

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. C. R. No. 22**

**Senator Morano**

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

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**CONCURRENT RESOLUTION**

To urge the Congress of the United States to enact 1  
House Resolution 3303, the Wage Theft Prevention 2  
Act. 3

**BE IT RESOLVED BY THE SENATE OF THE STATE OF OHIO (THE HOUSE OF  
REPRESENTATIVES CONCURRING):**

WHEREAS, Wage theft is a serious problem in this country and 4  
has affected those employees who can least afford to lose their 5  
pay and, given these difficult economic times, the nation must 6  
ensure that hard-working Americans earn the compensation to which 7  
they are entitled and ensure that legitimate complaints of wage 8  
theft are given a thorough investigation; and 9

WHEREAS, The Wage Theft Prevention Act amends the 10  
Portal-to-Portal Act of 1947 to toll the statute of limitations 11  
for bringing a cause of action for unpaid minimum wages, unpaid 12  
overtime compensation, or liquidated damages under the Fair Labor 13  
Standards Act, 29 U.S.C. 201 et seq., the Walsh-Healey Act, 41 14  
U.S.C. 35 et seq., or the Bacon-Davis Act, 40 U.S.C. 376a et seq., 15  
starting from the time the United States Secretary of Labor 16  
notifies an employer of the initiation of an investigation 17  
regarding a cause of action under those laws until that employer 18  
is notified of the conclusion of the investigation; and 19

WHEREAS, An undercover investigation by the United States  
Government Accountability Office found that complaint intake,  
complaint resolution, and investigation processes of the Division  
of Wage and Hour within the United States Department of Labor were  
ineffective and discouraged workers from lodging wage theft  
complaints; and

WHEREAS, For example, in several of the Division's regional  
offices, staff were directed to record only successful complaint  
resolutions in the staff's database, making the Wage and Hour  
Division appear better at resolving wage and hour complaints than  
the Division actually is, and in addition, the Government  
Accountability Office found that, because of the lack of resources  
and staff, investigations on wage theft and child labor violations  
were frequently delayed by months or years; and

WHEREAS, The ineffectiveness of the Wage and Hour Division's  
investigations and procedures leaves thousands of low-wage workers  
vulnerable to wage theft, and because of the Wage and Hour  
Division's delays, an employee's right to file a lawsuit could be  
jeopardized; now therefore be it

RESOLVED, That the General Assembly of the State of Ohio  
urges the Congress of the United States to enact House Resolution  
3303, the Wage Theft Prevention Act, to allow employees to bring  
an action for wage theft and to allow the Division of Wage and  
Hour to conduct an investigation to assist low-income employees in  
need; therefore be it further

RESOLVED, That the Clerk of the Senate transmit duly  
authenticated copies of this resolution to the President of the  
United States, the Speaker and Clerk of the United States House of  
Representatives, the President Pro Tempore and the Secretary of  
the United States Senate, the members of the Ohio Congressional  
delegation, the United States Secretary of Labor, the Governor of  
the State of Ohio, and the news media of Ohio.