

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 398

Representatives Miranda, Abdullahi

Cosponsors: Representatives Troy, Piccolantonio, McNally, Brennan, Thomas, C.,
Upchurch, Grim, Brent, Isaacsohn, Somani, Forhan, Miller, A., Miller, J., Weinstein,
Brown, Brewer, Sweeney, Jarrells, Dell'Aquila, Skindell, Rogers, Russo

A BILL

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

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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:

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Sec. 4113.12. (A) As used in this section, "employer"
means any person who has fifteen or more employees and includes
an agent of an employer, the state or any agency or
instrumentality of the state, and any municipal corporation,
county, township, school district, or other political
subdivision or any agency or instrumentality thereof.

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

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

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(2) Request or seek information regarding a prospective 17
employee's wage or salary history from the prospective employee 18
or the prospective employee's current or former employer; 19

(3) Require that a prospective employee's wage or salary 20
history satisfy minimum or maximum criteria. 21

(C) An employer may request information regarding or seek 22
to confirm a prospective employee's wage or salary history from 23
the prospective employee or the prospective employee's current 24
or former employer if both of the following apply: 25

(1) The prospective employee has voluntarily disclosed to 26
the employer information regarding the prospective employee's 27
wage or salary history. 28

(2) The employer has made an offer of employment with 29
compensation to the prospective employee. 30

(D) Nothing in this section prevents an employer from 31
doing either of the following: 32

(1) Inquiring as to a prospective employee's wage or 33
salary expectations or requirements; 34

(2) Providing information regarding the wages, salary, 35
benefits, commissions, or any other forms of remuneration or 36
compensation offered in connection with any position for which 37
the prospective employee is applying. 38

(E) If an employee is seeking to fill another position 39
with the employee's employer by transfer or promotion, the 40
employer may consider the employee's wage or salary for purposes 41
of determining the wage or salary to be paid to the employee in 42
the new position. 43

(F) Any prospective employee alleging that an employer has 44

violated this section may bring an action in any court of 45
competent jurisdiction to recover damages sustained due to an 46
employer's violation of this section, or for equitable relief, 47
together with costs and reasonable attorney's fees. Two or more 48
prospective employees alleging the same employer has violated 49
this section may join as co-plaintiffs in one action. 50

The attorney general, at the written request of one or 51
more prospective employees alleging an employer has violated 52
this section, may take an assignment of the claim or claims in 53
trust and bring an action in any court of competent jurisdiction 54
to recover damages sustained due to an employer's violation of 55
this section, or for equitable relief, together with costs and 56
reasonable attorney's fees. 57