

As Reported by the Senate Workforce Development Committee

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S. B. No. 33

Senators Wilson, Lang

A BILL

To amend sections 4109.08, 4111.09, 4112.07, 1
4115.07, 4123.54, 4123.83, and 4167.11 of the 2
Revised Code to allow employers to post certain 3
labor law notices on the internet. 4

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

Section 1. That sections 4109.08, 4111.09, 4112.07, 5
4115.07, 4123.54, 4123.83, and 4167.11 of the Revised Code be 6
amended to read as follows: 7

Sec. 4109.08. ~~(A)~~ (A) (1) No minor shall be employed unless 8
the employer keeps on the premises a complete list of all minors 9
employed by the employer at a particular establishment ~~and a~~ 10
~~printed abstract to be furnished by the director of commerce~~ 11
~~summarizing the provisions of this chapter.~~ 12

The list ~~and abstract~~ shall be posted in plain view in a 13
conspicuous place which is frequented by the largest number of 14
minor employees, and to which all minor employees have access. 15

(2) No minor shall be employed unless the employer posts 16
an abstract to be furnished by the director of commerce 17
summarizing the provisions of this chapter. The abstract shall 18
be posted in one of the following ways: 19

(a) On the premises in plain view in a conspicuous place 20
which is frequented by the largest number of minor employees, 21
and to which all minor employees have access; 22

(b) On the internet in a manner that is accessible to the 23
employer's employees. 24

(B) An enforcement official may require any employer, in 25
or about whose establishment an employee apparently under 26
eighteen years of age is employed and whose age and schooling 27
certificate is not on file with the director of commerce as 28
required by section 3331.01 of the Revised Code, to furnish the 29
enforcement official satisfactory evidence that the employee is 30
in fact eighteen years of age or older. The enforcement official 31
shall require from the employer the same evidence of age of the 32
employee as is required by section 3331.02 of the Revised Code 33
upon the issuance of an age and schooling certificate. No 34
employer shall fail to produce the evidence. 35

(C) Any employee apparently under eighteen years of age, 36
working in any occupation or establishment with respect to which 37
there are restrictions by rule or law governing the employment 38
of minors, with respect to whom the employer has not furnished 39
satisfactory evidence that the person is at or above the age 40
required for performance of employment with the employer after 41
being requested to do so, and who refuses to give to an 42
enforcement official the employee's name, age, and place of 43
residence may be taken into custody and charged with being an 44
unruly child or other appropriate charge under Chapter 2151. or 45
2152. of the Revised Code. 46

(D) No person shall, with the intent to assist a minor to 47
procure employment, make a false statement by any means, 48
including by submitting falsified forms electronically, to any 49

employer or to any person authorized to issue an age and 50
schooling certificate. 51

Sec. 4111.09. (A) Every employer subject to sections 52
4111.01 to 4111.17 of the Revised Code, or to any rules issued 53
thereunder, shall keep a summary of the sections, approved by 54
the director of commerce, and copies of any applicable rules 55
issued thereunder, or a summary of the rules, posted in one of 56
the following ways: 57

(1) In a conspicuous and accessible place in or about the 58
premises wherein any person subject thereto is employed; 59

(2) On the internet in a manner that is accessible to the 60
employer's employees. 61

(B) The director of commerce shall make the summary 62
described in this section available on the web site of the 63
department of commerce. The director shall update this summary 64
as necessary, but not less than annually, in order to reflect 65
changes in the minimum wage rate as required under Section 34a 66
of Article II, Ohio Constitution. Employees and employers shall 67
be furnished copies of the summaries and rules by the state, on 68
request, without charge. 69

Sec. 4112.07. Every person subject to division (A), (B), 70
(C), (D), or (E) of section 4112.02 of the Revised Code shall 71
post in a conspicuous place or places on ~~his~~ the person's 72
premises, or on the internet in a manner that is accessible to 73
the public, a notice to be prepared or approved by the 74
commission that shall set forth excerpts of this chapter and 75
other relevant information that the commission deems necessary 76
to explain this chapter. 77

Sec. 4115.07. All contractors and subcontractors required 78

by sections 4115.03 to 4115.16 of the Revised Code, and the 79
action of any public authority to pay not less than the 80
prevailing rate of wages shall make full payment of such wages 81
in legal tender, without any deduction for food, sleeping 82
accommodations, transportation, use of small tools, or any other 83
thing of any kind or description. This section does not apply 84
where the employer and employee enter into an agreement in 85
writing at the beginning of any term of employment covering 86
deductions for food, sleeping accommodations, or other similar 87
item, provided such agreement is submitted by the employer to 88
the public authority fixing the rate of wages and is approved by 89
such public authority as fair and reasonable. 90

All contractors or subcontractors falling within or 91
affected by sections 4115.03 to 4115.16 of the Revised Code, 92
shall keep full and accurate payroll records with respect to 93
wages paid each employee and the number of hours worked by each 94
employee, covering all disbursements of wages to their employees 95
to whom they are required to pay not less than the prevailing 96
rate of wages. Such payroll records shall be open to inspection 97
by any authorized representative of the contracting public 98
authority, including the prevailing wage coordinator or the 99
director of commerce at any reasonable time and as often as may 100
be necessary, and such records shall not be destroyed or removed 101
from the state for the period of one year following the 102
completion of the public improvement in connection with which 103
the records are made. There shall be posted in a prominent and 104
accessible place on the site of the work, or on the internet in 105
a manner that is accessible to the contractor's or 106
subcontractor's employees, a legible statement of the schedule 107
of wage rates specified in the contract to the various 108
classifications of laborers, workers, and mechanics employed, 109

said statement to remain posted during the life of each 110
contract. 111

Each contractor or subcontractor shall file with the 112
contracting public authority upon completion of the public 113
improvement and prior to final payment therefor an affidavit 114
stating that the contractor or subcontractor has fully complied 115
with sections 4115.03 to 4115.16 of the Revised Code. 116

Sec. 4123.54. (A) Except as otherwise provided in this 117
division or divisions (I) and (K) of this section, every 118
employee, who is injured or who contracts an occupational 119
disease, and the dependents of each employee who is killed, or 120
dies as the result of an occupational disease contracted in the 121
course of employment, wherever the injury has occurred or 122
occupational disease has been contracted, is entitled to receive 123
the compensation for loss sustained on account of the injury, 124
occupational disease, or death, and the medical, nurse, and 125
hospital services and medicines, and the amount of funeral 126
expenses in case of death, as are provided by this chapter. The 127
compensation and benefits shall be provided, as applicable, 128
directly from the employee's self-insuring employer as provided 129
in section 4123.35 of the Revised Code or from the state 130
insurance fund. An employee or dependent is not entitled to 131
receive compensation or benefits under this division if the 132
employee's injury or occupational disease is either of the 133
following: 134

(1) Purposely self-inflicted; 135

(2) Caused by the employee being intoxicated, under the 136
influence of a controlled substance not prescribed by a 137
physician, certified nurse-midwife, clinical nurse specialist, 138
or certified nurse practitioner, or under the influence of 139

marihuana if being intoxicated, under the influence of a 140
controlled substance not prescribed by a physician, certified 141
nurse-midwife, clinical nurse specialist, or certified nurse 142
practitioner, or under the influence of marihuana was the 143
proximate cause of the injury. 144

(B) For the purpose of this section, provided that an 145
employer has posted written notice to employees that the results 146
of, or the employee's refusal to submit to, any chemical test 147
described under this division may affect the employee's 148
eligibility for compensation and benefits pursuant to this 149
chapter and Chapter 4121. of the Revised Code, there is a 150
rebuttable presumption that an employee is intoxicated, under 151
the influence of a controlled substance not prescribed by the 152
employee's physician, certified nurse-midwife, clinical nurse 153
specialist, or certified nurse practitioner, or under the 154
influence of marihuana and that being intoxicated, under the 155
influence of a controlled substance not prescribed by the 156
employee's physician, certified nurse-midwife, clinical nurse 157
specialist, or certified nurse practitioner, or under the 158
influence of marihuana is the proximate cause of an injury under 159
either of the following conditions: 160

(1) When any one or more of the following is true: 161

(a) The employee, through a qualifying chemical test 162
administered within eight hours of an injury, is determined to 163
have an alcohol concentration level equal to or in excess of the 164
levels established in divisions (A) (1) (b) to (i) of section 165
4511.19 of the Revised Code. 166

(b) The employee, through a qualifying chemical test 167
administered within thirty-two hours of an injury, is determined 168
to have a controlled substance not prescribed by the employee's 169

physician, certified nurse-midwife, clinical nurse specialist, 170
or certified nurse practitioner or marihuana in the employee's 171
system at a level equal to or in excess of the cutoff 172
concentration level for the particular substance as provided in 173
section 40.87 of Title 49 of the Code of Federal Regulations, 49 174
C.F.R. 40.87, as amended. 175

(c) The employee, through a qualifying chemical test 176
administered within thirty-two hours of an injury, is determined 177
to have barbiturates, benzodiazepines, or methadone in the 178
employee's system that tests above levels established by 179
laboratories certified by the United States department of health 180
and human services. 181

(2) When the employee refuses to submit to a requested 182
chemical test, on the condition that that employee is or was 183
given notice that the refusal to submit to any chemical test 184
described in division (B) (1) of this section may affect the 185
employee's eligibility for compensation and benefits under this 186
chapter and Chapter 4121. of the Revised Code. 187

(C) (1) For purposes of division (B) of this section, a 188
chemical test is a qualifying chemical test if it is 189
administered to an employee after an injury under at least one 190
of the following conditions: 191

(a) When the employee's employer had reasonable cause to 192
suspect that the employee may be intoxicated, under the 193
influence of a controlled substance not prescribed by the 194
employee's physician, certified nurse-midwife, clinical nurse 195
specialist, or certified nurse practitioner, or under the 196
influence of marihuana; 197

(b) At the request of a police officer pursuant to section 198

4511.191 of the Revised Code, and not at the request of the 199
employee's employer; 200

(c) At the request of a licensed physician, certified 201
nurse-midwife, clinical nurse specialist, or certified nurse 202
practitioner who is not employed by the employee's employer, and 203
not at the request of the employee's employer. 204

(2) As used in division (C) (1) (a) of this section, 205
"reasonable cause" means, but is not limited to, evidence that 206
an employee is or was using alcohol, a controlled substance, or 207
marihuana drawn from specific, objective facts and reasonable 208
inferences drawn from these facts in light of experience and 209
training. These facts and inferences may be based on, but are 210
not limited to, any of the following: 211

(a) Observable phenomena, such as direct observation of 212
use, possession, or distribution of alcohol, a controlled 213
substance, or marihuana, or of the physical symptoms of being 214
under the influence of alcohol, a controlled substance, or 215
marihuana, such as but not limited to slurred speech; dilated 216
pupils; odor of alcohol, a controlled substance, or marihuana; 217
changes in affect; or dynamic mood swings; 218

(b) A pattern of abnormal conduct, erratic or aberrant 219
behavior, or deteriorating work performance such as frequent 220
absenteeism, excessive tardiness, or recurrent accidents, that 221
appears to be related to the use of alcohol, a controlled 222
substance, or marihuana, and does not appear to be attributable 223
to other factors; 224

(c) The identification of an employee as the focus of a 225
criminal investigation into unauthorized possession, use, or 226
trafficking of a controlled substance or marihuana; 227

(d) A report of use of alcohol, a controlled substance, or marihuana provided by a reliable and credible source; 228
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(e) Repeated or flagrant violations of the safety or work rules of the employee's employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol, a controlled substance, or marihuana and that do not appear attributable to other factors. 230
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(D) Nothing in this section shall be construed to affect the rights of an employer to test employees for alcohol or controlled substance abuse. 236
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(E) For the purpose of this section, laboratories certified by the United States department of health and human services or laboratories that meet or exceed the standards of that department for laboratory certification shall be used for processing the test results of a qualifying chemical test. 239
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(F) The written notice required by division (B) of this section shall be the same size or larger than the proof of workers' compensation coverage furnished by the bureau of workers' compensation and shall be posted by the employer in the same location as the proof of workers' compensation coverage or the certificate of self-insurance. An employer may post the written notice required by division (B) of this section on the internet in a manner that is accessible to the employer's employees. 244
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(G) If a condition that pre-existed an injury is substantially aggravated by the injury, and that substantial aggravation is documented by objective diagnostic findings, objective clinical findings, or objective test results, no 253
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compensation or benefits are payable because of the pre-existing 257
condition once that condition has returned to a level that would 258
have existed without the injury. 259

(H) (1) Whenever, with respect to an employee of an 260
employer who is subject to and has complied with this chapter, 261
there is possibility of conflict with respect to the application 262
of workers' compensation laws because the contract of employment 263
is entered into and all or some portion of the work is or is to 264
be performed in a state or states other than Ohio, the employer 265
and the employee may agree to be bound by the laws of this state 266
or by the laws of some other state in which all or some portion 267
of the work of the employee is to be performed. The agreement 268
shall be in writing and shall be filed with the bureau of 269
workers' compensation within ten days after it is executed and 270
shall remain in force until terminated or modified by agreement 271
of the parties similarly filed. If the agreement is to be bound 272
by the laws of this state and the employer has complied with 273
this chapter, then the employee is entitled to compensation and 274
benefits regardless of where the injury occurs or the disease is 275
contracted and the rights of the employee and the employee's 276
dependents under the laws of this state are the exclusive remedy 277
against the employer on account of injury, disease, or death in 278
the course of and arising out of the employee's employment. If 279
the agreement is to be bound by the laws of another state and 280
the employer has complied with the laws of that state, the 281
rights of the employee and the employee's dependents under the 282
laws of that state are the exclusive remedy against the employer 283
on account of injury, disease, or death in the course of and 284
arising out of the employee's employment without regard to the 285
place where the injury was sustained or the disease contracted. 286
If an employer and an employee enter into an agreement under 287

this division, the fact that the employer and the employee 288
entered into that agreement shall not be construed to change the 289
status of an employee whose continued employment is subject to 290
the will of the employer or the employee, unless the agreement 291
contains a provision that expressly changes that status. 292

(2) If an employee or the employee's dependents receive an 293
award of compensation or benefits under this chapter or Chapter 294
4121., 4127., or 4131. of the Revised Code for the same injury, 295
occupational disease, or death for which the employee or the 296
employee's dependents previously pursued or otherwise elected to 297
accept workers' compensation benefits and received a decision on 298
the merits as defined in section 4123.542 of the Revised Code 299
under the laws of another state or recovered damages under the 300
laws of another state, the claim shall be disallowed and the 301
administrator or any self-insuring employer, by any lawful 302
means, may collect from the employee or the employee's 303
dependents any of the following: 304

(a) The amount of compensation or benefits paid to or on 305
behalf of the employee or the employee's dependents by the 306
administrator or a self-insuring employer pursuant to this 307
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 308
for that award; 309

(b) Any interest, attorney's fees, and costs the 310
administrator or the self-insuring employer incurs in collecting 311
that payment. 312

(3) If an employee or the employee's dependents receive an 313
award of compensation or benefits under this chapter or Chapter 314
4121., 4127., or 4131. of the Revised Code and subsequently 315
pursue or otherwise elect to accept workers' compensation 316
benefits or damages under the laws of another state for the same 317

injury, occupational disease, or death the claim under this 318
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 319
shall be disallowed. The administrator or a self-insuring 320
employer, by any lawful means, may collect from the employee or 321
the employee's dependents or other-states' insurer any of the 322
following: 323

(a) The amount of compensation or benefits paid to or on 324
behalf of the employee or the employee's dependents by the 325
administrator or the self-insuring employer pursuant to this 326
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 327
for that award; 328

(b) Any interest, costs, and attorney's fees the 329
administrator or the self-insuring employer incurs in collecting 330
that payment; 331

(c) Any costs incurred by an employer in contesting or 332
responding to any claim filed by the employee or the employee's 333
dependents for the same injury, occupational disease, or death 334
that was filed after the original claim for which the employee 335
or the employee's dependents received a decision on the merits 336
as described in section 4123.542 of the Revised Code. 337

(4) If the employee's employer pays premiums into the 338
state insurance fund, the administrator shall not charge the 339
amount of compensation or benefits the administrator collects 340
pursuant to division (H) (2) or (3) of this section to the 341
employer's experience. If the administrator collects any costs 342
incurred by an employer in contesting or responding to any claim 343
pursuant to division (H) (2) or (3) of this section, the 344
administrator shall forward the amount collected to that 345
employer. If the employee's employer is a self-insuring 346
employer, the self-insuring employer shall deduct the amount of 347

compensation or benefits the self-insuring employer collects 348
pursuant to this division from the paid compensation the self- 349
insuring employer reports to the administrator under division 350
(L) of section 4123.35 of the Revised Code. 351

(5) If an employee is a resident of a state other than 352
this state and is insured under the workers' compensation law or 353
similar laws of a state other than this state, the employee and 354
the employee's dependents are not entitled to receive 355
compensation or benefits under this chapter, on account of 356
injury, disease, or death arising out of or in the course of 357
employment while temporarily within this state, and the rights 358
of the employee and the employee's dependents under the laws of 359
the other state are the exclusive remedy against the employer on 360
account of the injury, disease, or death. 361

(6) An employee, or the dependent of an employee, who 362
elects to receive compensation and benefits under this chapter 363
or Chapter 4121., 4127., or 4131. of the Revised Code for a 364
claim may not receive compensation and benefits under the 365
workers' compensation laws of any state other than this state 366
for that same claim. For each claim submitted by or on behalf of 367
an employee, the administrator or, if the employee is employed 368
by a self-insuring employer, the self-insuring employer, shall 369
request the employee or the employee's dependent to sign an 370
election that affirms the employee's or employee's dependent's 371
acceptance of electing to receive compensation and benefits 372
under this chapter or Chapter 4121., 4127., or 4131. of the 373
Revised Code for that claim that also affirmatively waives and 374
releases the employee's or the employee's dependent's right to 375
file for and receive compensation and benefits under the laws of 376
any state other than this state for that claim. The employee or 377
employee's dependent shall sign the election form within twenty- 378

eight days after the administrator or self-insuring employer 379
submits the request or the administrator or self-insuring 380
employer shall dismiss that claim. 381

In the event a workers' compensation claim has been filed 382
in another jurisdiction on behalf of an employee or the 383
dependents of an employee, and the employee or dependents 384
subsequently elect to receive compensation, benefits, or both 385
under this chapter or Chapter 4121., 4127., or 4131. of the 386
Revised Code, the employee or dependent shall withdraw or refuse 387
acceptance of the workers' compensation claim filed in the other 388
jurisdiction in order to pursue compensation or benefits under 389
the laws of this state. If the employee or dependents were 390
awarded workers' compensation benefits or had recovered damages 391
under the laws of the other state, any compensation and benefits 392
awarded under this chapter or Chapter 4121., 4127., or 4131. of 393
the Revised Code shall be paid only to the extent to which those 394
payments exceed the amounts paid under the laws of the other 395
state. If the employee or dependent fails to withdraw or to 396
refuse acceptance of the workers' compensation claim in the 397
other jurisdiction within twenty-eight days after a request made 398
by the administrator or a self-insuring employer, the 399
administrator or self-insuring employer shall dismiss the 400
employee's or employee's dependents' claim made in this state. 401

(I) If an employee who is covered under the federal 402
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 403
33 U.S.C. 901 et seq., is injured or contracts an occupational 404
disease or dies as a result of an injury or occupational 405
disease, and if that employee's or that employee's dependents' 406
claim for compensation or benefits for that injury, occupational 407
disease, or death is subject to the jurisdiction of that act, 408
the employee or the employee's dependents are not entitled to 409

apply for and shall not receive compensation or benefits under 410
this chapter and Chapter 4121. of the Revised Code. The rights 411
of such an employee and the employee's dependents under the 412
federal "Longshore and Harbor Workers' Compensation Act," 98 413
Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy 414
against the employer for that injury, occupational disease, or 415
death. 416

(J) Compensation or benefits are not payable to a claimant 417
or a dependent during the period of confinement of the claimant 418
or dependent in any state or federal correctional institution, 419
or in any county jail in lieu of incarceration in a state or 420
federal correctional institution, whether in this or any other 421
state for conviction of violation of any state or federal 422
criminal law. 423

(K) An employer, upon the approval of the administrator, 424
may provide for workers' compensation coverage for the 425
employer's employees who are professional athletes and coaches 426
by submitting to the administrator proof of coverage under a 427
league policy issued under the laws of another state under 428
either of the following circumstances: 429

(1) The employer administers the payroll and workers' 430
compensation insurance for a professional sports team subject to 431
a collective bargaining agreement, and the collective bargaining 432
agreement provides for the uniform administration of workers' 433
compensation benefits and compensation for professional 434
athletes. 435

(2) The employer is a professional sports league, or is a 436
member team of a professional sports league, and all of the 437
following apply: 438

(a) The professional sports league operates as a single 439
entity, whereby all of the players and coaches of the sports 440
league are employees of the sports league and not of the 441
individual member teams. 442

(b) The professional sports league at all times maintains 443
workers' compensation insurance that provides coverage for the 444
players and coaches of the sports league. 445

(c) Each individual member team of the professional sports 446
league, pursuant to the organizational or operating documents of 447
the sports league, is obligated to the sports league to pay to 448
the sports league any workers' compensation claims that are not 449
covered by the workers' compensation insurance maintained by the 450
sports league. 451

If the administrator approves the employer's proof of 452
coverage submitted under division (K) of this section, a 453
professional athlete or coach who is an employee of the employer 454
and the dependents of the professional athlete or coach are not 455
entitled to apply for and shall not receive compensation or 456
benefits under this chapter and Chapter 4121. of the Revised 457
Code. The rights of such an athlete or coach and the dependents 458
of such an athlete or coach under the laws of the state where 459
the policy was issued are the exclusive remedy against the 460
employer for the athlete or coach if the athlete or coach 461
suffers an injury or contracts an occupational disease in the 462
course of employment, or for the dependents of the athlete or 463
the coach if the athlete or coach is killed as a result of an 464
injury or dies as a result of an occupational disease, 465
regardless of the location where the injury was suffered or the 466
occupational disease was contracted. 467

Sec. 4123.83. Each employer paying premiums into the state 468

insurance fund or electing directly to pay compensation to the 469
employer's injured employees or the dependents of the employer's 470
killed employees as provided in section 4123.35 of the Revised 471
Code, shall post ~~conspicuously in the employer's place or places~~ 472
~~of employment~~ notices, which shall be furnished at least 473
annually by the bureau of workers' compensation. The employer 474
shall post the notice conspicuously in the employer's place or 475
places of employment or on the internet in a manner that is 476
accessible to the employer's employees. The notice shall state 477
that it is proof of workers' compensation coverage, or that the 478
employer has complied with section 4123.35 of the Revised Code 479
and has been authorized by the administrator of workers' 480
compensation directly to compensate employees or dependents, and 481
the date of the authorization. The notice shall indicate that 482
coverage is contingent on continued payment of premiums and 483
assessments due. The notice, when posted, constitutes sufficient 484
notice to the employer's employees of the fact that the employer 485
carries workers' compensation coverage or that the employer has 486
complied with the elective provisions of section 4123.35 of the 487
Revised Code. 488

Sec. 4167.11. (A) In order to further the purposes of this 489
chapter, the administrator of workers' compensation shall 490
develop and maintain, for public employers and public employees, 491
an effective program of collection, compilation, and analysis of 492
employment risk reduction statistics. 493

(B) To implement and maintain division (A) of this 494
section, the administrator, with the advice and consent of the 495
bureau of workers' compensation board of directors, shall adopt 496
rules in accordance with Chapter 119. of the Revised Code that 497
extend to all of the following: 498

(1) Requiring each public employer to make, keep, and 499
preserve, and make available to the administrator, reports and 500
records regarding the public employer's activities, as 501
determined by the rule that are necessary or appropriate for the 502
enforcement of this chapter or for developing information 503
regarding the causes and prevention of occupational accidents 504
and illnesses. The rule shall prescribe which of these reports 505
and records shall or may be furnished to public employees and 506
public employee representatives. 507

(2) Requiring every public employer, through posting of 508
notices or other appropriate means, to keep their public 509
employees informed of public employees' rights and obligations 510
under this chapter, including the provisions of applicable Ohio 511
employment risk reduction standards~~+~~. The rule shall allow any 512
required notice to be posted on the internet in a manner that is 513
accessible to the public employer's employees. 514

(3) Requiring public employers to maintain accurate 515
records of public employee exposure to potentially toxic 516
materials, carcinogenic materials, and harmful physical agents 517
that are required to be monitored or measured under rules 518
adopted under the guidelines of division (C) of section 4167.07 519
of the Revised Code. The rule shall provide public employees or 520
public employee representatives an opportunity to observe the 521
monitoring or measuring, and to have access on request to the 522
records thereof, and may provide public employees or public 523
employee representatives an opportunity to participate in and to 524
undertake their own monitoring or measuring. The rules also 525
shall permit each current or former public employee to have 526
access to the records that indicate their own exposure to toxic 527
materials, carcinogenic materials, or harmful agents. 528

(C) The administrator shall obtain any information under 529
division (B) of this section with a minimum burden upon the 530
public employer and shall, to the maximum extent feasible, 531
reduce unnecessary duplication of efforts in obtaining the 532
information. 533

Section 2. That existing sections 4109.08, 4111.09, 534
4112.07, 4115.07, 4123.54, 4123.83, and 4167.11 of the Revised 535
Code are hereby repealed. 536