

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 576**

**Representative Kelly**

**Cosponsors: Representatives Leland, Ashford, Sheehy, Kent, Howse, Lepore-Hagan, Antonio, West, Ramos, Clyde**

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**A BILL**

To amend sections 4111.02, 4111.09, and 4111.14 and 1  
to repeal section 4111.07 of the Revised Code to 2  
increase the state minimum wage. 3

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

**Section 1.** That sections 4111.02, 4111.09, and 4111.14 of 4  
the Revised Code be amended to read as follows: 5

**Sec. 4111.02.** ~~Every (A) (1) Except as provided in division 6  
(A) (2) of this section, every employer, as defined in Section 7  
34a of Article II, Ohio Constitution, shall pay each of the 8  
employer's employees at a wage rate of not less than the wage 9  
rate specified in Section 34a of Article II, Ohio Constitution 10  
the following wage rates: 11~~

~~(a) During the period beginning January 1, 2019, and 12  
ending December 31, 2019, twelve dollars per hour; 13~~

~~(b) During the period beginning January 1, 2020, and 14  
ending December 31, 2020, twelve dollars and fifty cents per 15  
hour; 16~~

(c) During the period beginning January 1, 2021, and ending December 31, 2021, thirteen dollars per hour; 17  
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(d) During the period beginning January 1, 2022, and ending December 31, 2022, thirteen dollars and fifty cents per hour; 19  
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(e) During the period beginning January 1, 2023, and ending December 31, 2023, fourteen dollars per hour; 22  
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(f) During the period beginning January 1, 2024, and ending December 31, 2024, fourteen dollars and fifty cents per hour; 24  
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(g) Beginning January 1, 2025, fifteen dollars per hour. 27

(2) If an employer is able to demonstrate that an employee receives tips that combined with the wages paid by the employer are equal to or greater than the minimum wage rate for all hours worked, the employer may pay the employee at a rate of less than, but not less than half, the minimum wage rate required by division (A)(1) of this section. 28  
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~~The~~ (B) On September 30, 2025, and every thirtieth day of September thereafter, the director of commerce annually shall adjust the wage rate as specified in division (A)(1)(g) of this section in accordance with Section 34a of Article II, Ohio Constitution. The adjusted wage rate takes effect on the first day of January immediately following the date of the adjustment. 34  
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(C) No political subdivision shall establish a minimum wage rate different from the wage rate required under this section. 40  
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(D) As used in this section, "employee" has the same meaning as in section 4111.14 of the Revised Code. 43  
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**Sec. 4111.09.** Every employer subject to sections 4111.01 45  
to 4111.17 of the Revised Code, or to any rules issued 46  
thereunder, shall keep a summary of the sections, approved by 47  
the director of commerce, and copies of any applicable rules 48  
issued thereunder, or a summary of the rules, posted in a 49  
conspicuous and accessible place in or about the premises 50  
wherein any person subject thereto is employed. The director of 51  
commerce shall make the summary described in this section 52  
available on the web site of the department of commerce. The 53  
director shall update this summary as necessary, but not less 54  
than annually, in order to reflect changes in the minimum wage 55  
rate as required under Section 34a of Article II, Ohio 56  
Constitution and section 4111.02 of the Revised Code. Employees 57  
and employers shall be furnished copies of the summaries and 58  
rules by the state, on request, without charge. 59

**Sec. 4111.14.** (A) Pursuant to the general assembly's 60  
authority to establish a minimum wage under Section 34 of 61  
Article II, Ohio Constitution, this section is in implementation 62  
of Section 34a of Article II, Ohio Constitution. In implementing 63  
Section 34a of Article II, Ohio Constitution, the general 64  
assembly hereby finds that the purpose of Section 34a of Article 65  
II, Ohio Constitution, is to: 66

(1) Ensure that Ohio employees, as defined in division (B) 67  
(1) of this section, are paid the wage rate required by section 68  
4111.02 of the Revised Code in accordance with Section 34a of 69  
Article II, Ohio Constitution; 70

(2) Ensure that covered Ohio employers maintain certain 71  
records that are directly related to the enforcement of the wage 72  
rate requirements in of Section 34a of Article II, Ohio 73  
Constitution and section 4111.02 of the Revised Code; 74

(3) Ensure that Ohio employees who are paid the wage rate 75  
required by ~~Section 34a of Article II, Ohio Constitution~~ section 76  
4111.02 of the Revised Code, may enforce their right to receive 77  
that wage rate in the manner set forth in Section 34a of Article 78  
II, Ohio Constitution; and 79

(4) Protect the privacy of Ohio employees' pay and 80  
personal information specified in Section 34a of Article II, 81  
Ohio Constitution, by restricting an employee's access, and 82  
access by a person acting on behalf of that employee, to the 83  
employee's own pay and personal information. 84

(B) In accordance with Section 34a of Article II, Ohio 85  
Constitution, the terms "employer," "employee," "employ," 86  
"person," and "independent contractor" have the same meanings as 87  
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 88  
U.S.C. 203, as amended. In construing the meaning of these 89  
terms, due consideration and great weight shall be given to the 90  
United States department of labor's and federal courts' 91  
interpretations of those terms under the Fair Labor Standards 92  
Act and its regulations. As used in division (B) of this 93  
section: 94

(1) "Employee" means individuals employed in Ohio, but 95  
does not mean individuals who are excluded from the definition 96  
of "employee" under 29 U.S.C. 203(e) or individuals who are 97  
exempted from the minimum wage requirements in 29 U.S.C. 213 and 98  
from the definition of "employee" in this chapter. 99

(2) "Employ" and "employee" do not include any person 100  
acting as a volunteer. In construing who is a volunteer, 101  
"volunteer" shall have the same meaning as in sections 553.101 102  
to 553.106 of Title 29 of the Code of Federal Regulations, as 103  
amended, and due consideration and great weight shall be given 104

to the United States department of labor's and federal courts' 105  
interpretations of the term "volunteer" under the Fair Labor 106  
Standards Act and its regulations. 107

(C) In accordance with Section 34a of Article II, Ohio 108  
Constitution, the state may issue licenses to employers 109  
authorizing payment of a wage below that required by Section 34a 110  
of Article II, Ohio Constitution, or section 4111.02 of the 111  
Revised Code to individuals with mental or physical disabilities 112  
that may otherwise adversely affect their opportunity for 113  
employment. In issuing such licenses, the state shall abide by 114  
the rules adopted pursuant to section 4111.06 of the Revised 115  
Code. 116

(D) (1) In accordance with Section 34a of Article II, Ohio 117  
Constitution, individuals employed in or about the property of 118  
an employer or an individual's residence on a casual basis are 119  
not included within the coverage of Section 34a of Article II, 120  
Ohio Constitution. As used in division (D) of this section: 121

(a) "Casual basis" means employment that is irregular or 122  
intermittent and that is not performed by an individual whose 123  
vocation is to be employed in or about the property of the 124  
employer or individual's residence. In construing who is 125  
employed on a "casual basis," due consideration and great weight 126  
shall be given to the United States department of labor's and 127  
federal courts' interpretations of the term "casual basis" under 128  
the Fair Labor Standards Act and its regulations. 129

(b) "An individual employed in or about the property of an 130  
employer or individual's residence" means an individual employed 131  
on a casual basis or an individual employed in or about a 132  
residence on a casual basis, respectively. 133

(2) In accordance with Section 34a of Article II, Ohio 134  
Constitution, employees of a solely family-owned and operated 135  
business who are family members of an owner are not included 136  
within the coverage of Section 34a of Article II, Ohio 137  
Constitution. As used in division (D) (2) of this section, 138  
"family member" means a parent, spouse, child, stepchild, 139  
sibling, grandparent, grandchild, or other member of an owner's 140  
immediate family. 141

(E) In accordance with Section 34a of Article II, Ohio 142  
Constitution, an employer shall at the time of hire provide an 143  
employee with the employer's name, address, telephone number, 144  
and other contact information and update such information when 145  
it changes. As used in division (E) of this section: 146

(1) "Other contact information" may include, where 147  
applicable, the address of the employer's internet site on the 148  
world wide web, the employer's electronic mail address, fax 149  
number, or the name, address, and telephone number of the 150  
employer's statutory agent. "Other contact information" does not 151  
include the name, address, telephone number, fax number, 152  
internet site address, or electronic mail address of any 153  
employee, shareholder, officer, director, supervisor, manager, 154  
or other individual employed by or associated with an employer. 155

(2) "When it changes" means that the employer shall 156  
provide its employees with the change in its name, address, 157  
telephone number, or other contact information within sixty 158  
business days after the change occurs. The employer shall 159  
provide the changed information by using any of its usual 160  
methods of communicating with its employees, including, but not 161  
limited to, listing the change on the employer's internet site 162  
on the world wide web, internal computer network, or a bulletin 163

board where it commonly posts employee communications or by 164  
insertion or inclusion with employees' paychecks or pay stubs. 165

(F) In accordance with Section 34a of Article II, Ohio 166  
Constitution, an employer shall maintain a record of the name, 167  
address, occupation, pay rate, hours worked for each day worked, 168  
and each amount paid an employee for a period of not less than 169  
three years following the last date the employee was employed by 170  
that employer. As used in division (F) of this section: 171

(1) "Address" means an employee's home address as 172  
maintained in the employer's personnel file or personnel 173  
database for that employee. 174

(2) (a) With respect to employees who are not exempt from 175  
the overtime pay requirements of the Fair Labor Standards Act or 176  
this chapter, "pay rate" means an employee's base rate of pay. 177

(b) With respect to employees who are exempt from the 178  
overtime pay requirements of the Fair Labor Standards Act or 179  
this chapter, "pay rate" means an employee's annual base salary 180  
or other rate of pay by which the particular employee qualifies 181  
for that exemption under the Fair Labor Standards Act or this 182  
chapter, but does not include bonuses, stock options, 183  
incentives, deferred compensation, or any other similar form of 184  
compensation. 185

(3) "Record" means the name, address, occupation, pay 186  
rate, hours worked for each day worked, and each amount paid an 187  
employee in one or more documents, databases, or other paper or 188  
electronic forms of record-keeping maintained by an employer. No 189  
one particular method or form of maintaining such a record or 190  
records is required under this division. An employer is not 191  
required to create or maintain a single record containing only 192

the employee's name, address, occupation, pay rate, hours worked 193  
for each day worked, and each amount paid an employee. An 194  
employer shall maintain a record or records from which the 195  
employee or person acting on behalf of that employee could 196  
reasonably review the information requested by the employee or 197  
person. 198

An employer is not required to maintain the records 199  
specified in division (F) (3) of this section for any period 200  
before January 1, 2007. On and after January 1, 2007, the 201  
employer shall maintain the records required by division (F) (3) 202  
of this section for three years from the date the hours were 203  
worked by the employee and for three years after the date the 204  
employee's employment ends. 205

(4) (a) Except for individuals specified in division (F) (4) 206  
(b) of this section, "hours worked for each day worked" means 207  
the total amount of time worked by an employee in whatever 208  
increments the employer uses for its payroll purposes during a 209  
day worked by the employee. An employer is not required to keep 210  
a record of the time of day an employee begins and ends work on 211  
any given day. As used in division (F) (4) of this section, "day" 212  
means a fixed period of twenty-four consecutive hours during 213  
which an employee performs work for an employer. 214

(b) An employer is not required to keep records of "hours 215  
worked for each day worked" for individuals for whom the 216  
employer is not required to keep those records under the Fair 217  
Labor Standards Act and its regulations or individuals who are 218  
not subject to the overtime pay requirements specified in 219  
section 4111.03 of the Revised Code. 220

(5) "Each amount paid an employee" means the total gross 221  
wages paid to an employee for each pay period. As used in 222



division (F) (5) of this section, "pay period" means the period 223  
of time designated by an employer to pay an employee the 224  
employee's gross wages in accordance with the employer's payroll 225  
practices under section 4113.15 of the Revised Code. 226

(G) In accordance with Section 34a of Article II, Ohio 227  
Constitution, an employer must provide such information without 228  
charge to an employee or person acting on behalf of an employee 229  
upon request. As used in division (G) of this section: 230

(1) "Such information" means the name, address, 231  
occupation, pay rate, hours worked for each day worked, and each 232  
amount paid for the specific employee who has requested that 233  
specific employee's own information and does not include the 234  
name, address, occupation, pay rate, hours worked for each day 235  
worked, or each amount paid of any other employee of the 236  
employer. "Such information" does not include hours worked for 237  
each day worked by individuals for whom an employer is not 238  
required to keep that information under the Fair Labor Standards 239  
Act and its regulations or individuals who are not subject to 240  
the overtime pay requirements specified in section 4111.03 of 241  
the Revised Code. 242

(2) "Acting on behalf of an employee" means a person 243  
acting on behalf of an employee as any of the following: 244

(a) The certified or legally recognized collective 245  
bargaining representative for that employee under the applicable 246  
federal law or Chapter 4117. of the Revised Code; 247

(b) The employee's attorney; 248

(c) The employee's parent, guardian, or legal custodian. 249

A person "acting on behalf of an employee" must be 250  
specifically authorized by an employee in order to make a 251

request for that employee's own name, address, occupation, pay 252  
rate, hours worked for each day worked, and each amount paid to 253  
that employee. 254

(3) "Provide" means that an employer shall provide the 255  
requested information within thirty business days after the date 256  
the employer receives the request, unless either of the 257  
following occurs: 258

(a) The employer and the employee or person acting on 259  
behalf of the employee agree to some alternative time period for 260  
providing the information. 261

(b) The thirty-day period would cause a hardship on the 262  
employer under the circumstances, in which case the employer 263  
must provide the requested information as soon as practicable. 264

(4) A "request" made by an employee or a person acting on 265  
behalf of an employee means a request by an employee or a person 266  
acting on behalf of an employee for the employee's own 267  
information. The employer may require that the employee provide 268  
the employer with a written request that has been signed by the 269  
employee and notarized and that reasonably specifies the 270  
particular information being requested. The employer may require 271  
that the person acting on behalf of an employee provide the 272  
employer with a written request that has been signed by the 273  
employee whose information is being requested and notarized and 274  
that reasonably specifies the particular information being 275  
requested. 276

(H) In accordance with Section 34a of Article II, Ohio 277  
Constitution, an employee, person acting on behalf of one or 278  
more employees, and any other interested party may file a 279  
complaint with the state for a violation of any provision of 280

Section 34a of Article II, Ohio Constitution, or any law or regulation implementing its provisions. Such complaint shall be promptly investigated and resolved by the state. The employee's name shall be kept confidential unless disclosure is necessary to resolution of a complaint and the employee consents to disclosure. As used in division (H) of this section:

(1) "Complaint" means a complaint of an alleged violation pertaining to harm suffered by the employee filing the complaint, by a person acting on behalf of one or more employees, or by an interested party.

(2) "Acting on behalf of one or more employees" has the same meaning as "acting on behalf of an employee" in division (G) (2) of this section. Each employee must provide a separate written and notarized authorization before the person acting on that employee's or those employees' behalf may request the name, address, occupation, pay rate, hours worked for each day worked, and each amount paid for the particular employee.

(3) "Interested party" means a party who alleges to be injured by the alleged violation and who has standing to file a complaint under common law principles of standing.

(4) "Resolved by the state" means that the complaint has been resolved to the satisfaction of the state.

(5) "Shall be kept confidential" means that the state shall keep the name of the employee confidential as required by division (H) of this section.

(I) In accordance with Section 34a of Article II, Ohio Constitution, the state may on its own initiative investigate an employer's compliance with Section 34a of Article II, Ohio Constitution, and any law or regulation implementing Section 34a

of Article II, Ohio Constitution. The employer shall make 310  
available to the state any records related to such investigation 311  
and other information required for enforcement of Section 34a of 312  
Article II, Ohio Constitution or any law or regulation 313  
implementing Section 34a of Article II, Ohio Constitution. The 314  
state shall investigate an employer's compliance with this 315  
section in accordance with the procedures described in section 316  
4111.04 of the Revised Code. All records and information related 317  
to investigations by the state are confidential and are not a 318  
public record subject to section 149.43 of the Revised Code. 319  
This division does not prevent the state from releasing to or 320  
exchanging with other state and federal wage and hour regulatory 321  
authorities information related to investigations. 322

(J) In accordance with Section 34a of Article II, Ohio 323  
Constitution, damages shall be calculated as an additional two 324  
times the amount of the back wages and in the case of a 325  
violation of an anti-retaliation provision an amount set by the 326  
state or court sufficient to compensate the employee and deter 327  
future violations, but not less than one hundred fifty dollars 328  
for each day that the violation continued. The "not less than 329  
one hundred fifty dollar" penalty specified in division (J) of 330  
this section shall be imposed only for violations of the anti- 331  
retaliation provision in Section 34a of Article II, Ohio 332  
Constitution. 333

(K) In accordance with Section 34a of Article II, Ohio 334  
Constitution, an action for equitable and monetary relief may be 335  
brought against an employer by the attorney general and/or an 336  
employee or person acting on behalf of an employee or all 337  
similarly situated employees in any court of competent 338  
jurisdiction, including the court of common pleas of an 339  
employee's county of residence, for any violation of Section 34a 340

of Article II, Ohio Constitution, or any law or regulation 341  
implementing its provisions within three years of the violation 342  
or of when the violation ceased if it was of a continuing 343  
nature, or within one year after notification to the employee of 344  
final disposition by the state of a complaint for the same 345  
violation, whichever is later. 346

(1) As used in division (K) of this section, 347  
"notification" means the date on which the notice was sent to 348  
the employee by the state. 349

(2) No employee shall join as a party plaintiff in any 350  
civil action that is brought under division (K) of this section 351  
by an employee, person acting on behalf of an employee, or 352  
person acting on behalf of all similarly situated employees 353  
unless that employee first gives written consent to become such 354  
a party plaintiff and that consent is filed with the court in 355  
which the action is brought. 356

(3) A civil action regarding an alleged violation of this 357  
section shall be maintained only under division (K) of this 358  
section. This division does not preclude the joinder in a single 359  
civil action of an action under this division and an action 360  
under section 4111.10 of the Revised Code. 361

(4) Any agreement between an employee and employer to work 362  
for less than the wage rate specified in ~~Section 34a of Article~~ 363  
~~II, Ohio Constitution~~ section 4111.02 of the Revised Code, is no 364  
defense to an action under this section. 365

(L) In accordance with Section 34a of Article II, Ohio 366  
Constitution, there shall be no exhaustion requirement, no 367  
procedural, pleading, or burden of proof requirements beyond 368  
those that apply generally to civil suits in order to maintain 369

such action and no liability for costs or attorney's fees on an 370  
employee except upon a finding that such action was frivolous in 371  
accordance with the same standards that apply generally in civil 372  
suits. Nothing in division (L) of this section affects the right 373  
of an employer and employee to agree to submit a dispute under 374  
this section to alternative dispute resolution, including, but 375  
not limited to, arbitration, in lieu of maintaining the civil 376  
suit specified in division (K) of this section. Nothing in this 377  
division limits the state's ability to investigate or enforce 378  
this section. 379

(M) An employer who provides such information specified in 380  
Section 34a of Article II, Ohio Constitution, shall be immune 381  
from any civil liability for injury, death, or loss to person or 382  
property that otherwise might be incurred or imposed as a result 383  
of providing that information to an employee or person acting on 384  
behalf of an employee in response to a request by the employee 385  
or person, and the employer shall not be subject to the 386  
provisions of Chapters 1347. and 1349. of the Revised Code to 387  
the extent that such provisions would otherwise apply. As used 388  
in division (M) of this section, "such information," "acting on 389  
behalf of an employee," and "request" have the same meanings as 390  
in division (G) of this section. 391

(N) As used in this section, "the state" means the 392  
director of commerce. 393

**Section 2.** That existing sections 4111.02, 4111.09, and 394  
4111.14 and section 4111.07 of the Revised Code are hereby 395  
repealed. 396