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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 Reported by Senate Transportation, Commerce & Workforce

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

**Local Impact Statement Procedure Required:** No

Shannon Pleiman, Senior Budget Analyst

### **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.

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,

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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>.

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>

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<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>.