

As Introduced

136th General Assembly

Regular Session

2025-2026

S. B. No. 331

Senators Wilson, Blackshear

Cosponsors: Senators Brenner, Cirino

To enact section 102.10 of the Revised Code to
allow certain public hospitality employees to
accept gratuities.

1
2
3

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

Section 1. That section 102.10 of the Revised Code be
enacted to read as follows:

4
5

Sec. 102.10. (A) As used in this section, "public
hospitality employee" means a public employee who performs the
employee's primary duties at any of the following facilities:

6
7
8

(1) A publicly owned combined park-camp, recreation camp,
recreational vehicle park, or temporary park-camp, as those
terms are defined in section 3729.01 of the Revised Code;

9
10
11

(2) A publicly owned facility containing a public swimming
pool, public spa, or special use pool, as those terms are
defined in section 3749.01 of the Revised Code;

12
13
14

(3) A publicly owned golf course;

15

(4) A hotel, as defined in section 3731.01 of the Revised
Code, that is publicly owned;

16
17

(5) A publicly owned theater, concert hall, entertainment

18

venue, convention center, or similar space for hosting 19
performances or events; 20

(6) A refuge harbor or marine recreational facility as 21
described in section 1547.72 of the Revised Code; 22

(7) A retail establishment located within a publicly owned 23
facility; 24

(8) A retail food establishment or food service operation, 25
as those terms are defined in section 3717.01 of the Revised 26
Code, located within a publicly owned facility; 27

(9) Any other publicly owned facility that is similar to 28
the facilities described under divisions (A) (1) to (8) of this 29
section. 30

(B) Notwithstanding any provision to the contrary in 31
section 102.03 or 2921.43 of the Revised Code, a public 32
hospitality employee, in addition to the employee's regular 33
compensation, may accept a gratuity in recognition of services 34
the employee performs in the course of the employee's public 35
employment. 36

(C) No public agency that employs a public hospitality 37
employee who accepts a gratuity under this section shall do 38
either of the following: 39

(1) Claim the gratuity as a credit toward the minimum wage 40
rate required under Ohio Constitution, Article II, Section 34a 41
and Chapter 4111. of the Revised Code; 42

(2) Pay the employee less than the regular compensation 43
customarily paid to other public hospitality employees 44
performing substantially the same services in similar positions. 45

(D) A gratuity accepted by a public hospitality employee 46

<u>under this section is earnable salary for purposes of Chapter</u>	47
<u>145. of the Revised Code, compensation for purposes of Chapter</u>	48
<u>3305. of the Revised Code, or compensation for purposes of</u>	49
<u>Chapter 3309. of the Revised Code.</u>	50