

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 396

Representatives Smith, K., Smith, M.

Cosponsors: Representatives Crossman, Galonski, Miranda, O'Brien

A BILL

To enact sections 4145.01, 4145.02, 4145.03, 1
4145.04, 4145.05, and 4145.06 of the Revised 2
Code to create the fair paycheck workplace 3
certificate. 4

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

Section 1. That sections 4145.01, 4145.02, 4145.03, 5
4145.04, 4145.05, and 4145.06 of the Revised Code be enacted to 6
read as follows: 7

Sec. 4145.01. As used in this chapter: 8

(A) "Compensation" means all money paid to an employee for 9
services performed by the employee, including commissions, 10
bonuses, and tips. "Compensation" does not include the value of 11
health, welfare, or retirement benefits, paid leave, separation 12
or holiday pay, or other fringe benefits. 13

(B) "Employee" means any individual who performs a service 14
for wages or other remuneration for an employer. 15

(C) "Employer" means any person who has two or more 16
employees. 17

Sec. 4145.02. No employer shall claim to possess a fair 18
paycheck workplace certificate or otherwise indicate that the 19
employer has a certificate unless the employer possesses an 20
unexpired certificate obtained from the director of commerce in 21
accordance with section 4145.03 of the Revised Code. 22

Sec. 4145.03. (A) An employer seeking a fair paycheck 23
workplace certificate shall submit an application to the 24
director of commerce on a form prescribed by the director with 25
the fee established by the director in rules adopted under 26
section 4145.06 of the Revised Code. If the employer is a 27
business entity, the application shall be signed by the 28
individual responsible for making decisions on behalf of the 29
employer. The employer shall include all of the following 30
information in the application: 31

(1) The name and address of the employer; 32

(2) The total number of employees employed by the 33
employer; 34

(3) The number of female employees employed by the 35
employer; 36

(4) The number of male employees employed by the employer; 37

(5) Payroll records showing the gross amount of 38
compensation paid to each female employee and the gross amount 39
of compensation paid to each male employee during the calendar 40
year preceding the year in which the employer applies; 41

(6) Any other information the director determines is 42
necessary to determine whether to issue a certificate. 43

(B)(1) The director shall issue a certificate if the 44
director determines, based on the information provided in the 45

application, that less than a five per cent difference exists 46
between the average gross compensation paid to male employees 47
and the average gross compensation paid to female employees 48
during the calendar year preceding the year in which the 49
employer applied for the certificate. 50

(2) The director shall reject an application only if one 51
of the following applies: 52

(a) The employer does not include the information required 53
under division (A) of this section in the application; 54

(b) The employer fails to pay the required fee; 55

(c) The director determines that the requirement specified 56
in division (B) (1) of this section is not satisfied. 57

(C) The director shall issue a certificate or, if the 58
director rejects an application, a statement explaining the 59
reason for the rejection, to the employer within fifteen days 60
after receiving an application submitted under this section. 61

(D) An initial certificate issued under this section is 62
valid for a period of six months. An employer may renew the 63
certificate by submitting an application described in division 64
(A) of this section and paying the required fee. A certificate 65
renewed under this section expires one year after the date it 66
was renewed and may be renewed in the manner prescribed in this 67
division. 68

(E) An employer who is denied a certificate under this 69
section may appeal the director's decision in accordance with 70
Chapter 119. of the Revised Code. 71

Sec. 4145.04. The director of commerce shall establish and 72
operate on the internet a database of employers who have been 73

granted a fair paycheck workplace certificate under section 74
4145.03 of the Revised Code. The director shall include for each 75
employer the employer's name and address and whether the 76
employer's certificate is current or expired. The database is a 77
public record open for inspection under section 149.43 of the 78
Revised Code, and it shall be searchable by the public. 79

Sec. 4145.05. Any data on individuals submitted to the 80
director of commerce under division (A) of section 4145.03 of 81
the Revised Code is confidential and is not a public record 82
under section 149.43 of the Revised Code. 83

The director's decision to issue or not issue a fair 84
paycheck workplace certificate is a public record. 85

Sec. 4145.06. The director of commerce shall adopt rules 86
in accordance with Chapter 119. of the Revised Code establishing 87
the application fee that an employer must pay when filing an 88
application for a fair paycheck workplace certificate under 89
section 4145.03 of the Revised Code. The fee shall be no more 90
than the amount the director determines necessary to administer 91
this chapter. 92

The director may adopt additional rules in accordance with 93
Chapter 119. of the Revised Code that the director considers 94
appropriate to implement this chapter. 95