

**As Introduced**

**128th General Assembly  
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**S. B. No. 212**

**Senator Morano**

**Cosponsors: Senators Cafaro, Miller, D., Turner, Strahorn, Schiavoni,  
Miller, R., Fedor, Smith**

**—**

**A B I L L**

To amend sections 1321.32, 2305.11, 4111.14, 4111.17, 1  
4111.99, 4113.15, 4113.16, and 4113.99; to amend, 2  
for the purpose of adopting new section numbers as 3  
indicated in parentheses, sections 4113.15 4  
(4111.18) and 4113.16 (4111.19); and to enact 5  
sections 4111.15 and 4111.20 of the Revised Code 6  
to allow the Director of Commerce to investigate 7  
and enforce specified claims involving unpaid 8  
wages. 9

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

**Section 1.** That sections 1321.32, 2305.11, 4111.14, 4111.17, 10  
4111.99, 4113.15, 4113.16, and 4113.99 be amended, sections 11  
4113.15 (4111.18) and 4113.16 (4111.19) be amended for the purpose 12  
of adopting new section numbers as indicated in parentheses, and 13  
sections 4111.15 and 4111.20 of the Revised Code be enacted to 14  
read as follows: 15

**Sec. 1321.32.** Notwithstanding section 1321.31 of the Revised 16  
Code, no assignment of, or order for wages or salary is valid 17  
unless the wages assigned or ordered are to be paid for the 18

support of the employee's spouse or minor child in complying with 19  
an order of a court or record for the support of the employee's 20  
spouse or minor child. This section does not affect or invalidate 21  
any contract or agreement between employers and their employees, 22  
or as between employers, employees, and any labor union as to any 23  
checkoff on the wages of such employees as may be agreed upon. 24  
This section and section ~~4113.16~~ 4111.19 of the Revised Code shall 25  
not affect or invalidate any deduction from the wages or salary 26  
made in accordance with a payroll deduction plan agreed upon 27  
between the employer and employee provided that the same be 28  
revocable at any time by the employee upon notice to the employer 29  
up to the time of payment thereof. 30

**Sec. 2305.11.** (A) An action for libel, slander, malicious 31  
prosecution, or false imprisonment, an action for malpractice 32  
other than an action upon a medical, dental, optometric, or 33  
chiropractic claim, or an action upon a statute for a penalty or 34  
forfeiture shall be commenced within one year after the cause of 35  
action accrued, provided that an action by an employee for ~~the~~ 36  
~~payment of unpaid minimum wages,~~ unpaid overtime compensation, or 37  
liquidated damages by reason of the nonpayment of ~~minimum wages or~~ 38  
overtime compensation shall be commenced within two years after 39  
the cause of action accrued. 40

(B) A civil action for unlawful abortion pursuant to section 41  
2919.12 of the Revised Code, a civil action authorized by division 42  
(H) of section 2317.56 of the Revised Code, a civil action 43  
pursuant to division (B)(1) or (2) of section 2307.51 of the 44  
Revised Code for performing a dilation and extraction procedure or 45  
attempting to perform a dilation and extraction procedure in 46  
violation of section 2919.15 of the Revised Code, and a civil 47  
action pursuant to division (B)(1) or (2) of section 2307.52 of 48  
the Revised Code for terminating or attempting to terminate a 49  
human pregnancy after viability in violation of division (A) or 50

(B) of section 2919.17 of the Revised Code shall be commenced 51  
within one year after the performance or inducement of the 52  
abortion, within one year after the attempt to perform or induce 53  
the abortion in violation of division (A) or (B) of section 54  
2919.17 of the Revised Code, within one year after the performance 55  
of the dilation and extraction procedure, or, in the case of a 56  
civil action pursuant to division (B)(2) of section 2307.51 of the 57  
Revised Code, within one year after the attempt to perform the 58  
dilation and extraction procedure. 59

(C) As used in this section, "medical claim," "dental claim," 60  
"optometric claim," and "chiropractic claim" have the same 61  
meanings as in section 2305.113 of the Revised Code. 62

**Sec. 4111.14.** (A) Pursuant to the general assembly's 63  
authority to establish a minimum wage under Section 34 of Article 64  
II, Ohio Constitution, this section is in implementation of 65  
Section 34a of Article II, Ohio Constitution. In implementing 66  
Section 34a of Article II, Ohio Constitution, the general assembly 67  
hereby finds that the purpose of Section 34a of Article II, Ohio 68  
Constitution, is to: 69

(1) Ensure that Ohio employees, as defined in division (B)(1) 70  
of this section, are paid the wage rate required by Section 34a of 71  
Article II, Ohio Constitution; 72

(2) Ensure that covered Ohio employers maintain certain 73  
records that are directly related to the enforcement of the wage 74  
rate requirements in Section 34a of Article II, Ohio Constitution; 75

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

(4) Protect the privacy of Ohio employees' pay and personal 80

information specified in Section 34a of Article II, Ohio 81  
Constitution, by restricting an employee's access, and access by a 82  
person acting on behalf of that employee, to the employee's own 83  
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 terms, 89  
due consideration and great weight shall be given to the United 90  
States department of labor's and federal courts' interpretations 91  
of those terms under the Fair Labor Standards Act and its 92  
regulations. As used in division (B) of this section: 93

(1) "Employee" means individuals employed in Ohio, but does 94  
not mean individuals who are excluded from the definition of 95  
"employee" under 29 U.S.C. 203(e) or individuals who are exempted 96  
from the minimum wage requirements in 29 U.S.C. 213 and from the 97  
definition of "employee" in this chapter. 98

(2) "Employ" and "employee" do not include any person acting 99  
as a volunteer. In construing who is a volunteer, "volunteer" 100  
shall have the same meaning as in sections 553.101 to 553.106 of 101  
Title 29 of the Code of Federal Regulations, as amended, and due 102  
consideration and great weight shall be given to the United States 103  
department of labor's and federal courts' interpretations of the 104  
term "volunteer" under the Fair Labor Standards Act and its 105  
regulations. 106

(C) In accordance with Section 34a of Article II, Ohio 107  
Constitution, the state may issue licenses to employers 108  
authorizing payment of a wage below that required by Section 34a 109  
of Article II, Ohio Constitution, to individuals with mental or 110  
physical disabilities that may otherwise adversely affect their 111  
opportunity for employment. In issuing such licenses, the state 112

shall abide by the rules adopted pursuant to section 4111.06 of 113  
the Revised Code. 114

(D)(1) In accordance with Section 34a of Article II, Ohio 115  
Constitution, individuals employed in or about the property of an 116  
employer or an individual's residence on a casual basis are not 117  
included within the coverage of Section 34a of Article II, Ohio 118  
Constitution. As used in division (D) of this section: 119

(a) "Casual basis" means employment that is irregular or 120  
intermittent and that is not performed by an individual whose 121  
vocation is to be employed in or about the property of the 122  
employer or individual's residence. In construing who is employed 123  
on a "casual basis," due consideration and great weight shall be 124  
given to the United States department of labor's and federal 125  
courts' interpretations of the term "casual basis" under the Fair 126  
Labor Standards Act and its regulations. 127

(b) "An individual employed in or about the property of an 128  
employer or individual's residence" means an individual employed 129  
on a casual basis or an individual employed in or about a 130  
residence on a casual basis, respectively. 131

(2) In accordance with Section 34a of Article II, Ohio 132  
Constitution, employees of a solely family-owned and operated 133  
business who are family members of an owner are not included 134  
within the coverage of Section 34a of Article II, Ohio 135  
Constitution. As used in division (D)(2) of this section, "family 136  
member" means a parent, spouse, child, stepchild, sibling, 137  
grandparent, grandchild, or other member of an owner's immediate 138  
family. 139

(E) In accordance with Section 34a of Article II, Ohio 140  
Constitution, an employer shall at the time of hire provide an 141  
employee with the employer's name, address, telephone number, and 142  
other contact information and update such information when it 143

changes. As used in division (E) of this section: 144

(1) "Other contact information" may include, where 145  
applicable, the address of the employer's internet site on the 146  
world wide web, the employer's electronic mail address, fax 147  
number, or the name, address, and telephone number of the 148  
employer's statutory agent. "Other contact information" does not 149  
include the name, address, telephone number, fax number, internet 150  
site address, or electronic mail address of any employee, 151  
shareholder, officer, director, supervisor, manager, or other 152  
individual employed by or associated with an employer. 153

(2) "When it changes" means that the employer shall provide 154  
its employees with the change in its name, address, telephone 155  
number, or other contact information within sixty business days 156  
after the change occurs. The employer shall provide the changed 157  
information by using any of its usual methods of communicating 158  
with its employees, including, but not limited to, listing the 159  
change on the employer's internet site on the world wide web, 160  
internal computer network, or a bulletin board where it commonly 161  
posts employee communications or by insertion or inclusion with 162  
employees' paychecks or pay stubs. 163

(F) In accordance with Section 34a of Article II, Ohio 164  
Constitution, an employer shall maintain a record of the name, 165  
address, occupation, pay rate, hours worked for each day worked, 166  
and each amount paid an employee for a period of not less than 167  
three years following the last date the employee was employed by 168  
that employer. As used in division (F) of this section: 169

(1) "Address" means an employee's home address as maintained 170  
in the employer's personnel file or personnel database for that 171  
employee. 172

(2)(a) With respect to employees who are not exempt from the 173  
overtime pay requirements of the Fair Labor Standards Act or this 174

chapter, "pay rate" means an employee's base rate of pay. 175

(b) With respect to employees who are exempt from the 176  
overtime pay requirements of the Fair Labor Standards Act or this 177  
chapter, "pay rate" means an employee's annual base salary or 178  
other rate of pay by which the particular employee qualifies for 179  
that exemption under the Fair Labor Standards Act or this chapter, 180  
but does not include bonuses, stock options, incentives, deferred 181  
compensation, or any other similar form of compensation. 182

(3) "Record" means the name, address, occupation, pay rate, 183  
hours worked for each day worked, and each amount paid an employee 184  
in one or more documents, databases, or other paper or electronic 185  
forms of record-keeping maintained by an employer. No one 186  
particular method or form of maintaining such a record or records 187  
is required under this division. An employer is not required to 188  
create or maintain a single record containing only the employee's 189  
name, address, occupation, pay rate, hours worked for each day 190  
worked, and each amount paid an employee. An employer shall 191  
maintain a record or records from which the employee or person 192  
acting on behalf of that employee could reasonably review the 193  
information requested by the employee or person. 194

An employer is not required to maintain the records specified 195  
in division (F)(3) of this section for any period before January 196  
1, 2007. On and after January 1, 2007, the employer shall maintain 197  
the records required by division (F)(3) of this section for three 198  
years from the date the hours were worked by the employee and for 199  
three years after the date the employee's employment ends. 200

(4)(a) Except for individuals specified in division (F)(4)(b) 201  
of this section, "hours worked for each day worked" means the 202  
total amount of time worked by an employee in whatever increments 203  
the employer uses for its payroll purposes during a day worked by 204  
the employee. An employer is not required to keep a record of the 205  
time of day an employee begins and ends work on any given day. As 206

used in division (F)(4) of this section, "day" means a fixed 207  
period of twenty-four consecutive hours during which an employee 208  
performs work for an employer. 209

(b) An employer is not required to keep records of "hours 210  
worked for each day worked" for individuals for whom the employer 211  
is not required to keep those records under the Fair Labor 212  
Standards Act and its regulations or individuals who are not 213  
subject to the overtime pay requirements specified in section 214  
4111.03 of the Revised Code. 215

(5) "Each amount paid an employee" means the total gross 216  
wages paid to an employee for each pay period. As used in division 217  
(F)(5) of this section, "pay period" means the period of time 218  
designated by an employer to pay an employee the employee's gross 219  
wages in accordance with the employer's payroll practices under 220  
section ~~4113.15~~ 4111.18 of the Revised Code. 221

(G) In accordance with Section 34a of Article II, Ohio 222  
Constitution, an employer must provide such information without 223  
charge to an employee or person acting on behalf of an employee 224  
upon request. As used in division (G) of this section: 225

(1) "Such information" means the name, address, occupation, 226  
pay rate, hours worked for each day worked, and each amount paid 227  
for the specific employee who has requested that specific 228  
employee's own information and does not include the name, address, 229  
occupation, pay rate, hours worked for each day worked, or each 230  
amount paid of any other employee of the employer. "Such 231  
information" does not include hours worked for each day worked by 232  
individuals for whom an employer is not required to keep that 233  
information under the Fair Labor Standards Act and its regulations 234  
or individuals who are not subject to the overtime pay 235  
requirements specified in section 4111.03 of the Revised Code. 236

(2) "Acting on behalf of an employee" means a person acting 237



on behalf of an employee as any of the following:	238
(a) The certified or legally recognized collective bargaining representative for that employee under the applicable federal law or Chapter 4117. of the Revised Code;	239 240 241
(b) The employee's attorney;	242
(c) The employee's parent, guardian, or legal custodian.	243
A person "acting on behalf of an employee" must be specifically authorized by an employee in order to make a request for that employee's own name, address, occupation, pay rate, hours worked for each day worked, and each amount paid to that employee.	244 245 246 247
(3) "Provide" means that an employer shall provide the requested information within thirty business days after the date the employer receives the request, unless either of the following occurs:	248 249 250 251
(a) The employer and the employee or person acting on behalf of the employee agree to some alternative time period for providing the information.	252 253 254
(b) The thirty-day period would cause a hardship on the employer under the circumstances, in which case the employer must provide the requested information as soon as practicable.	255 256 257
(4) A "request" made by an employee or a person acting on behalf of an employee means a request by an employee or a person acting on behalf of an employee for the employee's own information. The employer may require that the employee provide the employer with a written request that has been signed by the employee and notarized and that reasonably specifies the particular information being requested. The employer may require that the person acting on behalf of an employee provide the employer with a written request that has been signed by the employee whose information is being requested and notarized and	258 259 260 261 262 263 264 265 266 267

that reasonably specifies the particular information being 268  
requested. 269

~~(H) In accordance with Section 34a of Article II, Ohio 270  
Constitution, an employee, person acting on behalf of one or more 271  
employees, and any other interested party may file a complaint 272  
with the state for a violation of any provision of Section 34a of 273  
Article II, Ohio Constitution or any law or regulation 274  
implementing its provisions. Such complaint shall be promptly 275  
investigated and resolved by the state. The employee's name shall 276  
be kept confidential unless disclosure is necessary to resolution 277  
of a complaint and the employee consents to disclosure. As used in 278  
division (H) of this section: 279~~

~~(1) "Complaint" means a complaint of an alleged violation 280  
pertaining to harm suffered by the employee filing the complaint, 281  
by a person acting on behalf of one or more employees, or by an 282  
interested party. 283~~

~~(2) "Acting on behalf of one or more employees" has the same 284  
meaning as "acting on behalf of an employee" in division (G)(2) of 285  
this section. Each employee must provide a separate written and 286  
notarized authorization before the person acting on that 287  
employee's or those employees' behalf may request the name, 288  
address, occupation, pay rate, hours worked for each day worked, 289  
and each amount paid for the particular employee. 290~~

~~(3) "Interested party" means a party who alleges to be 291  
injured by the alleged violation and who has standing to file a 292  
complaint under common law principles of standing. 293~~

~~(4) "Resolved by the state" means that the complaint has been 294  
resolved to the satisfaction of the state. 295~~

~~(5) "Shall be kept confidential" means that the state shall 296  
keep the name of the employee confidential as required by division 297  
(H) of this section. 298~~

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

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

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

~~county of residence, for any violation of Section 34a of Article 331  
II, Ohio Constitution or any law or regulation implementing its 332  
provisions within three years of the violation or of when the 333  
violation ceased if it was of a continuing nature, or within one 334  
year after notification to the employee of final disposition by 335  
the state of a complaint for the same violation, whichever is 336  
later. 337~~

~~(1) As used in division (K) of this section, "notification" 338  
means the date on which the notice was sent to the employee by the 339  
state. 340~~

~~(2) No employee shall join as a party plaintiff in any civil 341  
action that is brought under division (K) of this section by an 342  
employee, person acting on behalf of an employee, or person acting 343  
on behalf of all similarly situated employees unless that employee 344  
first gives written consent to become such a party plaintiff and 345  
that consent is filed with the court in which the action is 346  
brought. 347~~

~~(3) A civil action regarding an alleged violation of this 348  
section shall be maintained only under division (K) of this 349  
section. This division does not preclude the joinder in a single 350  
civil action of an action under this division and an action under 351  
section 4111.10 of the Revised Code. 352~~

~~(4) Any agreement between an employee and employer to work 353  
for less than the wage rate specified in Section 34a of Article 354  
II, Ohio Constitution, is no defense to an action under this 355  
section. 356~~

~~(L) In accordance with Section 34a of Article II, Ohio 357  
Constitution, there shall be no exhaustion requirement, no 358  
procedural, pleading, or burden of proof requirements beyond those 359  
that apply generally to civil suits in order to maintain such 360  
action and no liability for costs or attorney's fees on an 361~~

~~employee except upon a finding that such action was frivolous in 362  
accordance with the same standards that apply generally in civil 363  
suits. Nothing in division (L) of this section affects the right 364  
of an employer and employee to agree to submit a dispute under 365  
this section to alternative dispute resolution, including, but not 366  
limited to, arbitration, in lieu of maintaining the civil suit 367  
specified in division (K) of this section. Nothing in this 368  
division limits the state's ability to investigate or enforce this 369  
section. 370~~

~~(M)~~ An employer who provides such information specified in 371  
Section 34a of Article II, Ohio Constitution, shall be immune from 372  
any civil liability for injury, death, or loss to person or 373  
property that otherwise might be incurred or imposed as a result 374  
of providing that information to an employee or person acting on 375  
behalf of an employee in response to a request by the employee or 376  
person, and the employer shall not be subject to the provisions of 377  
Chapters 1347. and 1349. of the Revised Code to the extent that 378  
such provisions would otherwise apply. As used in division (M) of 379  
this section, "such information," "acting on behalf of an 380  
employee," and "request" have the same meanings as in division (G) 381  
of this section. 382

~~(N)~~(I) As used in this section, "the state" means the 383  
director of commerce. 384

Sec. 4111.15. No employer shall fail to pay wages owed to an 385  
employee for services performed by that employee for that employer 386  
that are equal to or in excess of the minimum wage calculated 387  
pursuant to Section 34a of Article II, Ohio Constitution, and 388  
section 4111.02 of the Revised Code. 389

**Sec. 4111.17.** (A) No employer, including the state and 390  
political subdivisions thereof, shall discriminate in the payment 391

of wages on the basis of race, color, religion, sex, age, national 392  
origin, or ancestry by paying wages to any employee at a rate less 393  
than the rate at which the employer pays wages to another employee 394  
for equal work on jobs the performance of which requires equal 395  
skill, effort, and responsibility, and which are performed under 396  
similar conditions. 397

(B) Nothing in this section prohibits an employer from paying 398  
wages to one employee at a rate different from that at which the 399  
employer pays another employee for the performance of equal work 400  
under similar conditions on jobs requiring equal skill, effort, 401  
and responsibility, when the payment is made pursuant to any of 402  
the following: 403

(1) A seniority system; 404

(2) A merit system; 405

(3) A system which measures earnings by the quantity or 406  
quality of production; 407

(4) A wage rate differential determined by any factor other 408  
than race, color, religion, sex, age, national origin, or 409  
ancestry. 410

(C) No employer shall reduce the wage rate of any employee in 411  
order to comply with this section. 412

~~(D) The director of commerce shall carry out, administer, and 413  
enforce this section. Any employee discriminated against in 414  
violation of this section may sue in any court of competent 415  
jurisdiction to recover two times the amount of the difference 416  
between the wages actually received and the wages received by a 417  
person performing equal work for the employer, from the date of 418  
the commencement of the violation, and for costs, including 419  
attorney fees. The director may take an assignment of any such 420  
wage claim in trust for such employee and sue in the employee's 421  
behalf. In any civil action under this section, two or more 422~~

~~employees of the same employer may join as co plaintiffs in one~~ 423  
~~action. The director may sue in one action for claims assigned to~~ 424  
~~the director by two or more employees of the same employer. No~~ 425  
~~agreement to work for a discriminatory wage constitutes a defense~~ 426  
~~for any civil or criminal action to enforce this section. No~~ 427  
employer shall discriminate against any employee because such 428  
employee makes a complaint or institutes, or testifies in, any 429  
proceeding under ~~this~~ section 4111.20 of the Revised Code. 430

~~(E) Any action arising under this section shall be initiated~~ 431  
~~within one year after the date of violation.~~ 432

**Sec. ~~4113.15~~ 4111.18.** (A) Every individual, firm, 433  
partnership, association, or corporation doing business in this 434  
state shall, on or before the first day of each month, pay all its 435  
employees the wages earned by them during the first half of the 436  
preceding month ending with the fifteenth day thereof, and shall, 437  
on or before the fifteenth day of each month, pay such employees 438  
the wages earned by them during the last half of the preceding 439  
calendar month. If at any time of payment an employee is absent 440  
from ~~his~~ the employee's regular place of labor and does not 441  
receive ~~his~~ payment of wages through an authorized representative, 442  
such person shall be entitled to said payment at any time 443  
thereafter upon demand upon the proper paymaster at the place 444  
where such wages are usually paid and where such pay is due. This 445  
section does not prohibit the daily or weekly payment of wages. 446  
The use of a longer time lapse that is customary to a given trade, 447  
profession or occupation, or establishment of a different time 448  
lapse by written contract or by operation of law. 449

(B) Where wages remain unpaid for thirty days beyond the 450  
regularly scheduled payday or, in the case where no regularly 451  
scheduled payday is applicable, for sixty days beyond the filing 452  
by the employee of a claim or for sixty days beyond the date of 453

the agreement, award, or other act making wages payable and no 454  
contest court order or dispute of any wage claim including the 455  
assertion of a counterclaim exists accounting for nonpayment, the 456  
employer, in addition, ~~as liquidated damages,~~ is liable to the 457  
employee in an amount ~~equal to six per cent of the amount of the~~ 458  
~~claim still unpaid and not in contest or disputed or two hundred~~ 459  
~~dollars, whichever is greater~~ described in section 4111.20 of the 460  
Revised Code. 461

(C) In the absence of a contest, court order or dispute, an 462  
employer who is party to an agreement to pay or provide fringe 463  
benefits to an employee or to make any employee authorized 464  
deduction becomes a trustee of any funds required by such 465  
agreement to be paid to any person, organization, or governmental 466  
agency from the time that the duty to make such payment arises. No 467  
person shall, without reasonable justification or excuse for such 468  
failure, knowingly fail or refuse to pay to the appropriate 469  
person, organization, or governmental agency the amount necessary 470  
to provide the benefits or accomplish the purpose of any employee 471  
authorized deduction, within thirty days after the close of the 472  
pay period during which the employee earned or had deducted the 473  
amount of money necessary to pay for the fringe benefit or make 474  
any employee authorized deduction. A failure or refusal to pay, 475  
regardless of the number of employee pay accounts involved, 476  
constitutes one offense for the first delinquency of thirty days 477  
and a separate offense for each successive delinquency of thirty 478  
days. 479

(D) The director of commerce may investigate and enforce this 480  
section in accordance with section 4111.20 of the Revised Code. 481

(E) As used in this section: 482

(1) ~~"Wage"~~ Notwithstanding the definition of "wage" in 483  
section 4111.01 of the Revised Code, "wage" means the net amount 484  
of money payable to an employee, including any guaranteed pay or 485



reimbursement for expenses, less any federal, state, or local 486  
taxes withheld; any deductions made pursuant to a written 487  
agreement for the purpose of providing the employee with any 488  
fringe benefits; and any employee authorize deduction. 489

(2) "Fringe benefits" includes but is not limited to health, 490  
welfare, or retirement benefits, whether paid for entirely by the 491  
employer or on the basis of a joint employer-employee 492  
contribution, or vacation, separation, or holiday pay. 493

(3) "Employee authorized deduction" includes but is not 494  
limited to deductions for the purpose of: (a) purchase of United 495  
States savings bonds or corporate stocks or bonds, (b) a 496  
charitable contribution, (c) credit union savings or other regular 497  
savings program, or (d) repayment of a loan or other obligation. 498

**Sec. ~~4113.16~~ 4111.19.** No corporation, contractor, person, or 499  
partnership subject to section ~~4113.15~~ 4111.18 of the Revised Code 500  
shall, by a special contract with an employee or by other means, 501  
exempt ~~itself~~ the corporation, contractor, person, or partnership 502  
from this section and section ~~4113.15~~ 4111.18 of the Revised Code, 503  
and no assignments of future wages, payable semimonthly under such 504  
sections are valid except as provided in section 1321.32 of the 505  
Revised Code. 506

**Sec. 4111.20.** (A) As used in this section: 507

(1) "Acting on behalf of one or more employees" has the same 508  
meaning as "acting on behalf of an employee" in division (G)(2) of 509  
section 4111.14 of the Revised Code. 510

(2) "Interested party" means a party who alleges to be 511  
injured by an alleged violation of a wage law and who has standing 512  
to file a complaint under common law principles of standing. 513

(3) "Wage law" means any of the following: 514  
515

<u>(a) Section 34a of Article II, Ohio Constitution;</u>	516
<u>(b) Division (C) of section 4111.13 of the Revised Code;</u>	517
<u>(c) Section 4111.15 of the Revised Code;</u>	518
<u>(d) Section 4111.17 of the Revised Code;</u>	519
<u>(e) Section 4111.18 of the Revised Code.</u>	520
<u>(B) The director of commerce, on the director's own</u>	521
<u>initiative, may investigate an employer's alleged violation of a</u>	522
<u>wage law. An employee, a person acting on behalf of an employee,</u>	523
<u>or any other interested party who believes the employee's employer</u>	524
<u>has violated a wage law may file a written complaint with the</u>	525
<u>director regarding the alleged violation. Except as otherwise</u>	526
<u>provided in this division, the director, upon receipt of a</u>	527
<u>complaint, shall investigate the alleged violation. Except for an</u>	528
<u>alleged violation of Section 34a of Article II, Ohio Constitution,</u>	529
<u>or division (C) of section 4111.13 of the Revised Code, the</u>	530
<u>director shall not investigate a claim of an alleged violation of</u>	531
<u>a wage law if the employee who is the subject of a complaint or</u>	532
<u>potential investigation earns one hundred thousand dollars or more</u>	533
<u>in compensation annually from the employee's employer. An employee</u>	534
<u>shall provide a separate written and notarized authorization</u>	535
<u>before a person acting on that employee's behalf may request the</u>	536
<u>name, address, occupation, pay rate, hours worked for each day</u>	537
<u>worked, and each amount paid for the particular employee. The</u>	538
<u>employee's name shall be kept confidential unless disclosure is</u>	539
<u>necessary to resolve a complaint and the employee consents to</u>	540
<u>disclosure.</u>	541
<u>In conducting an investigation under this division, the</u>	542
<u>director has the same powers described in division (B) of section</u>	543
<u>4111.04 and section 4111.14 of the Revised Code to investigate the</u>	544
<u>employer accused of the violation. If, after conducting the</u>	545
<u>investigation, the director determines that reasonable evidence</u>	546

exists that the employer committed the alleged violation, the 547  
director shall attempt to resolve the violation to the director's 548  
satisfaction. The director shall send a written notice to the 549  
parties involved and to the attorney general stating the results 550  
of the director's attempts to resolve the violation. The director 551  
shall include in that notice the amount of back pay the director 552  
determines the employer owes to each employee injured by the 553  
employer's violation, the amount of damages owed as described in 554  
division (D)(2) or (3) of this section, as applicable, and the 555  
reasonable costs incurred by the director in conducting the 556  
investigation, as determined by the director. If, after conducting 557  
the investigation, the director determines that reasonable 558  
evidence does not exist that the employer committed the alleged 559  
violation, the director shall send a written notice to the parties 560  
involved and to the attorney general stating this determination. 561  
The sending of either notice constitutes the director's final 562  
disposition of the complaint. 563

(C) Except as otherwise provided in this division, the 564  
attorney general or an employee, person acting on behalf of an 565  
employee, or any other interested party who believes the 566  
employee's employer has violated a wage law may bring an action 567  
against an employer for equitable and monetary relief in any court 568  
of competent jurisdiction. If the attorney general receives a 569  
notice from the director under division (B) of this section 570  
stating that the violation was not resolved, the attorney general, 571  
except as otherwise provided in this division, shall bring an 572  
action for equitable and monetary relief against the employer 573  
named in the notice in any court of competent jurisdiction 574  
regarding the employer's violation. Except as otherwise provided 575  
in this division, if the attorney general receives a notice 576  
stating that the violation is resolved, the attorney general may, 577  
but is encouraged not to, bring an action under this division 578  
against the employer. Regardless of whether a complaint was filed 579

with the director, regardless of whether the director was able to 580  
resolve a complaint, and except for an alleged violation of 581  
Section 34a of Article II, Ohio Constitution, or division (C) of 582  
section 4111.13 of the Revised Code, the attorney general shall 583  
not bring an action on behalf of an employee for a violation of a 584  
wage law if the employee earns one hundred thousand dollars or 585  
more in compensation annually from the employee's employer. An 586  
employee, a person acting on behalf of an employee, or an 587  
interested party is not required to file a complaint with the 588  
director to bring an action under this division. 589

An action arising under this division shall be commenced 591  
within three years after the date the alleged violation occurred 592  
or the date when the alleged violation ceased if it was of a 593  
continuing nature, or within one year after the director sends 594  
written notice to the employee of final disposition by the 595  
director of a complaint for the same alleged violation under 596  
division (B) of this section, whichever is later. 597

No employee shall join as a party plaintiff in any civil 598  
action that is brought under this division by an employee, a 599  
person acting on behalf of an employee, or a person acting on 600  
behalf of all similarly situated employees unless that employee 601  
first gives written consent to become such a party plaintiff and 602  
that consent is filed with the court in which the action is 603  
brought. 604

A civil action regarding an alleged violation of a wage law 605  
shall be maintained only under this division. This division does 606  
not preclude joining an action commenced under this division and 607  
an action commenced under section 4111.10 of the Revised Code into 608  
a single civil action. 609

(D) If, in a civil action commenced under division (C) of 610  
this section, the court determines that the employer has committed 611

an alleged violation of a wage law, the court shall award the 612  
following, as applicable: 613

(1) Back pay owed to each employee injured by the violation; 614

(2) Except as provided in division (D)(3) of this section, 615  
damages to each employee injured by the violation in the amount of 616  
two times the amount of back pay owed to the employee; 617

(3) For a violation of the retaliation provision of Section 618  
34a of Article II, Ohio Constitution, an amount set by the state 619  
or court sufficient to compensate the employee and deter future 620  
violations, but not less than one hundred fifty dollars for each 621  
day that the violation continued. 622

(E) If, in an action commenced under division (C) of this 623  
section, the court determines that the employer has committed the 624  
alleged violation and if an employee, a person acting on behalf of 625  
an employee, or any interested party brought the action, the court 626  
shall award the prevailing party costs and attorney's fees. If, in 627  
an action commenced under division (C) of this section, the court 628  
determines that the employer has committed the alleged violation 629  
and if the attorney general brought the action, the court shall 630  
award the attorney general costs. If the director investigated a 631  
complaint under division (B) of this section, the court shall 632  
award the director an amount equal to the reasonable costs 633  
incurred by the director in performing the director's duties under 634  
division (B) of this section, as determined by the director. 635

(F) The director shall deposit all moneys the director 637  
receives under this division into the labor operating fund created 638  
in section 121.084 of the Revised Code. 639

(G) Any agreement between an employee and employer to work 640  
for less than the wage rate specified in Section 34a of Article 641  
II, Ohio Constitution, is no defense to an action under this 642

section. Nothing in this section affects the right of an employer 643  
and employee to agree to submit a dispute under this section to 644  
alternative dispute resolution, including arbitration, in lieu of 645  
maintaining the civil suit authorized by division (C) of this 646  
section. 647

**Sec. 4111.99.** (A) Whoever violates division (A) or (D) of 648  
section 4111.13 of the Revised Code is guilty of a misdemeanor of 649  
the fourth degree. 650

(B) Whoever violates division (B) or (C) of section 4111.13 651  
of the Revised Code is guilty of a misdemeanor of the third 652  
degree. 653

(C) Whoever violates section 4111.17 or 4111.19 of the 654  
Revised Code is guilty of a minor misdemeanor. 655

(D) Whoever violates section 4111.18 of the Revised Code is 656  
guilty of a misdemeanor of the first degree. 657

**Sec. 4113.99.** (A) ~~Whoever violates section 4113.15 of the~~ 658  
~~Revised Code is guilty of a misdemeanor of the first degree.~~ 659

~~(B)~~ Whoever violates section ~~4113.16~~, 4113.18~~7~~, or 4113.19 of 660  
the Revised Code is guilty of a minor misdemeanor. 661

~~(C)~~(B) Whoever violates section 4113.17 of the Revised Code 662  
is guilty of a minor misdemeanor for a first offense; for each 663  
subsequent offense such person is guilty of a misdemeanor in the 664  
fourth degree. 665

**Section 2.** That existing sections 1321.32, 2305.11, 4111.14, 666  
4111.17, 4111.99, 4113.15, 4113.16, and 4113.99 of the Revised 667  
Code are hereby repealed. 668