

As Introduced

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H. B. No. 34

Representatives Jarrells, Mohamed

Cosponsors: Representatives Rader, Thomas, C., Sweeney, Brent, Synenberg, Cockley, Denson, Lett, Upchurch, Brennan, Grim, Isaacsohn, Sims, Brewer, Somani, White, E., Humphrey, Lawson-Rowe, Abdullahi, Troy, Hall, D., McNally, Robinson, Brownlee, Miller, J.

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, 2026, and 11
ending December 31, 2026, eleven dollars per hour or the wage 12
rate calculated under Section 34a of Article II, Ohio 13
Constitution, whichever is greater; 14

(2) During the period beginning January 1, 2027, and 15

ending December 31, 2027, twelve dollars per hour; 16

(3) During the period beginning January 1, 2028, and 17
ending December 31, 2028, thirteen dollars per hour; 18

(4) During the period beginning January 1, 2029, and 19
ending December 31, 2029, fourteen dollars per hour; 20

(5) Beginning January 1, 2030, fifteen dollars per hour. 21

~~The~~ (B) On September 30, 2030, and every thirtieth day of 22
September thereafter, the director of commerce annually shall 23
adjust the wage rate as specified in division (A) (5) of this 24
section in accordance with Section 34a of Article II, Ohio 25
Constitution. The adjusted wage rate takes effect on the first 26
day of January immediately following the date of the adjustment. 27

(C) No political subdivision shall establish a minimum 28
wage rate different from the wage rate required under this 29
section. 30

(D) As used in this section, "employee" has the same 31
meaning as in section 4111.14 of the Revised Code. 32

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

or circumstances which may be usual in particular employer- 45
employee relationships; and the method of computation or the 46
period of time over which wages may be averaged to determine 47
whether the minimum wage or overtime rate has been paid. 48

Sec. 4111.09. Every employer subject to sections 4111.01 49
to 4111.17 of the Revised Code, or to any rules issued 50
thereunder, shall keep a summary of the sections, approved by 51
the director of commerce, and copies of any applicable rules 52
issued thereunder, or a summary of the rules, posted in a 53
conspicuous and accessible place in or about the premises 54
wherein any person subject thereto is employed. The director of 55
commerce shall make the summary described in this section 56
available on the web site of the department of commerce. The 57
director shall update this summary as necessary, but not less 58
than annually, in order to reflect changes in the minimum wage 59
rate as required under Section 34a of Article II, Ohio 60
Constitution, and section 4111.02 of the Revised Code. Employees 61
and employers shall be furnished copies of the summaries and 62
rules by the state, on request, without charge. 63

Sec. 4111.14. (A) Pursuant to the general assembly's 64
authority to establish a minimum wage under Section 34 of 65
Article II, Ohio Constitution, this section is in implementation 66
of Section 34a of Article II, Ohio Constitution. In implementing 67
Section 34a of Article II, Ohio Constitution, the general 68
assembly hereby finds that the purpose of Section 34a of Article 69
II, Ohio Constitution, is to: 70

(1) Ensure that Ohio employees, as defined in division (B) 71
(1) of this section, are paid the wage rate required by section 72
4111.02 of the Revised Code in accordance with Section 34a of 73
Article II, Ohio Constitution; 74

(2) Ensure that covered Ohio employers maintain certain records that are directly related to the enforcement of the wage rate requirements ~~in~~ of Section 34a of Article II, Ohio Constitution and section 4111.02 of the Revised Code;

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

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

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

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

(2) "Employ" and "employee" do not include any person 104
acting as a volunteer. In construing who is a volunteer, 105
"volunteer" shall have the same meaning as in sections 553.101 106
to 553.106 of Title 29 of the Code of Federal Regulations, as 107
amended, and due consideration and great weight shall be given 108
to the United States department of labor's and federal courts' 109
interpretations of the term "volunteer" under the Fair Labor 110
Standards Act and its regulations. 111

(3) "Employer" does not include a franchisor with respect 112
to the franchisor's relationship with a franchisee or an 113
employee of a franchisee, unless the franchisor agrees to assume 114
that role in writing or a court of competent jurisdiction 115
determines that the franchisor exercises a type or degree of 116
control over the franchisee or the franchisee's employees that 117
is not customarily exercised by a franchisor for the purpose of 118
protecting the franchisor's trademark, brand, or both. For 119
purposes of this division, "franchisor" and "franchisee" have 120
the same meanings as in 16 C.F.R. 436.1. 121

(4) Subject to division (B)(5) of this section, "employee" 122
does not include an individual who operates a vehicle or vessel 123
in the performance of services for or on behalf of a motor 124
carrier transporting property and to whom all of the following 125
factors apply: 126

(a) The individual owns the vehicle or vessel that is used 127
in performing the services for or on behalf of the carrier, or 128
the individual leases the vehicle or vessel under a bona fide 129
lease agreement that is not a temporary replacement lease 130
agreement. For purposes of this division, a bona fide lease 131
agreement does not include an agreement between the individual 132
and the motor carrier transporting property for which, or on 133

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

(6) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.	162 163
(C) In accordance with Section 34a of Article II, Ohio Constitution, the state may issue licenses to employers authorizing payment of a wage below that required by Section 34a of Article II, Ohio Constitution, <u>or section 4111.02 of the Revised Code</u> to individuals with mental or physical disabilities that may otherwise adversely affect their opportunity for employment. In issuing such licenses, the state shall abide by the rules adopted pursuant to section 4111.06 of the Revised Code.	164 165 166 167 168 169 170 171 172
(D) (1) In accordance with Section 34a of Article II, Ohio Constitution, individuals employed in or about the property of an employer or an individual's residence on a casual basis are not included within the coverage of Section 34a of Article II, Ohio Constitution. As used in division (D) of this section:	173 174 175 176 177
(a) "Casual basis" means employment that is irregular or intermittent and that is not performed by an individual whose vocation is to be employed in or about the property of the employer or individual's residence. In construing who is employed on a "casual basis," due consideration and great weight shall be given to the United States department of labor's and federal courts' interpretations of the term "casual basis" under the Fair Labor Standards Act and its regulations.	178 179 180 181 182 183 184 185
(b) "An individual employed in or about the property of an employer or individual's residence" means an individual employed on a casual basis or an individual employed in or about a residence on a casual basis, respectively.	186 187 188 189
(2) In accordance with Section 34a of Article II, Ohio	190

Constitution, employees of a solely family-owned and operated 191
business who are family members of an owner are not included 192
within the coverage of Section 34a of Article II, Ohio 193
Constitution. As used in division (D) (2) of this section, 194
"family member" means a parent, spouse, child, stepchild, 195
sibling, grandparent, grandchild, or other member of an owner's 196
immediate family. 197

(E) In accordance with Section 34a of Article II, Ohio 198
Constitution, an employer shall at the time of hire provide an 199
employee with the employer's name, address, telephone number, 200
and other contact information and update such information when 201
it changes. As used in division (E) of this section: 202

(1) "Other contact information" may include, where 203
applicable, the address of the employer's internet site on the 204
world wide web, the employer's electronic mail address, fax 205
number, or the name, address, and telephone number of the 206
employer's statutory agent. "Other contact information" does not 207
include the name, address, telephone number, fax number, 208
internet site address, or electronic mail address of any 209
employee, shareholder, officer, director, supervisor, manager, 210
or other individual employed by or associated with an employer. 211

(2) "When it changes" means that the employer shall 212
provide its employees with the change in its name, address, 213
telephone number, or other contact information within sixty 214
business days after the change occurs. The employer shall 215
provide the changed information by using any of its usual 216
methods of communicating with its employees, including, but not 217
limited to, listing the change on the employer's internet site 218
on the world wide web, internal computer network, or a bulletin 219
board where it commonly posts employee communications or by 220

insertion or inclusion with employees' paychecks or pay stubs.	221
(F) In accordance with Section 34a of Article II, Ohio	222
Constitution, an employer shall maintain a record of the name,	223
address, occupation, pay rate, hours worked for each day worked,	224
and each amount paid an employee for a period of not less than	225
three years following the last date the employee was employed by	226
that employer. As used in division (F) of this section:	227
(1) "Address" means an employee's home address as	228
maintained in the employer's personnel file or personnel	229
database for that employee.	230
(2) (a) With respect to employees who are not exempt from	231
the overtime pay requirements of the Fair Labor Standards Act or	232
this chapter, "pay rate" means an employee's base rate of pay.	233
(b) With respect to employees who are exempt from the	234
overtime pay requirements of the Fair Labor Standards Act or	235
this chapter, "pay rate" means an employee's annual base salary	236
or other rate of pay by which the particular employee qualifies	237
for that exemption under the Fair Labor Standards Act or this	238
chapter, but does not include bonuses, stock options,	239
incentives, deferred compensation, or any other similar form of	240
compensation.	241
(3) "Record" means the name, address, occupation, pay	242
rate, hours worked for each day worked, and each amount paid an	243
employee in one or more documents, databases, or other paper or	244
electronic forms of record-keeping maintained by an employer. No	245
one particular method or form of maintaining such a record or	246
records is required under this division. An employer is not	247
required to create or maintain a single record containing only	248
the employee's name, address, occupation, pay rate, hours worked	249

for each day worked, and each amount paid an employee. An 250
employer shall maintain a record or records from which the 251
employee or person acting on behalf of that employee could 252
reasonably review the information requested by the employee or 253
person. 254

An employer is not required to maintain the records 255
specified in division (F) (3) of this section for any period 256
before January 1, 2007. On and after January 1, 2007, the 257
employer shall maintain the records required by division (F) (3) 258
of this section for three years from the date the hours were 259
worked by the employee and for three years after the date the 260
employee's employment ends. 261

(4) (a) Except for individuals specified in division (F) (4) 262
(b) of this section, "hours worked for each day worked" means 263
the total amount of time worked by an employee in whatever 264
increments the employer uses for its payroll purposes during a 265
day worked by the employee. An employer is not required to keep 266
a record of the time of day an employee begins and ends work on 267
any given day. As used in division (F) (4) of this section, "day" 268
means a fixed period of twenty-four consecutive hours during 269
which an employee performs work for an employer. 270

(b) An employer is not required to keep records of "hours 271
worked for each day worked" for individuals for whom the 272
employer is not required to keep those records under the Fair 273
Labor Standards Act and its regulations or individuals who are 274
not subject to the overtime pay requirements specified in 275
section 4111.03 of the Revised Code. 276

(5) "Each amount paid an employee" means the total gross 277
wages paid to an employee for each pay period. As used in 278
division (F) (5) of this section, "pay period" means the period 279

of time designated by an employer to pay an employee the 280
employee's gross wages in accordance with the employer's payroll 281
practices under section 4113.15 of the Revised Code. 282

(G) In accordance with Section 34a of Article II, Ohio 283
Constitution, an employer must provide such information without 284
charge to an employee or person acting on behalf of an employee 285
upon request. As used in division (G) of this section: 286

(1) "Such information" means the name, address, 287
occupation, pay rate, hours worked for each day worked, and each 288
amount paid for the specific employee who has requested that 289
specific employee's own information and does not include the 290
name, address, occupation, pay rate, hours worked for each day 291
worked, or each amount paid of any other employee of the 292
employer. "Such information" does not include hours worked for 293
each day worked by individuals for whom an employer is not 294
required to keep that information under the Fair Labor Standards 295
Act and its regulations or individuals who are not subject to 296
the overtime pay requirements specified in section 4111.03 of 297
the Revised Code. 298

(2) "Acting on behalf of an employee" means a person 299
acting on behalf of an employee as any of the following: 300

(a) The certified or legally recognized collective 301
bargaining representative for that employee under the applicable 302
federal law or Chapter 4117. of the Revised Code; 303

(b) The employee's attorney; 304

(c) The employee's parent, guardian, or legal custodian. 305

A person "acting on behalf of an employee" must be 306
specifically authorized by an employee in order to make a 307
request for that employee's own name, address, occupation, pay 308

rate, hours worked for each day worked, and each amount paid to 309
that employee. 310

(3) "Provide" means that an employer shall provide the 311
requested information within thirty business days after the date 312
the employer receives the request, unless either of the 313
following occurs: 314

(a) The employer and the employee or person acting on 315
behalf of the employee agree to some alternative time period for 316
providing the information. 317

(b) The thirty-day period would cause a hardship on the 318
employer under the circumstances, in which case the employer 319
must provide the requested information as soon as practicable. 320

(4) A "request" made by an employee or a person acting on 321
behalf of an employee means a request by an employee or a person 322
acting on behalf of an employee for the employee's own 323
information. The employer may require that the employee provide 324
the employer with a written request that has been signed by the 325
employee and notarized and that reasonably specifies the 326
particular information being requested. The employer may require 327
that the person acting on behalf of an employee provide the 328
employer with a written request that has been signed by the 329
employee whose information is being requested and notarized and 330
that reasonably specifies the particular information being 331
requested. 332

(H) In accordance with Section 34a of Article II, Ohio 333
Constitution, an employee, person acting on behalf of one or 334
more employees, and any other interested party may file a 335
complaint with the state for a violation of any provision of 336
Section 34a of Article II, Ohio Constitution, or any law or 337

regulation implementing its provisions. Such complaint shall be 338
promptly investigated and resolved by the state. The employee's 339
name shall be kept confidential unless disclosure is necessary 340
to resolution of a complaint and the employee consents to 341
disclosure. As used in division (H) of this section: 342

(1) "Complaint" means a complaint of an alleged violation 343
pertaining to harm suffered by the employee filing the 344
complaint, by a person acting on behalf of one or more 345
employees, or by an interested party. 346

(2) "Acting on behalf of one or more employees" has the 347
same meaning as "acting on behalf of an employee" in division 348
(G) (2) of this section. Each employee must provide a separate 349
written and notarized authorization before the person acting on 350
that employee's or those employees' behalf may request the name, 351
address, occupation, pay rate, hours worked for each day worked, 352
and each amount paid for the particular employee. 353

(3) "Interested party" means a party who alleges to be 354
injured by the alleged violation and who has standing to file a 355
complaint under common law principles of standing. 356

(4) "Resolved by the state" means that the complaint has 357
been resolved to the satisfaction of the state. 358

(5) "Shall be kept confidential" means that the state 359
shall keep the name of the employee confidential as required by 360
division (H) of this section. 361

(I) In accordance with Section 34a of Article II, Ohio 362
Constitution, the state may on its own initiative investigate an 363
employer's compliance with Section 34a of Article II, Ohio 364
Constitution, and any law or regulation implementing Section 34a 365
of Article II, Ohio Constitution. The employer shall make 366

available to the state any records related to such investigation 367
and other information required for enforcement of Section 34a of 368
Article II, Ohio Constitution or any law or regulation 369
implementing Section 34a of Article II, Ohio Constitution. The 370
state shall investigate an employer's compliance with this 371
section in accordance with the procedures described in section 372
4111.04 of the Revised Code. All records and information related 373
to investigations by the state are confidential and are not a 374
public record subject to section 149.43 of the Revised Code. 375
This division does not prevent the state from releasing to or 376
exchanging with other state and federal wage and hour regulatory 377
authorities information related to investigations. 378

(J) In accordance with Section 34a of Article II, Ohio 379
Constitution, damages shall be calculated as an additional two 380
times the amount of the back wages and in the case of a 381
violation of an anti-retaliation provision an amount set by the 382
state or court sufficient to compensate the employee and deter 383
future violations, but not less than one hundred fifty dollars 384
for each day that the violation continued. The "not less than 385
one hundred fifty dollar" penalty specified in division (J) of 386
this section shall be imposed only for violations of the anti- 387
retaliation provision in Section 34a of Article II, Ohio 388
Constitution. 389

(K) In accordance with Section 34a of Article II, Ohio 390
Constitution, an action for equitable and monetary relief may be 391
brought against an employer by the attorney general and/or an 392
employee or person acting on behalf of an employee or all 393
similarly situated employees in any court of competent 394
jurisdiction, including the court of common pleas of an 395
employee's county of residence, for any violation of Section 34a 396
of Article II, Ohio Constitution, or any law or regulation 397

implementing its provisions within three years of the violation 398
or of when the violation ceased if it was of a continuing 399
nature, or within one year after notification to the employee of 400
final disposition by the state of a complaint for the same 401
violation, whichever is later. 402

(1) As used in division (K) of this section, 403
"notification" means the date on which the notice was sent to 404
the employee by the state. 405

(2) No employee shall join as a party plaintiff in any 406
civil action that is brought under division (K) of this section 407
by an employee, person acting on behalf of an employee, or 408
person acting on behalf of all similarly situated employees 409
unless that employee first gives written consent to become such 410
a party plaintiff and that consent is filed with the court in 411
which the action is brought. 412

(3) A civil action regarding an alleged violation of this 413
section shall be maintained only under division (K) of this 414
section. This division does not preclude the joinder in a single 415
civil action of an action under this division and an action 416
under section 4111.10 of the Revised Code. 417

(4) Any agreement between an employee and employer to work 418
for less than the wage rate specified in ~~Section 34a of Article~~ 419
~~II, Ohio Constitution~~ section 4111.02 of the Revised Code, is no 420
defense to an action under this section. 421

(L) In accordance with Section 34a of Article II, Ohio 422
Constitution, there shall be no exhaustion requirement, no 423
procedural, pleading, or burden of proof requirements beyond 424
those that apply generally to civil suits in order to maintain 425
such action and no liability for costs or attorney's fees on an 426

employee except upon a finding that such action was frivolous in 427
accordance with the same standards that apply generally in civil 428
suits. Nothing in division (L) of this section affects the right 429
of an employer and employee to agree to submit a dispute under 430
this section to alternative dispute resolution, including, but 431
not limited to, arbitration, in lieu of maintaining the civil 432
suit specified in division (K) of this section. Nothing in this 433
division limits the state's ability to investigate or enforce 434
this section. 435

(M) An employer who provides such information specified in 436
Section 34a of Article II, Ohio Constitution, shall be immune 437
from any civil liability for injury, death, or loss to person or 438
property that otherwise might be incurred or imposed as a result 439
of providing that information to an employee or person acting on 440
behalf of an employee in response to a request by the employee 441
or person, and the employer shall not be subject to the 442
provisions of Chapters 1347. and 1349. of the Revised Code to 443
the extent that such provisions would otherwise apply. As used 444
in division (M) of this section, "such information," "acting on 445
behalf of an employee," and "request" have the same meanings as 446
in division (G) of this section. 447

(N) As used in this section, "the state" means the 448
director of commerce. 449

Section 2. That existing sections 4111.02, 4111.05, 450
4111.09, and 4111.14 of the Revised Code are hereby repealed. 451

Section 3. That section 4111.07 of the Revised Code is 452
hereby repealed. 453