

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 149

Senator Maharath

Cosponsors: Senators Thomas, Antonio, Fedor, Craig

A BILL

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

1
2
3

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

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

4
5

Sec. 4113.12. (A) As used in this section, "employer" has
the same meaning as in section 4113.51 of the Revised Code.

6
7

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

8
9

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

10
11
12

(2) Request or seek information regarding a prospective
employee's wage or salary history from the prospective employee
or the prospective employee's current or former employer;

13
14
15

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

16
17

(C) An employer may request information regarding or seek to confirm a prospective employee's wage or salary history from the prospective employee or the prospective employee's current or former employer if both of the following apply: 18
19
20
21

(1) The prospective employee has voluntarily disclosed to the employer information regarding the prospective employee's wage or salary history. 22
23
24

(2) The employer has made an offer of employment with compensation to the prospective employee. 25
26

(D) Nothing in this section prevents an employer from doing either of the following: 27
28

(1) Inquiring as to a prospective employee's wage or salary expectations or requirements; 29
30

(2) Providing information regarding the wages, salary, benefits, commissions, or any other forms of remuneration or compensation offered in connection with any position for which the prospective employee is applying. 31
32
33
34

(E) Any prospective employee alleging that an employer has violated this section may bring an action in any court of competent jurisdiction to recover damages sustained due to an employer's violation of this section, or for equitable relief, together with costs and reasonable attorney's fees. Two or more prospective employees alleging the same employer has violated this section may join as co-plaintiffs in one action. 35
36
37
38
39
40
41

The attorney general, at the written request of one or more prospective employees alleging an employer has violated this section, may take an assignment of the claim or claims in trust and bring an action in any court of competent jurisdiction to recover damages sustained due to an employer's violation of 42
43
44
45
46

this section, or for equitable relief, together with costs and
reasonable attorney's fees.

47

48