



TESTIMONY OF:

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IN OPPOSITION TO:

Senate Bill 47
Overtime Pay
House Commerce & Labor Committee
February 15, 2022

Chair Stein, Vice Chair Johnson, Ranking Minority Member Lepore-Hagan and distinguished members of the Ohio House Commerce & Labor Committee, thank you for the opportunity to provide testimony today in opposition to Senate Bill 47.

My name is Erin Ryan and I serve as the Managing Director of the Ohio Women's Public Policy Network (WPPN), a coalition of nearly 40 organizations that collectively advocate for public policy solutions that build economic opportunity for women and their families. We believe that the measure of success for our state and communities is largely determined by the success of Ohio's women. Therefore, policymakers must advance public policies centered in equity, fairness, and justice that address the following issue areas:

1. Promoting an economic security agenda for women;
2. Ensuring fairness and opportunity in the workplace; and
3. Improving women's health and well-being

These policy goals guide WPPN's work and shaped our interest in testifying today in opposition to Ohio's Senate Bill 47, legislation that would unnecessarily curtail overtime payments for certain Ohio workers. The bill would codify into Ohio Revised Code language from Section 254 of the federal Portal-to-Portal Act, changing state overtime rules. While the bill applies the language from the law that is beneficial to employers, it fails to codify any of the employee protections, leaving behind workers in Ohio.

No matter what we do for a living, all of us work hard for our families and deserve a job where we are treated with dignity and respect. Over the last few decades, women have made great

strides in workforce participation. However, women – particularly Black and brown women – still face substantial barriers to achieving economic self-sufficiency, in part due to workplace policies that hold back workers from reaching their full economic potential. **This includes legislation like Senate Bill 47, which would add new restrictions to what is covered under state overtime payments while limiting the protections that are available to workers.**

Senate Bill 47 would add language taken directly from the Portal-to-Portal Act, as well as new language that is not found in the federal code, to include the following activities as non-compensable for overtime wage purposes:

1. Walking, riding, or traveling to and from the actual place of performance of the principal activity or activities that the employee is employed to perform;
2. Activities that are preliminary to or postliminary to the principal activity or activities;
3. Activities requiring insubstantial or insignificant periods of time beyond the employee's scheduled working hours.

Under these new restrictions, especially given the undefined language of “insubstantial and insignificant” in section 3, there are a number of types of workers who would have additional restrictions added to their ability to receive overtime pay, including:

- Employees who work in one primary location while being called to various secondary locations, such as home healthcare aides.
- Employees who have to put on protective equipment or perform another form of expected task “preliminary or postliminary to the principal activity,” such as nurses and other healthcare workers, retail workers, or restaurant workers.

And while the bill enumerates exceptions for when workers would still be allowed overtime payments, the language is much more narrow, restrictive, and open to interpretation than the language in the Portal-to-Portal Act, specifically:

1. The employee performs the activity during the regular work day or during prescribed hours.
2. The employee performs the activity at the specific direction of the employer.

The undefined language in these two exceptions leave the application of the law open to court interpretation, providing larger businesses more opportunity to take cases to litigation and leaving workers with less protection. This bill will not impact all workers in Ohio, but it does take steps to limit overtime payments for certain workers, including sectors that primarily employ women, that fall under the limitations of the bill while also opening the door to future restrictions.

Even prior to the pandemic, women consistently faced barriers within Ohio's labor market, including disproportionate representation in low-security and low-wage jobs. The unemployment and economic ramifications of the pandemic have hit women the hardest, particularly Black and Latina women. Women's systemic labor market barriers threaten their economic security, as well as that of their families as women play an increasingly integral role in securing their families' livelihood. The restrictions to overtime pay that Senate Bill 47 would enact, while leaving out crucial worker protections, would threaten women working in a number of sectors that already face low pay and lack of labor protections.

On behalf of the Ohio Women's Public Policy Network, I respectfully urge the committee to reject Senate Bill 47, legislation that would chip away at worker protections for overtime pay and ultimately hurt the economic opportunity of hardworking Ohioans.

Thank you again for the opportunity to testify. I am available to answer any questions by email at ryan@innovationohio.org.

Sincerely,

Erin Ryan
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The Ohio Women's Public Policy Network