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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 541  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. McNally and Dell'Aquila

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### SUMMARY

- Subjects an employer to a fine of \$50,000 for knowingly violating any of the continuing law restrictions related to the hours a minor may be employed.
- Requires a school employee to report to the school's principal or a designee when the employee is aware or has a reasonable suspicion a student under age 16 is employed in a manner that violates continuing law restrictions related to the hours a minor may be employed.
- Establishes the Minor Labor Law Enforcement Fund to be used by the Director of Commerce to administer and enforce Ohio's Minor Labor Law.
- Appropriates \$150,000 to the fund in FYs 2024 and 2025 for the purpose of hiring enforcement staff.

### DETAILED ANALYSIS

#### Knowing violations of restrictions on the employment of minors

The bill requires an employer be fined \$50,000 for each knowing violation of continuing law restrictions related to the hours a minor may be employed. Under those restrictions, an employer may not do any of the following:

- Employ a person under age 16:
  - During school hours unless an exception applies (exceptions include when the employment is incidental to a bona fide work-oriented program intended to educate students that meets Department of Education and Workforce standards);
  - Before 7:00 a.m.;
  - After 9:00 p.m. between June 1 and September 1 or during any school holiday of five school days or more or after 7:00 p.m. during any other time;

- For more than three hours a day in any school day or more than eight hours in any day that is not a school day;
- For more than 18 hours in any week while school is in session or more than 40 hours in any week while school is not in session (unless the employment is incidental to a bona fide work-oriented program intended to educate students that meets with Department standards);
- Employ a 16- or 17-year old who must attend school before 7:00 a.m. on any day that school is in session (the 16- or 17-year old may begin work after 6:00 a.m. if the 16- or 17-year old did not work after 8:00 p.m. the previous night);
- Employ a 16- or 17-year old who must attend school on a night that precedes a school day after 11:00 p.m.;
- Employ any minor for more than five consecutive hours without allowing the minor a 30-minute rest period.

Currently, an employer that recklessly employs a minor in a manner that violates any of the prohibitions above except regarding employee breaks is guilty of a minor misdemeanor on a first offense and a third degree misdemeanor for each subsequent offense. If an employer recklessly violates the prohibition regarding employee breaks, the employer is guilty of a minor misdemeanor.<sup>1</sup>

The bill specifies the \$50,000 fine for a knowing violation is in addition to any penalty applicable under current law.<sup>2</sup>

## **Reporting violations of minor labor laws**

Under the bill, a school employee must immediately report to the school's principal or the principal's designee when the employee is aware or has a reasonable suspicion based on specific facts that a person under age 16 who attends the school is employed in a manner that violates the conditions described above related to the hours a minor may be employed. The principal or the designee must report the knowledge or suspicion to the Director of Commerce, who enforces Ohio's Minor Labor Law.

For purposes of the bill, "school employee" means either of the following:

- Any person employed by a school district or the governing authority of a chartered nonpublic school;
- A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a school district or a chartered nonpublic school.<sup>3</sup>

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<sup>1</sup> R.C. 4109.99(G)(1), by reference to R.C. 4109.07, not in the bill.

<sup>2</sup> R.C. 4109.99(A), (C), and (G)(2).

<sup>3</sup> R.C. 4109.08(E) by reference to R.C. 3313.7112, not in the bill.

## Minor Labor Law Enforcement Fund

The bill creates the Minor Labor Law Enforcement Fund in the state treasury. The \$50,000 fines for knowing violations of the restrictions on hours a minor may be employed must be deposited in the fund. The Director must use the fund to administer and enforce the Minor Labor Law. Under continuing law, all other fines collected for violations of the Minor Labor Law are paid to the school districts where the violations occurred.<sup>4</sup>

The bill appropriates \$150,000 in FYs 2024 and 2025 to the fund for the purpose of hiring enforcement staff.<sup>5</sup>

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### HISTORY

Action	Date
Introduced	05-15-24

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<sup>4</sup> R.C. 4109.13(F).

<sup>5</sup> Sections 3 to 5.