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S.B. 251
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Schaffer and Maharath

Kelly Bomba, Attorney

SUMMARY

- Allows a 14- or 15-year-old to be employed between 7 p.m. and 9 p.m. at any time of the year if the minor has approval to do so from a parent or legal guardian.

DETAILED ANALYSIS

Hours of work for 14- and 15-year-olds

The bill allows a 14- or 15-year-old to be employed between 7 p.m. and 9 p.m. at any time during the year if the minor has approval to do so from the minor's parent or legal guardian.

Continuing law allows a 14- or 15-year-old to work between 7 a.m. and 9 p.m. between June 1 and September 1 or during any school holiday of five school days or more. However, current law generally prohibits a 14- or 15-year-old from being employed after 7 p.m. at any other time of the year. The bill retains this prohibition, but allows for the exception to work until 9 p.m. with permission as discussed above.¹

Under continuing law, the penalty for a violation related to the hours of work for 14- or 15- year olds is a minor misdemeanor on a first offense and a third degree misdemeanor on each subsequent offense.²

¹ R.C. 4109.07.

² R.C. 4109.99, not in the bill.

The bill does not change the limitation on hours of work for minors under age 16 who engage in door-to-door sales activity. Under continuing law, a minor under age 16 cannot work in any door-to-door sales activity before 7 a.m. or after 7 p.m.³

Interaction with federal law

The federal Fair Labor Standards Act⁴ (FLSA) generally prohibits a 14- or 15-year-old from working past 7 p.m. except during summer. However, a 14- or 15-year-old may work until 9 p.m. between June 1 and Labor Day.⁵

If an employer is subject to both the FLSA and a state law, whichever law is more protective of the minor prevails.⁶ Thus, if an employer is subject to both the FLSA and Ohio's Minor Labor Law as amended by the bill, it appears that the more protective FLSA would prevail regarding a 14- or 15-year-old working past 7 p.m. during the school year.

Continuing law applicable to other minors

Continuing law generally prohibits any person under 14 years of age from being employed.⁷ The work hours for a 16- or 17-year-old who must attend school is limited to between 7 a.m. and, on a night that precedes a school day, 11 p.m. However, the 16- or 17-year-old may begin work after 6 a.m. if the minor did not work after 8 p.m. the previous night.⁸

HISTORY

Action	Date
Introduced	10-05-21

S0251-I-134/ts

³ R.C. 4109.21, not in the bill.

⁴ 29 United States Code (U.S.C.) 201 *et seq.*

⁵ 29 Code of Federal Regulations (C.F.R.) 570.35.

⁶ 29 U.S.C. 218.

⁷ 29 U.S.C. 203(l), 29 C.F.R. 570.119, and R.C. 4109.05, not in the bill.

⁸ R.C. 4109.07, by reference to R.C. Chapter 3321.