposition by the state of a complaint for the same 399

violation, whichever is later. 400

(1) As used in division (K) of this section, 401  
"notification" means the date on which the notice was sent to 402  
the employee by the state. 403

(2) No employee shall join as a party plaintiff in any 404  
civil action that is brought under division (K) of this section 405  
by an employee, person acting on behalf of an employee, or 406  
person acting on behalf of all similarly situated employees 407  
unless that employee first gives written consent to become such 408  
a party plaintiff and that consent is filed with the court in 409  
which the action is brought. 410

(3) A civil action regarding an alleged violation of this 411  
section shall be maintained only under division (K) of this 412  
section. This division does not preclude the joinder in a single 413  
civil action of an action under this division and an action 414  
under section 4111.10 of the Revised Code. 415

(4) Any agreement between an employee and employer to work 416  
for less than the wage rate specified in ~~Section 34a of Article~~ 417  
~~II, Ohio Constitution~~ section 4111.02 of the Revised Code, is no 418  
defense to an action under this section. 419

(L) In accordance with Section 34a of Article II, Ohio 420  
Constitution, there shall be no exhaustion requirement, no 421  
procedural, pleading, or burden of proof requirements beyond 422  
those that apply generally to civil suits in order to maintain 423  
such action and no liability for costs or attorney's fees on an 424  
employee except upon a finding that such action was frivolous in 425  
accordance with the same standards that apply generally in civil 426  
suits. Nothing in division (L) of this section affects the right 427  
of an employer and employee to agree to submit a dispute under 428

this section to alternative dispute resolution, including, but 429  
not limited to, arbitration, in lieu of maintaining the civil 430  
suit specified in division (K) of this section. Nothing in this 431  
division limits the state's ability to investigate or enforce 432  
this section. 433

(M) An employer who provides such information specified in 434  
Section 34a of Article II, Ohio Constitution, shall be immune 435  
from any civil liability for injury, death, or loss to person or 436  
property that otherwise might be incurred or imposed as a result 437  
of providing that information to an employee or person acting on 438  
behalf of an employee in response to a request by the employee 439  
or person, and the employer shall not be subject to the 440  
provisions of Chapters 1347. and 1349. of the Revised Code to 441  
the extent that such provisions would otherwise apply. As used 442  
in division (M) of this section, "such information," "acting on 443  
behalf of an employee," and "request" have the same meanings as 444  
in division (G) of this section. 445

(N) As used in this section, "the state" means the 446  
director of commerce. 447

**Section 2.** That existing sections 4111.02, 4111.05, 448  
4111.09, and 4111.14 of the Revised Code are hereby repealed. 449

**Section 3.** That section 4111.07 of the Revised Code is 450  
hereby repealed. 451