

S. B. No. 47  
As Introduced

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete the first "section" and insert "sections"; after "4111.03" insert "and 4111.10" 1 2

In line 4 of the title, after "requirement" insert "and to prohibit opt-out class actions for overtime violations" 3 4

In line 5, delete the first "section" and insert "sections"; after "4111.03" insert "and 4111.10" 5 6

After line 154, insert: 7

**"Sec. 4111.10.** (A) Any employer who pays any employee less than wages to which the employee is entitled under section 4111.03 of the Revised Code, is liable to the employee affected for the full amount of the overtime wage rate, less any amount actually paid to the employee by the employer, and for costs and reasonable attorney's fees as may be allowed by the court. Any agreement between the employee and the employer to work for less than the overtime wage rate is no defense to an action. 8 9 10 11 12 13 14 15

(B) At the written request of any employee paid less than the wages to which the employee is entitled under section 16 17



4111.03 of the Revised Code, the director of commerce may take 18  
an assignment of a wage claim in trust for the assigning 19  
employee and may bring any legal action necessary to collect the 20  
claim. The employer shall pay the costs and reasonable 21  
attorney's fees allowed by the court. 22

(C) No employee shall join as a party plaintiff in any 23  
civil action that is brought under this section by an employee, 24  
person acting on behalf of an employee, or person acting on 25  
behalf of all similarly situated employees unless that employee 26  
first gives written consent to become such a party plaintiff and 27  
that consent is filed with the court in which the action is 28  
brought. 29

In line 155, delete "section" and insert "sections"; after "4111.03" 30  
insert "and 4111.10" 31

In line 156, delete "is" and insert "are" 32

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 33

**Class actions for overtime violations** 34

**R.C. 4111.10** 35

Prohibits an employee from joining as a party plaintiff in 36  
a civil action that is brought for a violation of Ohio's 37  
Overtime Law unless that employee first gives written consent to 38  
become a party plaintiff and that consent is filed with the 39  
court in which the action is brought (this mirrors a continuing 40  
law provision applicable to civil actions brought for minimum 41

wage violations under Ohio law).

42