

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 647

Representative Hagan, R.

**Cosponsors: Representatives Foley, Ashford, Letson, Phillips, Cera,
Antonio, Sheehy, Barborak**

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A BILL

To enact sections 4113.81, 4113.82, 4113.83, 4113.84, 1
and 4113.85 of the Revised Code to require paid 2
leave for an employee who is quarantined or placed 3
in isolation. 4

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

Section 1. That sections 4113.81, 4113.82, 4113.83, 4113.84, 5
and 4113.85 of the Revised Code be enacted to read as follows: 6

Sec. 4113.81. As used in sections 4113.81 to 4113.85 of the 7
Revised Code: 8

(A) "Employee" means an individual employed by an employer in 9
the business of the employer. 10

(B) "Employer" means an individual or entity that employs one 11
or more individuals in the state. 12

(C) "Quarantine or isolation pay" means payment of an amount 13
equal to an employee's normal rate of pay for every hour during 14
which the employee would normally be scheduled to work. 15

(D) "Paid leave" includes paid sick leave, paid vacation 16
leave, paid personal leave, other paid time off, and any 17
combination of those types of leave. 18

(E) "Quarantined or isolated employee" means an employee who is unable to work because the employee has been quarantined or isolated under an order or regulation made or issued by any of the following: 19
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(1) The board of health of a city health district pursuant to section 3709.20 of the Revised Code; 23
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(2) The board of health of a general health district pursuant to section 3709.21 of the Revised Code; 25
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(3) A health commissioner pursuant to section 3707.34 of the Revised Code; 27
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(4) The department of health pursuant to section 3701.13 of the Revised Code; 29
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(5) The director of the United States centers for disease control and prevention pursuant to 42 C.F.R. part 70 or 71 or any other federal agency pursuant to federal law. 31
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Sec. 4113.82. (A) Within seven days after an employee becomes a quarantined or isolated employee, the employee shall notify the employee's employer of the employee's status. 34
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(B) Every employer shall provide quarantine or isolation pay to a quarantined or isolated employee for the duration of the employee's status as a quarantined or isolated employee. 37
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(C) No employer shall require a quarantined or isolated employee to use paid leave accrued by the employee for the time period the employee is a quarantined or isolated employee. 40
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(D) An employee's failure to provide notice to an employer as required under division (A) of this section does not affect the remedies available to the employee under section 4113.84 or 4113.85 of the Revised Code. 43
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Sec. 4113.83. (A) No employer shall fail to comply with 47

section 4113.82 of the Revised Code. 48

(B) No employer shall terminate the employment, discipline, suspend, constructively discharge, demote, unfavorably reassign, refuse to promote, or take other adverse employment action against an employee because the employee has done either of the following: 49
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(1) Failed to report to work because the employee is a quarantined or isolated employee; 53
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(2) Requested to receive quarantine or isolation pay pursuant to section 4113.82 of the Revised Code for a period during which the employee is a quarantined or isolated employee. 55
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Sec. 4113.84. (A) Any employee who believes the employee has been injured by a violation of section 4113.83 of the Revised Code may file a complaint with the director of job and family services alleging a violation of that section. The employee shall file the complaint within one year after the alleged violation occurred. 58
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(B) Upon receiving a complaint filed under division (A) of this section, the director may conduct an investigation to determine whether it is probable that the employer has violated section 4113.83 of the Revised Code. 63
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(C) If, after the investigation, the director has reasonable cause to believe that a violation has occurred, the director shall issue notice to the employer and employee and hold a hearing pursuant to section 119.09 of the Revised Code to determine whether a violation has occurred. 67
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(D) If, after the hearing, the director determines that the employer has violated section 4113.83 of the Revised Code, the director may order all appropriate relief from the employer, including all of the following: 72
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(1) Rehiring or reinstatement of the employee to the 76

<u>employee's previous position;</u>	77
<u>(2) Payment of back wages;</u>	78
<u>(3) Reestablishment of employee benefits to which the employee otherwise would have been entitled.</u>	79 80
<u>(E) Any party may appeal an order of the director issued under division (D) of this section to the court of common pleas of the county in which the violation is alleged to have occurred.</u>	81 82 83
Sec. 4113.85. <u>(A) Any employee who believes the employee has been injured by a violation of section 4113.83 of the Revised Code may file a civil action in the court of common pleas of the county in which the violation allegedly occurred. The employee shall bring the action within one year after the alleged violation occurred.</u>	84 85 86 87 88 89
<u>(B) A court of common pleas that finds that a violation of section 4113.83 of the Revised Code has occurred may order all appropriate relief including damages, injunctive relief, or a civil penalty in an amount fixed by the court.</u>	90 91 92 93
<u>(C) An employee who believes the employee has been injured by an alleged violation of section 4113.83 of the Revised Code is not required to file a complaint with the director of job and family services or to otherwise exhaust the employee's remedies under section 4113.84 of the Revised Code before filing a civil action under this section.</u>	94 95 96 97 98 99