

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 304**

**Representatives Clites, Howse**

**Cosponsors: Representatives Boggs, Brent, Crossman, Lepore-Hagan, Liston,  
Miller, A., Miller, J., Miranda, O'Brien, Russo, Skindell, Smith, K., Sobecki,  
Strahorn, Sweeney, Weinstein, West**

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**A BILL**

To amend sections 4112.04 and 4117.08 and to enact 1  
sections 9.79, 9.791, 9.792, 9.793, 9.794, 2  
9.795, 9.796, 9.797, 9.798, 142.01, 142.02, 3  
142.03, 142.04, 142.05, 142.06, 142.07, 142.08, 4  
142.09, 142.10, 4113.12, 4113.42, and 4117.141 5  
of the Revised Code to enact the Ohio Equal Pay 6  
Act to require state contractors and economic 7  
incentive recipients to obtain an equal pay 8  
certificate, to require public employers to 9  
establish a job evaluation system to identify 10  
and eliminate sex-based wage disparities, to 11  
prohibit employers from seeking a prospective 12  
employee's wage or salary history, and to 13  
prohibit employer retaliation against an 14  
employee who discusses salary or wage rates with 15  
another employee. 16

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

**Section 1.** That sections 4112.04 and 4117.08 be amended 17

and sections 9.79, 9.791, 9.792, 9.793, 9.794, 9.795, 9.796, 18  
9.797, 9.798, 142.01, 142.02, 142.03, 142.04, 142.05, 142.06, 19  
142.07, 142.08, 142.09, 142.10, 4113.12, 4113.42, and 4117.141 20  
of the Revised Code be enacted to read as follows: 21

Sec. 9.79. As used in sections 9.79 to 9.798 of the 22  
Revised Code: 23

(A) "Business entity" means a corporation, partnership, 24  
association, firm, sole proprietorship, limited liability 25  
corporation, limited liability partnership, or other entity 26  
engaged in business. 27

(B) "Construction manager" and "construction manager at 28  
risk" have the same meanings as in section 9.33 of the Revised 29  
Code. 30

(C) "Contractor" means any person who undertakes to 31  
construct, alter, erect, improve, repair, demolish, remove, dig, 32  
or drill any part of a public improvement under a contract, and 33  
includes a construction manager, construction manager at risk, 34  
and design-build firm. 35

(D) "Design-build firm" has the same meaning as in section 36  
153.65 of the Revised Code. 37

(E) "EEO-1 report" means the report required by the United 38  
States equal employment opportunity commission under 29 C.F.R. 39  
1602.7. 40

(F) "Public improvement" means any construction, 41  
reconstruction, improvement, enlargement, alteration, 42  
demolition, or repair of a building, highway, drainage system, 43  
water system, road, street, alley, sewer, ditch, sewage disposal 44  
plant, water works, and any other structure or work of any 45  
nature by a state agency. 46

(G) "State agency" has the same meaning as in section 1.60 47  
of the Revised Code. 48

**Sec. 9.791.** (A) (1) No state agency shall award a contract 49  
for a public improvement to a contractor who employs four or 50  
more full-time employees on any day in the prior twelve months 51  
in the state where the contractor has the contractor's principal 52  
place of business unless the contractor meets one of the 53  
following conditions: 54

(a) The contractor has obtained an equal pay certificate 55  
issued under section 9.792 of the Revised Code. 56

(b) The contractor has certified that the contractor is 57  
exempt from obtaining a certificate pursuant to division (B) of 58  
this section in accordance with rules adopted by the director of 59  
administrative services. 60

(2) No state agency shall award a contract to provide 61  
goods or services to a state agency to a person who employs four 62  
or more full-time employees on any day in the prior twelve 63  
months in the state where the person has the person's principal 64  
place of business unless the person meets one of the following 65  
conditions: 66

(a) The person has obtained an equal pay certificate 67  
issued under section 9.792 of the Revised Code. 68

(b) The person has certified that the person is exempt 69  
from obtaining a certificate pursuant to division (B) of this 70  
section in accordance with rules adopted by the director. 71

(3) No state agency shall award a grant or other economic 72  
incentive to a business entity that employs four or more full- 73  
time employees on any day in the prior twelve months in the 74  
state where the business entity has the business entity's 75

principal place of business, including if the award is being 76  
made on recommendation of the nonprofit corporation formed under 77  
section 187.01 of the Revised Code, unless the business entity 78  
meets one of the following conditions: 79

(a) The business entity has obtained an equal pay 80  
certificate issued under section 9.792 of the Revised Code. 81

(b) The business entity has certified that the business 82  
entity is exempt from obtaining a certificate pursuant to 83  
division (B) of this section in accordance with rules adopted by 84  
the director. 85

(B) This section does not apply to a contractor, person, 86  
or business entity described in division (A) of this section, 87  
with respect to a specific contract for a public improvement, to 88  
provide goods or services to a state agency, or to a specific 89  
grant or other economic incentive, if the director determines 90  
that compliance with division (A) of this section would cause 91  
undue hardship to the contractor, person, or business entity. 92

(C) The director shall adopt rules in accordance with 93  
Chapter 119. of the Revised Code to do all of the following: 94

(1) Establish procedures to apply for and requirements to 95  
obtain an exemption described in division (B) of this section; 96

(2) Define "undue hardship" for purposes of division (B) 97  
of this section; 98

(3) Establish procedures to renew a certificate. 99

(D) The director shall provide technical assistance to a 100  
contractor, person, or business entity who requests assistance 101  
regarding compliance with sections 9.79 to 9.798 of the Revised 102  
Code. 103

Sec. 9.792. (A) A contractor wishing to be awarded a 104  
contract for a public improvement, a person wishing to provide 105  
goods or services to a state agency, or a business entity 106  
wishing to be awarded a grant or other economic incentive shall 107  
apply for a certificate required by section 9.791 of the Revised 108  
Code by submitting a twenty-five-dollar filing fee and an equal 109  
pay compliance statement described in this section to the 110  
director of administrative services. An equal pay compliance 111  
statement shall be signed by the contractor, person, or the 112  
chief executive officer of the business entity and contain all 113  
of the following information: 114

(1) That the contractor, person, or business entity is in 115  
compliance with Title VII of the Civil Rights Act of 1964, 42 116  
U.S.C. 2000e et seq., the Equal Pay Act of 1963, 29 U.S.C. 117  
206(d), Chapter 4112. of the Revised Code, and section 4111.17 118  
of the Revised Code; 119

(2) That the average compensation for female employees is 120  
not consistently below the average compensation for male 121  
employees within each of the major job categories in the 122  
contractor's, person's, or business entity's EEO-1 report, if 123  
the contractor, person, or business entity is required to file 124  
that report, taking into account all of the following factors: 125

(a) Length of service; 126

(b) Requirements of specific jobs; 127

(c) Experience; 128

(d) Skill; 129

(e) Effort; 130

(f) Responsibility; 131

<u>(g) Working conditions of the job;</u>	132
<u>(h) Other mitigating factors.</u>	133
<u>(3) That employees of one sex are not restricted to certain job classifications;</u>	134 135
<u>(4) That the contractor, person, or business entity makes retention and promotion decisions without regard to sex;</u>	136 137
<u>(5) That compensation and benefit disparities are corrected when identified;</u>	138 139
<u>(6) The frequency in which compensation and benefits are evaluated to ensure compliance with the laws listed in division (A) (1) of this section;</u>	140 141 142
<u>(7) Which of the following approaches a contractor, person, or business entity uses in setting compensation and benefits:</u>	143 144 145
<u>(a) Market pricing;</u>	146
<u>(b) State prevailing wage or labor organization contract requirements;</u>	147 148
<u>(c) A performance pay system;</u>	149
<u>(d) Internal analysis;</u>	150
<u>(e) An alternative approach as described by the contractor, person, or business entity.</u>	151 152
<u>(8) That employees of the contractor, person, or business entity are able to contact the contractor's, person's, or business entity's human resources department and request to see how the employee's compensation compares with other employees with jobs of "comparable skill, effort, responsibility, and working conditions."</u>	153 154 155 156 157 158

(B) Receipt of an equal pay compliance statement by the 159  
director does not establish a contractor's, person's, or 160  
business entity's compliance with the laws listed in division 161  
(A) (1) of this section. 162

(C) The director shall reject an application only if the 163  
statement described in division (A) of this section submitted by 164  
the contractor, person, or business entity does not comply with 165  
the requirements of that division or the contractor, person, or 166  
business entity fails to submit the required fee. The director 167  
shall issue a certificate or, if the director rejects an 168  
application, a statement explaining the reason for the 169  
rejection, to a contractor, person, or business entity within 170  
fifteen days after receiving an application submitted under this 171  
section. A certificate issued under this section is valid for a 172  
period of four years and may be renewed in accordance with rules 173  
adopted by the director. 174

**Sec. 9.793.** (A) (1) The director of administrative 175  
services, in accordance with Chapter 119. of the Revised Code, 176  
may suspend or revoke a certificate issued under section 9.792 177  
of the Revised Code for any of the following reasons: 178

(a) The contractor, person, or business entity fails to 179  
comply with the laws listed in division (A) (1) of section 9.792 180  
of the Revised Code. 181

(b) The contractor, person, or business entity has 182  
multiple violations of the laws listed in division (A) (1) of 183  
section 9.792 of the Revised Code. 184

(c) The contractor, person, or business entity fails to 185  
comply with section 9.791 of the Revised Code. 186

(2) The director shall provide a contractor, person, or 187

business entity an opportunity to comply with section 9.791 or 188  
9.792 of the Revised Code before suspending or revoking the 189  
contractor's, person's, or business entity's certificate. 190

(B) A state agency, in accordance with Chapter 119. of the 191  
Revised Code, may abridge or terminate a contract with a 192  
contractor or person or revoke a grant or other economic 193  
incentive from a business entity on notice that the director has 194  
suspended or revoked the certificate issued to a contractor, 195  
person, or business entity. 196

(C) The director may void a contract or revoke a grant or 197  
other economic incentive on behalf of a state agency if a 198  
contractor, person, or business entity is not in compliance with 199  
section 9.791 or 9.792 of the Revised Code. 200

(D) The director shall notify a state agency that has an 201  
agreement with a contractor or person or has awarded a grant or 202  
other economic incentive to a business entity before the 203  
director voids the contract or revokes the grant or other 204  
economic incentive under division (C) of this section. 205

**Sec. 9.794.** (A) The director of administrative services 206  
shall notify a contractor, person, or business entity that holds 207  
a certificate issued under section 9.792 of the Revised Code by 208  
certified mail of the director's decision to suspend or revoke a 209  
contractor's, person's, or business entity's certificate under 210  
section 9.793 of the Revised Code. 211

(B) A state agency shall notify a contractor, person, or 212  
business entity by certified mail of the state agency's decision 213  
to abridge or terminate a contractor's or person's contract or 214  
to revoke a business entity's grant or other economic incentive 215  
under section 9.793 of the Revised Code. 216



Sec. 9.795. The director of administrative services may 217  
audit a contractor, person, or business entity described in 218  
section 9.791 of the Revised Code to determine whether the 219  
contractor, person, or business entity is in compliance with 220  
section 9.791 or 9.792 of the Revised Code. As part of an audit, 221  
a contractor, person, or business entity shall provide to the 222  
director information for all employees expected to perform work 223  
under the contract, grant, or other economic incentive for each 224  
of the major job categories included in the contractor's, 225  
person's, or business entity's EEO-1 report if the contractor, 226  
person, or business entity is required to file that report. As a 227  
part of an audit, the contractor, person, or business entity 228  
shall provide all of the following information to the director: 229

(A) Number of male employees; 230

(B) Number of female employees; 231

(C) Average length of service for male employees and for 232  
female employees within each major job category; 233

(D) Average annualized salaries paid to male employees and 234  
to female employees within each major job category, in the 235  
manner most consistent with the compensation system identified 236  
by the contractor, person, or business entity under division (A) 237  
(7) of section 9.792 of the Revised Code; 238

(E) Performance payments, benefits, or other elements of 239  
compensation, in the manner most consistent with the 240  
compensation system identified by the contractor, person, or 241  
business entity under division (A) (7) of section 9.792 of the 242  
Revised Code; 243

(F) Other information identified by the director as 244  
necessary to determine compliance with division (A) of section 245

<u>9.792 of the Revised Code.</u>	246
<u>Sec. 9.796. Any data on individuals submitted to the</u>	247
<u>director of administrative services under division (A) of</u>	248
<u>section 9.792 of the Revised Code shall be confidential and is</u>	249
<u>not a public record under section 149.43 of the Revised Code.</u>	250
<u>A record of the director's decision to issue, not issue,</u>	251
<u>revoke, or suspend a certificate is a public record.</u>	252
<u>Sec. 9.797. Not later than January 31, 2020, and every two</u>	253
<u>years thereafter, the director of administrative services shall</u>	254
<u>submit a report of the activities of the department of</u>	255
<u>administrative services regarding certificates issued under</u>	256
<u>section 9.792 of the Revised Code to the governor and the</u>	257
<u>general assembly. The report shall contain all of the following</u>	258
<u>information:</u>	259
<u>(A) The number of certificates issued;</u>	260
<u>(B) The number of audits conducted under section 9.795 of</u>	261
<u>the Revised Code;</u>	262
<u>(C) The processes contractors for public improvements,</u>	263
<u>persons wishing to provide goods or services to a state agency,</u>	264
<u>or business entities awarded a grant or other economic incentive</u>	265
<u>use to ensure compliance with division (A) of section 9.792 of</u>	266
<u>the Revised Code;</u>	267
<u>(D) A summary of the director's auditing efforts under</u>	268
<u>section 9.795 of the Revised Code.</u>	269
<u>Sec. 9.798. There is hereby created in the state treasury</u>	270
<u>the equal pay certificate fund. The fund shall consist of all</u>	271
<u>certificate filing fees collected by the director of</u>	272
<u>administrative services under division (A) of section 9.792 of</u>	273

the Revised Code. Money in the fund shall be used by the 274  
department of administrative services to administer sections 275  
9.79 to 9.798 of the Revised Code. Investment earnings of the 276  
fund shall be credited to the fund. 277

**Sec. 142.01. As used in this chapter:** 278

(A) "Balanced class" means any class in which both of the 279  
following conditions apply: 280

(1) Not more than eighty per cent of the members are male. 281

(2) Not more than seventy per cent of the members are 282  
female. 283

(B) "Comparable work value" means the value of work 284  
measured by skill, effort, responsibility, and working 285  
conditions normally required in the performance of the work. 286

(C) "Class" means one or more positions in public 287  
employment that have similar duties, responsibilities, and 288  
general qualifications necessary to perform the duties, with 289  
comparable selection procedures used to recruit employees, and 290  
use of the same compensation schedule. 291

(D) "Equitable compensation relationship" means that the 292  
compensation for female-dominated classes is not consistently 293  
below the compensation for male-dominated classes of comparable 294  
work value, as determined under section 142.04 of the Revised 295  
Code, for each public employer. 296

(E) "Exclusive representative" has the same meaning as in 297  
section 4117.01 of the Revised Code. 298

(F) "Female-dominated class" means any class in which 299  
seventy per cent or more of the members are female. 300

(G) "Male-dominated class" means any class in which eighty 301  
per cent or more of the members are male. 302

(H) "Position" means a group of current duties and 303  
responsibilities assigned or delegated by a supervisor to an 304  
employee. 305

(I) "Political subdivision" means a county, township, 306  
municipal corporation, or any other body corporate and politic 307  
that is responsible for government activities in a geographic 308  
area smaller than that of the state. 309

(J) "Public employer" means either of the following: 310

(1) A state agency; 311

(2) A political subdivision. 312

(K) "State agency" means any organized body, office, 313  
agency, institution, or other entity established by the laws of 314  
the state for the exercise of any function of state government. 315

**Sec. 142.02.** Subject to Chapter 4117. and sections 4115.03 316  
to 4115.21 and 4115.99 of the Revised Code, but notwithstanding 317  
any other law to the contrary, every public employer shall 318  
establish equitable compensation relationships between female- 319  
dominated, male-dominated, and balanced classes of employees to 320  
eliminate sex-based wage disparities in public employment in 321  
this state. A public employer shall make the comparable work 322  
value of a position in relationship to other employee positions 323  
a primary consideration in negotiating, establishing, 324  
recommending, and approving compensation. 325

Nothing in this chapter limits the ability of the parties 326  
to collectively bargain in good faith. 327

**Sec. 142.03.** (A) The director of administrative services, 328

in establishing the job classification plan and assigning pay 329  
ranges pursuant to section 124.14 of the Revised Code, and any 330  
other public employer with the authority to determine 331  
compensation for the employees of the public employer, shall 332  
assure all of the following, as applicable: 333

(1) That compensation for positions in the classified 334  
civil service and unclassified civil service bear reasonable 335  
relationship to one another; 336

(2) That compensation for positions bears a reasonable 337  
relationship to similar positions outside of that particular 338  
public employer; 339

(3) That compensation for positions within the public 340  
employer's workforce bears a reasonable relationship among 341  
various classes and among various levels within the same 342  
occupation group. 343

(B) For purposes of division (A) of this section, 344  
compensation for a position bears a "reasonable relationship" to 345  
another position if both of the following conditions are 346  
satisfied: 347

(1) Compensation for positions that require comparable 348  
skill, effort, responsibility, working conditions, and other 349  
relevant work-related criteria is comparable. 350

(2) Compensation for positions that require differing 351  
skill, effort, responsibility, working conditions, and other 352  
relevant work-related criteria is proportional to the skill, 353  
effort, responsibility, working conditions, and other relevant 354  
work-related criteria required. 355

**Sec. 142.04.** (A) Every public employer shall establish a 356  
job evaluation system and use that system to determine the 357

comparable work value of the work performed by each class of the 358  
public employer's employees. A public employer may adopt the job 359  
evaluation system established by any other public employer. 360

A public employer shall meet and confer with the exclusive 361  
representative of the public employer's employees on the 362  
development or selection of a job evaluation system. 363

(B) (1) A public employer shall maintain and update a job 364  
evaluation system established by the public employer to account 365  
for both of the following: 366

(a) New employee classes; 367

(b) Changes in factors affecting the comparable work value 368  
of existing classes. 369

(2) A public employer that substantially modifies the 370  
public employer's job evaluation system or adopts a new job 371  
evaluation system shall notify the director of budget and 372  
management. 373

**Sec. 142.05.** Every public employer shall submit a report 374  
containing the results of the job evaluation system conducted 375  
under section 142.04 of the Revised Code to the exclusive 376  
representative selected by the public employer's employees under 377  
section 4117.05 of the Revised Code to be used by both parties 378  
in negotiations for collective bargaining agreements. The report 379  
shall contain the following information: 380

(A) The female-dominated classes of a public employer for 381  
which compensation inequity exists, based on the comparable work 382  
value; 383

(B) All data not on individuals used to support the 384  
findings in division (A) of this section. 385

<u>Sec. 142.06. (A) (1) Each public employer shall submit an</u>	386
<u>implementation report to the director of budget and management</u>	387
<u>that contains all of the following information, as of the</u>	388
<u>thirty-first day of December of the preceding year:</u>	389
<u>(a) A list of all job classes of the public employer;</u>	390
<u>(b) The number of employees in each class listed in</u>	391
<u>division (A) (1) (a) of this section;</u>	392
<u>(c) The number of female employees in each class listed in</u>	393
<u>division (A) (1) (a) of this section;</u>	394
<u>(d) An identification of each class listed in division (A)</u>	395
<u>(1) (a) of this section as male-dominated, female-dominated, or</u>	396
<u>balanced;</u>	397
<u>(e) The comparable work value of each class listed in</u>	398
<u>division (A) (1) (a) of this section as determined by the job</u>	399
<u>evaluation system used by the public employer under section</u>	400
<u>142.04 of the Revised Code;</u>	401
<u>(f) The minimum and maximum salary for each class listed</u>	402
<u>in division (A) (1) (a) of this section, if salary ranges have</u>	403
<u>been established, and the amount of time in employment required</u>	404
<u>to qualify for the maximum salary;</u>	405
<u>(g) Any additional cash compensation paid to members of a</u>	406
<u>class listed in division (A) (1) (a) of this section;</u>	407
<u>(h) Any additional information requested by the director.</u>	408
<u>(2) The director shall adopt rules in accordance with</u>	409
<u>Chapter 119. of the Revised Code to establish a schedule to</u>	410
<u>stagger the submission of the implementation reports required by</u>	411
<u>division (A) (1) of this section. Each public employer shall</u>	412
<u>submit a report every three years, with the first set of reports</u>	413

due to the director not later than the thirty-first day of 414  
January immediately following the effective date of this 415  
section. 416

(B) A state agency that fails to submit an implementation 417  
report is subject to the penalty described in section 142.07 of 418  
the Revised Code. 419

**Sec. 142.07.** (A) The director of budget and management 420  
shall review the implementation reports the director receives 421  
under section 142.06 of the Revised Code to determine whether a 422  
public employer has established equitable compensation 423  
relationships as required under section 142.02 of the Revised 424  
Code. The director shall notify a public employer in writing if 425  
the director determines that the public employer has complied 426  
with the requirement of that section. 427

(B) If the director finds that a public employer did not 428  
comply with that section, the director shall issue a statement 429  
to the public employer in writing containing the following 430  
information: 431

(1) A detailed description of the basis of the finding of 432  
noncompliance; 433

(2) Specific recommended actions the public employer is 434  
required to take to comply with that section; 435

(3) An estimate of the cost to the public employer to 436  
comply with that section. 437

(C) (1) A public employer shall notify the director in 438  
writing of a disagreement with a finding of the director under 439  
division (B) of this section. The director shall provide the 440  
public employer a specified time period in which to submit 441  
additional evidence to support the employer's claim of 442



<u>compliance with the requirements of section 142.02 of the</u>	443
<u>Revised Code. That evidence may include any of the following:</u>	444
<u>(a) Recruitment difficulties;</u>	445
<u>(b) Retention difficulties;</u>	446
<u>(c) Recent conciliation awards made under section 4117.14</u>	447
<u>of the Revised Code that are inconsistent with equitable</u>	448
<u>compensation relationships under section 142.02 of the Revised</u>	449
<u>Code;</u>	450
<u>(d) Information that demonstrates that the employer made a</u>	451
<u>good faith effort to comply with section 142.02 of the Revised</u>	452
<u>Code, including constraints faced by the employer;</u>	453
<u>(e) A plan for the employer to comply with that section.</u>	454
<u>(2) The public employer shall specify with the evidence a</u>	455
<u>date for additional review by the director.</u>	456
<u>(D) (1) If a state agency does not make changes to comply</u>	457
<u>with the requirements of section 142.02 of the Revised Code</u>	458
<u>within a reasonable time period established by the director, the</u>	459
<u>director shall assess a fine of one hundred dollars for each day</u>	460
<u>the state agency remains noncompliant. The penalty remains in</u>	461
<u>effect until the state agency demonstrates that the state agency</u>	462
<u>has complied with section 142.02 of the Revised Code.</u>	463
<u>(2) The director may suspend the penalty imposed on a</u>	464
<u>state agency under division (D) (1) of this section for any of</u>	465
<u>the following reasons:</u>	466
<u>(a) The state agency's failure to comply was attributable</u>	467
<u>to circumstances beyond the control of the state agency.</u>	468
<u>(b) The state agency's failure to comply was attributable</u>	469

to severe hardship of the state agency. 470

(c) The noncompliance is a result of factors unrelated to 471  
the sex of the members of the affected classes, and the state 472  
agency is taking steps to comply with the requirements of 473  
section 142.02 of the Revised Code to the extent possible. 474

(E) A state agency may appeal a penalty imposed under 475  
division (D) (1) of this section to the director within thirty 476  
days after the director assesses the penalty. The director shall 477  
not impose the penalty on a state agency while an appeal is 478  
pending. 479

**Sec. 142.08.** On or before the first day of January 480  
immediately following the effective date of this section, and on 481  
or before the first day of January thereafter, the director of 482  
budget and management shall submit a report on the status of 483  
compliance of public employers with section 142.02 of the 484  
Revised Code to the general assembly. The report shall contain 485  
all of the following information: 486

(A) A list of the public employers in compliance with the 487  
requirements of section 142.02 of the Revised Code; 488

(B) The estimated cost of each public employer to be 489  
compliant with those requirements; 490

(C) A list of the public employers the director found to 491  
be not in compliance with section 142.02 of the Revised Code; 492

(D) The basis for the director's finding in division (C) 493  
of this section; 494

(E) The list of recommended changes the public employers 495  
listed in division (C) of this section must make to comply with 496  
section 142.02 of the Revised Code; 497

<u>(F) The estimated cost for each public employer to become</u>	498
<u>compliant with section 142.02 of the Revised Code;</u>	499
<u>(G) A list of the public employers who did not comply with</u>	500
<u>the reporting requirements in section 142.06 of the Revised</u>	501
<u>Code;</u>	502
<u>(H) Any additional information the director determines the</u>	503
<u>general assembly needs to know from a public employer.</u>	504
<b><u>Sec. 142.09.</u></b> <u>Notwithstanding division (A) of section</u>	505
<u>4117.11 of the Revised Code, it is not an unfair labor practice</u>	506
<u>for a public employer to specify an amount of funds to be used</u>	507
<u>solely to correct inequitable compensation relationships.</u>	508
<u>This chapter does not diminish the duty of a public</u>	509
<u>employer to bargain in good faith under Chapter 4117. of the</u>	510
<u>Revised Code.</u>	511
<b><u>Sec. 142.10.</u></b> <u>The Ohio civil rights commission or any court</u>	512
<u>of this state may use either of the following as evidence in any</u>	513
<u>proceeding or action alleging that an unlawful discriminatory</u>	514
<u>practice, as defined in section 4112.01 of the Revised Code, has</u>	515
<u>been committed:</u>	516
<u>(A) The results of any job evaluation system established</u>	517
<u>under section 142.04 of the Revised Code;</u>	518
<u>(B) A report compiled by a public employer under section</u>	519
<u>142.05 of the Revised Code.</u>	520
<b><u>Sec. 4112.04.</u></b> (A) The commission shall do all of the	521
following:	522
(1) Establish and maintain a principal office in the city	523
of Columbus and any other offices within the state that it	524
considers necessary;	525

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.	526 527 528 529
(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;	530 531 532
(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;	533 534 535
(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;	536 537 538
(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;	539 540
(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state;	541 542 543 544 545
(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A) (7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;	546 547 548 549 550 551 552 553
(9) Prepare a comprehensive educational program, in	554

cooperation with the department of education, for the students 555  
of the public schools of this state and for all other residents 556  
of this state that is designed to eliminate prejudice on the 557  
basis of race, color, religion, sex, military status, familial 558  
status, national origin, disability, age, or ancestry in this 559  
state, to further good will among those groups, and to emphasize 560  
the origin of prejudice against those groups, its harmful 561  
effects, and its incompatibility with American principles of 562  
equality and fair play; 563

(10) Receive progress reports from agencies, 564  
instrumentalities, institutions, boards, commissions, and other 565  
entities of this state or any of its political subdivisions and 566  
their agencies, instrumentalities, institutions, boards, 567  
commissions, and other entities regarding affirmative action 568  
programs for the employment of persons against whom 569  
discrimination is prohibited by this chapter, or regarding any 570  
affirmative housing accommodations programs developed to 571  
eliminate or reduce an imbalance of race, color, religion, sex, 572  
military status, familial status, national origin, disability, 573  
or ancestry. All agencies, instrumentalities, institutions, 574  
boards, commissions, and other entities of this state or its 575  
political subdivisions, and all political subdivisions, that 576  
have undertaken affirmative action programs pursuant to a 577  
conciliation agreement with the commission, an executive order 578  
of the governor, any federal statute or rule, or an executive 579  
order of the president of the United States shall file progress 580  
reports with the commission annually on or before the first day 581  
of November. The commission shall analyze and evaluate the 582  
progress reports and report its findings annually to the general 583  
assembly on or before the thirtieth day of January of the year 584  
immediately following the receipt of the reports. 585

<u>(11) Comply with divisions (D) to (G) of section 4113.12</u>	586
<u>of the Revised Code.</u>	587
(B) The commission may do any of the following:	588
(1) Meet and function at any place within the state;	589
(2) Initiate and undertake on its own motion	590
investigations of problems of employment or housing	591
accommodations discrimination;	592
(3) Hold hearings, subpoena witnesses, compel their	593
attendance, administer oaths, take the testimony of any person	594
under oath, require the production for examination of any books	595
and papers relating to any matter under investigation or in	596
question before the commission, and make rules as to the	597
issuance of subpoenas by individual commissioners.	598
(a) In conducting a hearing or investigation, the	599
commission shall have access at all reasonable times to	600
premises, records, documents, individuals, and other evidence or	601
possible sources of evidence and may examine, record, and copy	602
the premises, records, documents, and other evidence or possible	603
sources of evidence and take and record the testimony or	604
statements of the individuals as reasonably necessary for the	605
furtherance of the hearing or investigation. In investigations,	606
the commission shall comply with the fourth amendment to the	607
United States Constitution relating to unreasonable searches and	608
seizures. The commission or a member of the commission may issue	609
subpoenas to compel access to or the production of premises,	610
records, documents, and other evidence or possible sources of	611
evidence or the appearance of individuals, and may issue	612
interrogatories to a respondent, to the same extent and subject	613
to the same limitations as would apply if the subpoenas or	614

interrogatories were issued or served in aid of a civil action 615  
in a court of common pleas. 616

(b) Upon written application by a party to a hearing under 617  
division (B) of section 4112.05 of the Revised Code, the 618  
commission shall issue subpoenas in its name to the same extent 619  
and subject to the same limitations as subpoenas issued by the 620  
commission. Subpoenas issued at the request of a party shall 621  
show on their face the name and address of the party and shall 622  
state that they were issued at the party's request. 623

(c) Witnesses summoned by subpoena of the commission are 624  
entitled to the witness and mileage fees provided for under 625  
section 119.094 of the Revised Code. 626

(d) Within five days after service of a subpoena upon any 627  
person, the person may petition the commission to revoke or 628  
modify the subpoena. The commission shall grant the petition if 629  
it finds that the subpoena requires an appearance or attendance 630  
at an unreasonable time or place, that it requires production of 631  
evidence that does not relate to any matter before the 632  
commission, that it does not describe with sufficient 633  
particularity the evidence to be produced, that compliance would 634  
be unduly onerous, or for other good reason. 635

(e) In case of contumacy or refusal to obey a subpoena, 636  
the commission or person at whose request it was issued may 637  
petition for its enforcement in the court of common pleas in the 638  
county in which the person to whom the subpoena was addressed 639  
resides, was served, or transacts business. 640

(4) Create local or statewide advisory agencies and 641  
conciliation councils to aid in effectuating the purposes of 642  
this chapter. The commission may itself, or it may empower these 643

agencies and councils to, do either or both of the following: 644

(a) Study the problems of discrimination in all or 645  
specific fields of human relationships when based on race, 646  
color, religion, sex, military status, familial status, national 647  
origin, disability, age, or ancestry; 648

(b) Foster through community effort, or otherwise, good 649  
will among the groups and elements of the population of the 650  
state. 651

The agencies and councils may make recommendations to the 652  
commission for the development of policies and procedures in 653  
general. They shall be composed of representative citizens who 654  
shall serve without pay, except that reimbursement for actual 655  
and necessary traveling expenses shall be made to citizens who 656  
serve on a statewide agency or council. 657

(5) Issue any publications and the results of 658  
investigations and research that in its judgment will tend to 659  
promote good will and minimize or eliminate discrimination 660  
because of race, color, religion, sex, military status, familial 661  
status, national origin, disability, age, or ancestry. 662

Sec. 4113.12. (A) As used in this section, "employer" has 663  
the same meaning as in section 4112.01 of the Revised Code. 664

(B) Except as provided in division (C) of this section, no 665  
employer shall do either of the following: 666

(1) Request information regarding or seek a prospective 667  
employee's wage or salary history from the prospective employee 668  
or the prospective employee's current or former employer; 669

(2) Require that a prospective employee's prior wage or 670  
salary history satisfy certain criteria. 671



(C) An employer may request information regarding, seek, or confirm a prospective employee's wage or salary history under either of the following circumstances: 672  
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(1) The prospective employee has voluntarily disclosed to the employer the prospective employee's wage or salary history. 675  
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(2) The employer has made an offer of employment with compensation to the prospective employee. 677  
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(D) A prospective employee who has reasonable cause to believe an employer has violated this section may file a written complaint with the Ohio civil rights commission. On receiving a complaint, the commission may investigate an employer to determine whether it is probable that the employer has violated this section. If after an investigation the commission determines it is probable that the employer has violated this section, the commission shall proceed in accordance with the notice and hearing requirements prescribed in Chapter 119. of the Revised Code. 679  
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After a hearing conducted under Chapter 119. of the Revised Code, if the commission determines that the employer has violated this section, it shall order the offending employer to complete successfully a remedial training course conducted by the commission to educate the employer on appropriate hiring practices in accordance with this section. The employer shall complete the course not later than six months after the date on which the employer receives the order. 689  
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(E) If an offending employer fails to successfully complete the remedial training course within the time period specified in division (D) of this section, or if the commission determines it is probable after an investigation that an 697  
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offending employer has committed a second or subsequent 701  
violation of this section within two years after a first 702  
violation, the commission may refer the matter to the attorney 703  
general for commencement of a civil action in a court of common 704  
pleas. The attorney general may seek any relief the attorney 705  
general considers necessary to enforce this section and costs. 706

(F) The commission shall adopt rules, in accordance with 707  
Chapter 119. of the Revised Code, to develop and administer the 708  
remedial training course conducted under division (D) of this 709  
section. The commission shall maintain indefinitely a list of 710  
offending employers that have successfully completed the course. 711

(G) The decision and order of the commission is final, 712  
subject to review in the manner provided in Chapter 119. of the 713  
Revised Code and appeal to the court of common pleas of Franklin 714  
county. 715

**Sec. 4113.42.** As used in this section, "employee" and 716  
"employer" have the same meanings as in section 4113.51 of the 717  
Revised Code. 718

No employer shall discharge or otherwise retaliate against 719  
an employee because the employee has discussed the employee's 720  
salary or wage rate with another employee. 721

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, 722  
or terms and other conditions of employment and the 723  
continuation, modification, or deletion of an existing provision 724  
of a collective bargaining agreement are subject to collective 725  
bargaining between the public employer and the exclusive 726  
representative, except as otherwise specified in this section 727  
and division (E) of section 4117.03 of the Revised Code. 728

(B) The conduct and grading of civil service examinations, 729

the rating of candidates, the establishment of eligible lists 730  
from the examinations, and the original appointments from the 731  
eligible lists are not appropriate subjects for collective 732  
bargaining. 733

(C) Unless a public employer agrees otherwise in a 734  
collective bargaining agreement, nothing in Chapter 4117. of the 735  
Revised Code impairs the right and responsibility of each public 736  
employer to: 737

(1) Determine matters of inherent managerial policy which 738  
include, but are not limited to, areas of discretion or policy 739  
such as the functions and programs of the public employer, 740  
standards of services, its overall budget, utilization of 741  
technology, and organizational structure; 742

(2) Direct, supervise, evaluate, or hire employees; 743

(3) Maintain and improve the efficiency and effectiveness 744  
of governmental operations; 745

(4) Determine the overall methods, process, means, or 746  
personnel by which governmental operations are to be conducted; 747

(5) Suspend, discipline, demote, or discharge for just 748  
cause, or lay off, transfer, assign, schedule, promote, or 749  
retain employees; 750

(6) Determine the adequacy of the work force; 751

(7) Determine the overall mission of the employer as a 752  
unit of government; 753

(8) Effectively manage the work force; 754

(9) Take actions to carry out the mission of the public 755  
employer as a governmental unit. 756

The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement.

(D) (1) A public employer shall assure that all of the following occur in preparation for negotiating a collective bargaining agreement, if applicable:

(a) That compensation for positions in the classified civil service and unclassified civil service bear reasonable relationship to one another;

(b) That compensation for positions bears a reasonable relationship to similar positions outside of that particular public employer;

(c) That compensation for positions within the public employer's workforce bears a reasonable relationship among various classes and among various levels within the same occupation group.

(2) As used in division (D) (1) of this section, "reasonable relationship" has the same meaning as in section 142.03 of the Revised Code.

**Sec. 4117.141.** (A) As used in this section, "balanced class" has the same meaning as in section 142.01 of the Revised Code.

(B) A fact-finding panel or a conciliator appointed under section 4117.14 of the Revised Code shall consider all of the

following in any settlement of a dispute involving a class other 786  
than a balanced class under Chapter 142. of the Revised Code; 787

(1) The equitable compensation relationship standards 788  
established in section 142.02 of the Revised Code; 789

(2) The reasonable compensation relationships established 790  
under section 142.03 of the Revised Code; 791

(3) The results of a job evaluation system conducted under 792  
section 142.04 of the Revised Code; 793

(4) Any employee objections to the job evaluation system. 794

(C) In settlements of disputes involving a balanced class, 795  
the fact-finding panel or conciliator shall consider similar 796  
classifications of other public employers. The fact-finding 797  
panel or conciliator also may consider the standards established 798  
under section 142.02 of the Revised Code and the results of, and 799  
any employee objections to, a job evaluation system conducted 800  
under section 142.04 of the Revised Code. 801

(D) In collective bargaining involving a balanced class, 802  
the parties shall consider similar classifications of other 803  
public employers. The parties also may consider the equitable 804  
compensation relationship standards established under section 805  
142.02 of the Revised Code and the results of a job evaluation 806  
system conducted under section 142.04 of the Revised Code. 807

**Section 2.** That existing sections 4112.04 and 4117.08 of 808  
the Revised Code are hereby repealed. 809

**Section 3.** This act shall be known as the "Ohio Equal Pay 810  
Act." 811

**Section 4.** Section 4112.04 of the Revised Code is 812  
presented in this act as a composite of the section as amended 813

by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 814  
Sub. H.B. 1 of the 128th General Assembly. The General Assembly, 815  
applying the principle stated in division (B) of section 1.52 of 816  
the Revised Code that amendments are to be harmonized if 817  
reasonably capable of simultaneous operation, finds that the 818  
composite is the resulting version of the section in effect 819  
prior to the effective date of the section as presented in this 820  
act. 821