

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 70**

**Senator Maharath**

**Cosponsors: Senators Yuko, Fedor, Thomas, Antonio**

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**A BILL**

To enact section 4113.12 of the Revised Code to 1  
prohibit employers from seeking a prospective 2  
employee's wage or salary history. 3

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

**Section 1.** That section 4113.12 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 4113.12.** (A) As used in this section, "employer" 6  
means any person who has one or more employees, and includes an 7  
agent of an employer, the state or any agency or instrumentality 8  
of the state, and any municipal corporation, county, township, 9  
school district, or other political subdivision or any agency or 10  
instrumentality thereof. 11

(B) Except as provided in divisions (C) and (D) of this 12  
section, no employer shall do any of the following: 13

(1) Refuse to interview or consider a prospective employee 14  
for employment based on the prospective employee's wage or 15  
salary history; 16

(2) Request or seek information regarding a prospective 17

employee's wage or salary history from the prospective employee 18  
or the prospective employee's current or former employer; 19

(3) Require that a prospective employee's wage or salary 20  
history satisfy minimum or maximum criteria. 21

(C) An employer may request information regarding or seek 22  
to confirm a prospective employee's wage or salary history from 23  
the prospective employee or the prospective employee's current 24  
or former employer if both of the following apply: 25

(1) The prospective employee has voluntarily disclosed to 26  
the employer information regarding the prospective employee's 27  
wage or salary history. 28

(2) The employer has made an offer of employment with 29  
compensation to the prospective employee. 30

(D) Nothing in this section prevents an employer from 31  
doing either of the following: 32

(1) Inquiring as to a prospective employee's wage or 33  
salary expectations or requirements; 34

(2) Providing information regarding the wages, salary, 35  
benefits, commissions, or any other forms of remuneration or 36  
compensation offered in connection with any position for which 37  
the prospective employee is applying. 38

(E) Any prospective employee alleging that an employer has 39  
violated this section may bring an action in any court of 40  
competent jurisdiction to recover damages sustained due to an 41  
employer's violation of this section, or for equitable relief, 42  
together with costs and reasonable attorney's fees. Two or more 43  
prospective employees alleging the same employer has violated 44  
this section may join as co-plaintiffs in one action. 45

The attorney general, at the written request of one or 46  
more prospective employees alleging an employer has violated 47  
this section, may take an assignment of the claim or claims in 48  
trust and bring an action in any court of competent jurisdiction 49  
to recover damages sustained due to an employer's violation of 50  
this section, or for equitable relief, together with costs and 51  
reasonable attorney's fees. 52