



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Paul Luzzi

### **H.B. 542**

132nd General Assembly  
(As Introduced)

**Reps.** Kelly, Howse, Henne, Riedel, Ramos, Antonio, Ashford, Seitz, Ingram, Boggs, Arndt, K. Smith, Lepore-Hagan, Boccieri, Strahorn, Sykes, West, Brown

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### **BILL SUMMARY**

- Requires an employer, on the employer's regular paydays, to provide each of the employer's employees with a statement or access to a statement of the employee's earnings and deductions for the pay period.
  - Requires an employer who does not provide the statement or access to the statement at the time required under the bill to provide the statement not later than ten days after receiving an employee's request for the statement.
  - Permits an employee who does not receive the requested statement within ten days of requesting it to report the violation to the Director of Commerce, who must notify the employer in writing of the violation.
  - Requires, if an employer receives a notice from the Director, the employer to post the notice or a copy of the notice in a conspicuous place on the employer's premises for ten days.
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### **CONTENT AND OPERATION**

#### **Statement of earnings and deductions**

The bill requires an employer to provide each of the employer's employees with a written or electronic statement or access to a statement of the employee's earnings and deductions for each pay period on the employer's regular paydays. An employer must include all of the following information in the statement:

- (1) The employee's name and address;

- (2) The employer's name;
- (3) The total number of hours the employee worked each workweek covered in the pay period;
- (4) The employee's regular hourly wage rate and the employee's hourly wage rate for any hours worked in excess of 40 hours in one workweek ("overtime wage rate");
- (5) The total gross wages earned by the employee during the pay period;
- (6) The total net wages paid to the employee for the pay period;
- (7) A listing of the amount and purpose of each addition to or deduction from the wages paid to the employee during the pay period;
- (8) The date the employee was paid and the pay period covered by that payment.<sup>1</sup>

Under the bill, an employer is not required to include an employee's overtime wage rate in the statement if the employee is exempt from the overtime requirements of the federal Fair Labor Standards Act<sup>2</sup> (FLSA) or the overtime requirements of Ohio Minimum Fair Wage Standards Law<sup>3</sup> (MFWSL), or if the employee is granted compensatory time off for hours worked in excess of 40 hours in a workweek.<sup>4</sup>

The FLSA and the MFWSL exempt several categories of employees from their overtime requirements. Some examples of employees who are exempt from FLSA and MFWSL overtime requirements include bona fide executive, administrative, or professional employees and outside salespersons.<sup>5</sup>

### **Request for statement and notice of violation**

An employee who does not receive the statement or access to the statement at the time required under the bill must make a written request to the employee's employer to receive the statement. The employer must provide the employee with the statement not

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<sup>1</sup> R.C. 4113.14(B).

<sup>2</sup> 29 United States Code (U.S.C.) 201 et seq.

<sup>3</sup> R.C. Chapter 4111.

<sup>4</sup> R.C. 4113.14(C).

<sup>5</sup> See 29 U.S.C. 213 and R.C. 4111.03(D)(3), not in the bill.



later than ten days after receiving the request. If an employee does not receive the requested statement within the ten-day period, the employee may submit a report of the violation to the Director of Commerce. If, on receiving the report, the Director determines that there are reasonable grounds to believe that an employer violated the bill, the Director must issue a written notice to the employer. On receiving the notice, the employer must immediately post the notice or a copy in a conspicuous place on the employer's premises. The employer must keep the notice posted for ten days.<sup>6</sup>

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## HISTORY

ACTION	DATE
Introduced	03-06-18

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<sup>6</sup> R.C. 4113.14(D).

