

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 385**

**Representative West**

**Cosponsors: Representatives Smith, K., Howse, Ashford, Sheehy, Kent, Craig**

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**A BILL**

To enact sections 124.16 and 124.161 of the Revised Code to prohibit a state agency from preventing an employee from discussing the employee's own wages or another employee's wages, to prohibit a state agency from seeking a prospective employee's wage or salary history, to prohibit retaliation against an employee who discusses wages or opposes a prohibited act or practice, and to create the Wage Disparity Study Committee. 1

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

**Section 1.** That sections 124.16 and 124.161 of the Revised Code be enacted to read as follows: 11

**Sec. 124.16.** (A) No state agency shall do any of the following: 12

(1) Require, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing information about the employee's own wages or about other employee's wages; 13  
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(2) Seek the wage or salary history of a prospective 19  
employee from the prospective employee or a current or former 20  
employer or to require that a prospective employee's prior wage 21  
or salary history satisfy certain criteria; 22

(3) Discharge an employee or in any other manner retaliate 23  
against any employee or prospective employee for either of the 24  
following reasons: 25

(a) The employee or prospective employee opposed any act 26  
or practice prohibited by this section; 27

(b) The employee disclosed the employee's wages or has 28  
inquired about or discussed the wages of any other employee. 29

(B) A state agency that violates this chapter is subject 30  
to a civil action for damages, injunctive relief, or any other 31  
appropriate relief. 32

**Sec. 124.161.** (A) There is hereby created the wage 33  
disparity study committee to examine the effect that the 34  
prohibitions in section 124.16 of the Revised Code have on any 35  
disparities in wages paid by state agencies. The committee also 36  
shall examine employee attitudes toward the prohibitions. The 37  
committee shall provide a report regarding the effect of the 38  
prohibitions and employees' attitudes toward them to the members 39  
of the general assembly, the governor, lieutenant governor, 40  
attorney general, secretary of state, treasurer of state, and 41  
auditor of state. 42

(B) The committee shall consist of the following five 43  
members: 44

(1) Three members of the house of representatives who are 45  
members of the majority party and who are appointed by the 46  
speaker of the house of representatives; 47

(2) Two members of the house of representatives who are 48  
members of the minority party and who are appointed by the 49  
minority leader of the house of representatives. 50

(C) The members of the committee shall select a 51  
chairperson and a vice-chairperson from among the members of the 52  
committee. 53

Members of the committee shall serve without compensation, 54  
but shall be reimbursed for their actual and necessary expenses 55  
incurred in the performance of their duties. 56

Vacancies on the committee shall be filled in the same 57  
manner as original appointments. 58

(D) (1) Members of the committee shall be appointed and the 59  
members shall hold their first meeting not later than ninety 60  
days after the effective date of this section. 61

(2) Five years after the committee's first meeting, the 62  
committee shall publish its findings and submit its report to 63  
the members of the general assembly, the governor, lieutenant 64  
governor, attorney general, secretary of state, treasurer of 65  
state, and auditor of state. The committee also shall post the 66  
report on the web site maintained by the general assembly. 67

Upon submission of the report, the committee is abolished. 68