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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 243  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for S.B. 243's Bill Analysis](#)

**Version:** As Introduced

**Primary Sponsors:** Sens. Brenner and Peterson

**Local Impact Statement Procedure Required:** No

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### Highlights

- The provisions of the bill do not appear to have any fiscal impact on the state and political subdivisions based on current federal and state law and administrative policies governing work hours and compensation for state and local government employees.

### Detailed Analysis

The bill appears to have no direct fiscal effect on the state or local political subdivisions, largely because of the way it interacts with the federal Fair Labor Standards Act (FLSA) and current administrative policies at the state and local level. The bill exempts an employer from Ohio's requirement to pay overtime wages to an employee for any time an employee spends (1) traveling to or from the employee's primary work location where the employee performs the principal activity the employee is employed to perform, and (2) performing tasks that are preliminary or postliminary (such as checking assignments, schedules, and voice messages or emails, and so forth). Exceptions under the bill include when an employee performs the task during the regular work day or during prescribed hours and when the employee performs the task at the employer's specific direction.

Currently, Ohio's Overtime Law requires an employer to pay an employee overtime pay of one and a half times the employee's regular hourly wage rate for hours worked in excess of 40 hours in a seven-day workweek under the FLSA. The federal Portal-to-Portal Act of 1947 includes an exemption to the FLSA that is similar to the exemption under S.B. 243. Additionally, under current law, employees of the state or employees of state-supported colleges or universities are not authorized for overtime pay unless approved by the administrative authority which employs

them.<sup>1</sup> On the local level, for example, the city of Columbus has a policy to avoid overtime work except upon emergency conditions as determined by the appointing authority or its designee, and overtime needs to be expressly approved.<sup>2</sup>

SB0243IN/lb

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<sup>1</sup> R.C. 124.18(A) and DAS Directive on Overtime Compensation: [https://das.ohio.gov/Portals/0/DAS Divisions/DirectorsOffice/pdf/policies/humanresources/HR-D-06.pdf](https://das.ohio.gov/Portals/0/DAS%20Divisions/DirectorsOffice/pdf/policies/humanresources/HR-D-06.pdf).

<sup>2</sup> City of Columbus Management Compensation Plan, posted on city of Columbus website at: <https://www.columbus.gov/WorkArea/DownloadAsset.aspx?id=66622>.