



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Paul Luzzi

H.B. 576

132nd General Assembly
(As Introduced)

Reps. Kelly, Leland, Ashford, Sheehy, Kent, Howse, Lepore-Hagan, Antonio, West, Ramos, Clyde, Sykes

BILL SUMMARY

- Increases the basic state minimum wage to \$12.00 per hour beginning January 1, 2019.
 - Increases the state hourly minimum wage rate by \$.50 each year beginning January 1, 2020 and ending January 1, 2025.
 - Increases the state hourly minimum wage rate for tipped employees by \$.25 each year from January 1, 2020 to January 1, 2025.
 - Requires, beginning January 1, 2026, the minimum wage rates to be adjusted annually based on the Consumer Price Index, in accordance with Ohio's constitutional minimum wage requirements.
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CONTENT AND OPERATION

State minimum wage for nontipped employees

The bill raises the state minimum wage rate to \$12.00 per hour beginning January 1, 2019. It also increases the hourly minimum wage by \$.50 each year beginning January 1, 2020 and ending January 1, 2025. The following table identifies the minimum wage an employee who does not receive tips must be paid during the listed year under the bill:¹

¹ R.C. 4111.02(A)(1).

Year	Hourly wage rate (nontipped employee)
2019	\$12.00
2020	\$12.50
2021	\$13.00
2022	\$13.50
2023	\$14.00
2024	\$14.50
2025	\$15.00

Under current law, the basic state minimum wage is \$8.30 per hour. The basic state minimum wage is currently set pursuant to the Minimum Wage Amendment of the Ohio Constitution (MWA). The MWA requires the basic state minimum wage to be increased annually according to the Consumer Price Index or its successor index for all urban wage earners and clerical workers for all items as calculated by the federal government, rounded to the nearest five cents. However, the MWA allows laws to be passed that set the state minimum wage at a rate higher than the rate calculated pursuant to the MWA.² The bill establishes scheduled increases in the minimum wage rate and, beginning January 1, 2026, reapplies the annual recalculation requirement.³

The bill applies the minimum wage rates listed above to employees who are under 16 years of age or who are employed by a business with gross annual receipts of \$305,000 or less in the preceding calendar year, adjusted annually based upon the Consumer Price Index. Currently, pursuant to MWA, these employees must be paid at least the federal minimum wage rate, which is \$7.25 per hour.⁴

State minimum wage for tipped employees

Under continuing law, tipped employees may be paid less than, but not less than half, the basic state minimum wage rate if the employer is able to demonstrate that the employee receives tips that combined with the wages paid by the employer are equal to or greater than the state minimum wage rate for all hours worked. Because the bill raises the state minimum wage, the minimum wage for tipped employees (currently,

² Ohio Const., Art. II, Sec. 34a and Ohio Department of Commerce Division of Industrial Compliance, State of Ohio 2018 Minimum Wage, https://www.com.ohio.gov/documents/dico_2018MinimumWageposter.pdf (accessed June 2018).

³ R.C. 4111.02, with conforming changes in R.C. 4111.09 and 4111.14.

⁴ R.C. 4111.02; Ohio Const., Art. II, Sec. 34a; 29 United States Code (U.S.C.) 206; Ohio Department of Commerce Division of Industrial Compliance, State of Ohio 2018 Minimum Wage, https://www.com.ohio.gov/documents/dico_2018MinimumWageposter.pdf (accessed June 2018).



\$4.15 per hour) would also increase. The following table identifies the minimum wage a tipped employee must be paid during the listed year under the bill:⁵

Year	Hourly wage rate (tipped employee)
2019	\$6.00
2020	\$6.25
2021	\$6.50
2022	\$6.75
2023	\$7.00
2024	\$7.25
2025	\$7.50

Apprentices

The bill also eliminates the authority of the Director of Commerce to adopt rules permitting the employment of apprentices at a wage rate not less than 85% of the state minimum wage. The Director has not adopted these rules.⁶

Relationship between state and federal law

The federal Fair Labor Standards Act⁷ (FLSA) and Ohio's minimum wage laws both specify minimum wages that an employer must pay the employer's employees. An employer may be subject to one or both laws. The FLSA specifies that if an employer is subject to both laws, the employer is governed by the law that establishes the higher minimum wage, or, for purposes of determining overtime, the lower maximum workweek.⁸ Currently, Ohio has the same maximum workweek as specified in the FLSA (40 hours per week) but has a higher basic minimum wage (\$8.30 per hour) as compared to the basic minimum wage under the FLSA (\$7.25 per hour). Thus, employers subject to both laws pay the state rate under current law and under the bill.

⁵ R.C. 4111.02(A)(2); Ohio Const., Art. II, Sec. 34a; and Ohio Department of Commerce Division of Industrial Compliance, State of Ohio 2018 Minimum Wage, https://www.com.ohio.gov/documents/dico_2018MinimumWageposter.pdf (accessed June 2018).

⁶ R.C. 4111.07 (repealed).

⁷ 29 U.S.C. 201 *et seq.*

⁸ 29 U.S.C. 218.



HISTORY

ACTION

DATE

Introduced

03-28-18

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