

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 232**

**Representatives Howse, Miranda**

**Cosponsors: Representatives Boyd, Miller, J., Smith, K., West, Blackshear, Sobecki, Brown, Lightbody, Ingram, Leland, Galonski, O'Brien, Brent, Crawley, Sykes, Robinson, Sweeney, Boggs, Denson, Jarrells, Upchurch, Skindell, Crossman, Smith, M., Miller, A., Liston, Russo, Kelly, Weinstein, Hicks-Hudson, Lepore-Hagan, Sheehy**

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**A BILL**

To amend sections 4112.04 and 4117.08 and to enact  
sections 142.01, 142.02, 142.03, 142.04, 142.05,  
142.06, 142.07, 142.08, 142.09, 142.10, 4113.12,  
4113.42, 4117.141, 4145.01, 4145.02, 4145.03,  
4145.04, 4145.05, 4145.06, 4145.07, 4145.08, and  
4145.09 of the Revised Code to enact the Ohio  
Equal Pay Act to address wage disparities in  
public and private employment.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 4112.04 and 4117.08 be amended  
and sections 142.01, 142.02, 142.03, 142.04, 142.05, 142.06,  
142.07, 142.08, 142.09, 142.10, 4113.12, 4113.42, 4117.141,  
4145.01, 4145.02, 4145.03, 4145.04, 4145.05, 4145.06, 4145.07,  
4145.08, and 4145.09 of the Revised Code be enacted to read as  
follows:

**Sec. 142.01.** As used in this chapter:

<u>(A) "Balanced class" means any class in which both of the</u>	16
<u>following conditions apply:</u>	17
<u>(1) Not more than eighty per cent of the members are male.</u>	18
<u>(2) Not more than seventy per cent of the members are</u>	19
<u>female.</u>	20
<u>(B) "Comparable work value" means the value of work</u>	21
<u>measured by skill, effort, responsibility, and working</u>	22
<u>conditions normally required in the performance of the work.</u>	23
<u>(C) "Class" means one or more positions in public</u>	24
<u>employment that have similar duties, responsibilities, and</u>	25
<u>general qualifications necessary to perform the duties, with</u>	26
<u>comparable selection procedures used to recruit employees, and</u>	27
<u>use of the same compensation schedule.</u>	28
<u>(D) "Equitable compensation relationship" means that the</u>	29
<u>compensation for female-dominated classes is not consistently</u>	30
<u>below the compensation for male-dominated classes of comparable</u>	31
<u>work value, as determined under section 142.04 of the Revised</u>	32
<u>Code, for each public employer.</u>	33
<u>(E) "Exclusive representative" has the same meaning as in</u>	34
<u>section 4117.01 of the Revised Code.</u>	35
<u>(F) "Female-dominated class" means any class in which</u>	36
<u>seventy per cent or more of the members are female.</u>	37
<u>(G) "Male-dominated class" means any class in which eighty</u>	38
<u>per cent or more of the members are male.</u>	39
<u>(H) "Position" means a group of current duties and</u>	40
<u>responsibilities assigned or delegated by a supervisor to an</u>	41
<u>employee.</u>	42

(I) "Political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state. 43  
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(J) "Public employer" means either of the following: 47

(1) A state agency; 48

(2) A political subdivision. 49

(K) "State agency" means any organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of any function of state government. 50  
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**Sec. 142.02.** Subject to Chapter 4117. and sections 4115.03 to 4115.21 and 4115.99 of the Revised Code, but notwithstanding any other law to the contrary, every public employer shall establish equitable compensation relationships between female-dominated, male-dominated, and balanced classes of employees to eliminate sex-based wage disparities in public employment in this state. A public employer shall make the comparable work value of a position in relationship to other employee positions a primary consideration in negotiating, establishing, recommending, and approving compensation. 53  
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Nothing in this chapter limits the ability of the parties to collectively bargain in good faith. 63  
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**Sec. 142.03.** (A) The director of administrative services, in establishing the job classification plan and assigning pay ranges pursuant to section 124.14 of the Revised Code, and any other public employer with the authority to determine compensation for the employees of the public employer, shall assure all of the following, as applicable: 65  
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(1) That compensation for positions in the classified 71  
civil service and unclassified civil service bear reasonable 72  
relationship to one another; 73

(2) That compensation for positions bears a reasonable 74  
relationship to similar positions outside of that particular 75  
public employer; 76

(3) That compensation for positions within the public 77  
employer's workforce bears a reasonable relationship among 78  
various classes and among various levels within the same 79  
occupation group. 80

(B) For purposes of division (A) of this section, 81  
compensation for a position bears a "reasonable relationship" to 82  
another position if both of the following conditions are 83  
satisfied: 84

(1) Compensation for positions that require comparable 85  
skill, effort, responsibility, working conditions, and other 86  
relevant work-related criteria is comparable. 87

(2) Compensation for positions that require differing 88  
skill, effort, responsibility, working conditions, and other 89  
relevant work-related criteria is proportional to the skill, 90  
effort, responsibility, working conditions, and other relevant 91  
work-related criteria required. 92

**Sec. 142.04.** (A) Every public employer shall establish a 93  
job evaluation system and use that system to determine the 94  
comparable work value of the work performed by each class of the 95  
public employer's employees. A public employer may adopt the job 96  
evaluation system established by any other public employer. 97

A public employer shall meet and confer with the exclusive 98  
representative of the public employer's employees on the 99

development or selection of a job evaluation system. 100

(B) (1) A public employer shall maintain and update a job 101  
evaluation system established by the public employer to account 102  
for both of the following: 103

(a) New employee classes; 104

(b) Changes in factors affecting the comparable work value 105  
of existing classes. 106

(2) A public employer that substantially modifies the 107  
public employer's job evaluation system or adopts a new job 108  
evaluation system shall notify the director of budget and 109  
management. 110

**Sec. 142.05.** Every public employer shall submit a report 111  
containing the results of the job evaluation system conducted 112  
under section 142.04 of the Revised Code to the exclusive 113  
representative selected by the public employer's employees under 114  
section 4117.05 of the Revised Code to be used by both parties 115  
in negotiations for collective bargaining agreements. The report 116  
shall contain the following information: 117

(A) The female-dominated classes of a public employer for 118  
which compensation inequity exists, based on the comparable work 119  
value; 120

(B) All data not on individuals used to support the 121  
findings in division (A) of this section. 122

**Sec. 142.06.** (A) (1) Each public employer shall submit an 123  
implementation report to the director of budget and management 124  
that contains all of the following information, as of the 125  
thirty-first day of December of the preceding year: 126

(a) A list of all job classes of the public employer; 127

<u>(b) The number of employees in each class listed in</u>	128
<u>division (A) (1) (a) of this section;</u>	129
<u>(c) The number of female employees in each class listed in</u>	130
<u>division (A) (1) (a) of this section;</u>	131
<u>(d) An identification of each class listed in division (A)</u>	132
<u>(1) (a) of this section as male-dominated, female-dominated, or</u>	133
<u>balanced;</u>	134
<u>(e) The comparable work value of each class listed in</u>	135
<u>division (A) (1) (a) of this section as determined by the job</u>	136
<u>evaluation system used by the public employer under section</u>	137
<u>142.04 of the Revised Code;</u>	138
<u>(f) The minimum and maximum salary for each class listed</u>	139
<u>in division (A) (1) (a) of this section, if salary ranges have</u>	140
<u>been established, and the amount of time in employment required</u>	141
<u>to qualify for the maximum salary;</u>	142
<u>(g) Any additional cash compensation paid to members of a</u>	143
<u>class listed in division (A) (1) (a) of this section;</u>	144
<u>(h) Any additional information requested by the director.</u>	145
<u>(2) The director shall adopt rules in accordance with</u>	146
<u>Chapter 119. of the Revised Code to establish a schedule to</u>	147
<u>stagger the submission of the implementation reports required by</u>	148
<u>division (A) (1) of this section. Each public employer shall</u>	149
<u>submit a report every three years, with the first set of reports</u>	150
<u>due to the director not later than the thirty-first day of</u>	151
<u>January immediately following the effective date of this</u>	152
<u>section.</u>	153
<u>(B) A state agency that fails to submit an implementation</u>	154
<u>report is subject to the penalty described in section 142.07 of</u>	155

the Revised Code. 156

Sec. 142.07. (A) The director of budget and management 157  
shall review the implementation reports the director receives 158  
under section 142.06 of the Revised Code to determine whether a 159  
public employer has established equitable compensation 160  
relationships as required under section 142.02 of the Revised 161  
Code. The director shall notify a public employer in writing if 162  
the director determines that the public employer has complied 163  
with the requirement of that section. 164

(B) If the director finds that a public employer did not 165  
comply with that section, the director shall issue a statement 166  
to the public employer in writing containing the following 167  
information: 168

(1) A detailed description of the basis of the finding of 169  
noncompliance; 170

(2) Specific recommended actions the public employer is 171  
required to take to comply with that section; 172

(3) An estimate of the cost to the public employer to 173  
comply with that section. 174

(C) (1) A public employer shall notify the director in 175  
writing of a disagreement with a finding of the director under 176  
division (B) of this section. The director shall provide the 177  
public employer a specified time period in which to submit 178  
additional evidence to support the employer's claim of 179  
compliance with the requirements of section 142.02 of the 180  
Revised Code. That evidence may include any of the following: 181

(a) Recruitment difficulties; 182

(b) Retention difficulties; 183

(c) Recent conciliation awards made under section 4117.14 184  
of the Revised Code that are inconsistent with equitable 185  
compensation relationships under section 142.02 of the Revised 186  
Code; 187

(d) Information that demonstrates that the employer made a 188  
good faith effort to comply with section 142.02 of the Revised 189  
Code, including constraints faced by the employer; 190

(e) A plan for the employer to comply with that section. 191

(2) The public employer shall specify with the evidence a 192  
date for additional review by the director. 193

(D)(1) If a state agency does not make changes to comply 194  
with the requirements of section 142.02 of the Revised Code 195  
within a reasonable time period established by the director, the 196  
director shall assess a fine of one hundred dollars for each day 197  
the state agency remains noncompliant. The penalty remains in 198  
effect until the state agency demonstrates that the state agency 199  
has complied with section 142.02 of the Revised Code. 200

(2) The director may suspend the penalty imposed on a 201  
state agency under division (D)(1) of this section for any of 202  
the following reasons: 203

(a) The state agency's failure to comply was attributable 204  
to circumstances beyond the control of the state agency. 205

(b) The state agency's failure to comply was attributable 206  
to severe hardship of the state agency. 207

(c) The noncompliance is a result of factors unrelated to 208  
the sex of the members of the affected classes, and the state 209  
agency is taking steps to comply with the requirements of 210  
section 142.02 of the Revised Code to the extent possible. 211



(E) A state agency may appeal a penalty imposed under 212  
division (D) (1) of this section to the director within thirty 213  
days after the director assesses the penalty. The director shall 214  
not impose the penalty on a state agency while an appeal is 215  
pending. 216

**Sec. 142.08.** On or before the first day of January 217  
immediately following the effective date of this section, and on 218  
or before the first day of January thereafter, the director of 219  
budget and management shall submit a results-based 220  
accountability report on the status of compliance of public 221  
employers with section 142.02 of the Revised Code to the general 222  
assembly. The report shall contain all of the following 223  
information: 224

(A) A list of the public employers in compliance with the 225  
requirements of section 142.02 of the Revised Code; 226

(B) The estimated cost of each public employer to be 227  
compliant with those requirements; 228

(C) A list of the public employers the director found to 229  
be not in compliance with section 142.02 of the Revised Code; 230

(D) The basis for the director's finding in division (C) 231  
of this section; 232

(E) The list of recommended changes the public employers 233  
listed in division (C) of this section must make to comply with 234  
section 142.02 of the Revised Code; 235

(F) The estimated cost for each public employer to become 236  
compliant with section 142.02 of the Revised Code; 237

(G) A list of the public employers who did not comply with 238  
the reporting requirements in section 142.06 of the Revised 239

<u>Code;</u>	240
<u>(H) The number of female employees in each public</u>	241
<u>employer's job class listed in division (A)(1)(a) of section</u>	242
<u>142.06 of the Revised Code;</u>	243
<u>(I) Any additional information the director determines the</u>	244
<u>general assembly needs to know from a public employer.</u>	245
<b>Sec. 142.09.</b> <u>Notwithstanding division (A) of section</u>	246
<u>4117.11 of the Revised Code, it is not an unfair labor practice</u>	247
<u>for a public employer to specify an amount of funds to be used</u>	248
<u>solely to correct inequitable compensation relationships.</u>	249
<u>This chapter does not diminish the duty of a public</u>	250
<u>employer to bargain in good faith under Chapter 4117. of the</u>	251
<u>Revised Code.</u>	252
<b>Sec. 142.10.</b> <u>The Ohio civil rights commission or any court</u>	253
<u>of this state may use either of the following as evidence in any</u>	254
<u>proceeding or action alleging that an unlawful discriminatory</u>	255
<u>practice, as defined in section 4112.01 of the Revised Code, has</u>	256
<u>been committed:</u>	257
<u>(A) The results of any job evaluation system established</u>	258
<u>under section 142.04 of the Revised Code;</u>	259
<u>(B) A report compiled by a public employer under section</u>	260
<u>142.05 of the Revised Code.</u>	261
<b>Sec. 4112.04.</b> (A) The commission shall do all of the	262
following:	263
(1) Establish and maintain a principal office in the city	264
of Columbus and any other offices within the state that it	265
considers necessary;	266

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.	267 268 269 270
(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;	271 272 273
(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;	274 275 276
(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;	277 278 279
(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;	280 281
(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military status, familial status, national origin, disability, age, or ancestry on the enjoyment of civil rights by persons within the state;	282 283 284 285 286
(8) Report, from time to time, but not less than once a year, to the general assembly and the governor, describing in detail the investigations, proceedings, and hearings it has conducted and their outcome, the decisions it has rendered, and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to division (A) (7) of this section and shall include the recommendations of the commission as to legislative or other remedial action;	287 288 289 290 291 292 293 294
(9) Prepare a comprehensive educational program, in	295

cooperation with the department of education, for the students 296  
of the public schools of this state and for all other residents 297  
of this state that is designed to eliminate prejudice on the 298  
basis of race, color, religion, sex, military status, familial 299  
status, national origin, disability, age, or ancestry in this 300  
state, to further good will among those groups, and to emphasize 301  
the origin of prejudice against those groups, its harmful 302  
effects, and its incompatibility with American principles of 303  
equality and fair play; 304

(10) Receive progress reports from agencies, 305  
instrumentalities, institutions, boards, commissions, and other 306  
entities of this state or any of its political subdivisions and 307  
their agencies, instrumentalities, institutions, boards, 308  
commissions, and other entities regarding affirmative action 309  
programs for the employment of persons against whom 310  
discrimination is prohibited by this chapter, or regarding any 311  
affirmative housing accommodations programs developed to 312  
eliminate or reduce an imbalance of race, color, religion, sex, 313  
military status, familial status, national origin, disability, 314  
or ancestry. All agencies, instrumentalities, institutions, 315  
boards, commissions, and other entities of this state or its 316  
political subdivisions, and all political subdivisions, that 317  
have undertaken affirmative action programs pursuant to a 318  
conciliation agreement with the commission, an executive order 319  
of the governor, any federal statute or rule, or an executive 320  
order of the president of the United States shall file progress 321  
reports with the commission annually on or before the first day 322  
of November. The commission shall analyze and evaluate the 323  
progress reports and report its findings annually to the general 324  
assembly on or before the thirtieth day of January of the year 325  
immediately following the receipt of the reports. 326

(11) Notify a person who files a charge pursuant to 327  
section 4112.051 of the Revised Code that under division (A) of 328  
section 4112.052 of the Revised Code, the person is prohibited 329  
from bringing a civil action under this chapter unless one of 330  
the following applies: 331

(a) The conditions stated in division (B)(1) of section 332  
4112.052 of the Revised Code are satisfied; 333

(b) An exception specified in division (B)(2) of section 334  
4112.052 of the Revised Code applies. 335

(12) Comply with divisions (D) to (G) of section 4113.12 336  
of the Revised Code. 337

(B) The commission may do any of the following: 338

(1) Meet and function at any place within the state; 339

(2) Initiate and undertake on its own motion 340  
investigations of problems of employment or housing 341  
accommodations discrimination; 342

(3) Hold hearings, subpoena witnesses, compel their 343  
attendance, administer oaths, take the testimony of any person 344  
under oath, require the production for examination of any books 345  
and papers relating to any matter under investigation or in 346  
question before the commission, and make rules as to the 347  
issuance of subpoenas by individual commissioners. 348

(a) In conducting a hearing or investigation, the 349  
commission shall have access at all reasonable times to 350  
premises, records, documents, individuals, and other evidence or 351  
possible sources of evidence and may examine, record, and copy 352  
the premises, records, documents, and other evidence or possible 353  
sources of evidence and take and record the testimony or 354

statements of the individuals as reasonably necessary for the 355  
furtherance of the hearing or investigation. In investigations, 356  
the commission shall comply with the fourth amendment to the 357  
United States Constitution relating to unreasonable searches and 358  
seizures. The commission or a member of the commission may issue 359  
subpoenas to compel access to or the production of premises, 360  
records, documents, and other evidence or possible sources of 361  
evidence or the appearance of individuals, and may issue 362  
interrogatories to a respondent, to the same extent and subject 363  
to the same limitations as would apply if the subpoenas or 364  
interrogatories were issued or served in aid of a civil action 365  
in a court of common pleas. 366

(b) Upon written application by a party to a hearing under 367  
division (B) of section 4112.05 or division (G) of section 368  
4112.051 of the Revised Code, the commission shall issue 369  
subpoenas in its name to the same extent and subject to the same 370  
limitations as subpoenas issued by the commission. Subpoenas 371  
issued at the request of a party shall show on their face the 372  
name and address of the party and shall state that they were 373  
issued at the party's request. 374

(c) Witnesses summoned by subpoena of the commission are 375  
entitled to the witness and mileage fees provided for under 376  
section 119.094 of the Revised Code. 377

(d) Within five days after service of a subpoena upon any 378  
person, the person may petition the commission to revoke or 379  
modify the subpoena. The commission shall grant the petition if 380  
it finds that the subpoena requires an appearance or attendance 381  
at an unreasonable time or place, that it requires production of 382  
evidence that does not relate to any matter before the 383  
commission, that it does not describe with sufficient 384

particularity the evidence to be produced, that compliance would 385  
be unduly onerous, or for other good reason. 386

(e) In case of contumacy or refusal to obey a subpoena, 387  
the commission or person at whose request it was issued may 388  
petition for its enforcement in the court of common pleas in the 389  
county in which the person to whom the subpoena was addressed 390  
resides, was served, or transacts business. 391

(4) Create local or statewide advisory agencies and 392  
conciliation councils to aid in effectuating the purposes of 393  
this chapter. The commission may itself, or it may empower these 394  
agencies and councils to, do either or both of the following: 395

(a) Study the problems of discrimination in all or 396  
specific fields of human relationships when based on race, 397  
color, religion, sex, military status, familial status, national 398  
origin, disability, age, or ancestry; 399

(b) Foster through community effort, or otherwise, good 400  
will among the groups and elements of the population of the 401  
state. 402

The agencies and councils may make recommendations to the 403  
commission for the development of policies and procedures in 404  
general. They shall be composed of representative citizens who 405  
shall serve without pay, except that reimbursement for actual 406  
and necessary traveling expenses shall be made to citizens who 407  
serve on a statewide agency or council. 408

(5) Issue any publications and the results of 409  
investigations and research that in its judgment will tend to 410  
promote good will and minimize or eliminate discrimination 411  
because of race, color, religion, sex, military status, familial 412  
status, national origin, disability, age, or ancestry. 413

Sec. 4113.12. (A) As used in this section, "employer" has 414  
the same meaning as in section 4112.01 of the Revised Code. 415

(B) Except as provided in division (C) of this section, no 416  
employer shall do either of the following: 417

(1) Request information regarding or seek a prospective 418  
employee's wage or salary history from the prospective employee 419  
or the prospective employee's current or former employer; 420

(2) Require that a prospective employee's prior wage or 421  
salary history satisfy certain criteria. 422

(C) An employer may request information regarding, seek, 423  
or confirm a prospective employee's wage or salary history under 424  
either of the following circumstances: 425

(1) The prospective employee has voluntarily disclosed to 426  
the employer the prospective employee's wage or salary history. 427

(2) The employer has made an offer of employment with 428  
compensation to the prospective employee. 429

(D) A prospective employee who has reasonable cause to 430  
believe an employer has violated this section may file a written 431  
complaint with the Ohio civil rights commission. On receiving a 432  
complaint, the commission may investigate an employer to 433  
determine whether it is probable that the employer has violated 434  
this section. If after an investigation the commission 435  
determines it is probable that the employer has violated this 436  
section, the commission shall proceed in accordance with the 437  
notice and hearing requirements prescribed in Chapter 119. of 438  
the Revised Code. 439

After a hearing conducted under Chapter 119. of the 440  
Revised Code, if the commission determines that the employer has 441



violated this section, it shall order the offending employer to 442  
complete successfully a remedial training course conducted by 443  
the commission to educate the employer on appropriate hiring 444  
practices in accordance with this section. The employer shall 445  
complete the course not later than six months after the date on 446  
which the employer receives the order. 447

(E) If an offending employer fails to successfully 448  
complete the remedial training course within the time period 449  
specified in division (D) of this section, or if the commission 450  
determines it is probable after an investigation that an 451  
offending employer has committed a second or subsequent 452  
violation of this section within two years after a first 453  
violation, the commission may refer the matter to the attorney 454  
general for commencement of a civil action in a court of common 455  
pleas. The attorney general may seek any relief the attorney 456  
general considers necessary to enforce this section and costs. 457

(F) The commission shall adopt rules, in accordance with 458  
Chapter 119. of the Revised Code, to develop and administer the 459  
remedial training course conducted under division (D) of this 460  
section. The commission shall maintain indefinitely a list of 461  
offending employers that have successfully completed the course. 462

(G) The decision and order of the commission is final, 463  
subject to review in the manner provided in Chapter 119. of the 464  
Revised Code and appeal to the court of common pleas of Franklin 465  
county. 466

**Sec. 4113.42.** As used in this section, "employee" and 467  
"employer" have the same meanings as in section 4113.51 of the 468  
Revised Code. 469

No employer shall discharge or otherwise retaliate against 470

an employee because the employee has discussed the employee's 471  
salary or wage rate with another employee. 472

**Sec. 4117.08.** (A) All matters pertaining to wages, hours, 473  
or terms and other conditions of employment and the 474  
continuation, modification, or deletion of an existing provision 475  
of a collective bargaining agreement are subject to collective 476  
bargaining between the public employer and the exclusive 477  
representative, except as otherwise specified in this section 478  
and division (E) of section 4117.03 of the Revised Code. 479

(B) The conduct and grading of civil service examinations, 480  
the rating of candidates, the establishment of eligible lists 481  
from the examinations, and the original appointments from the 482  
eligible lists are not appropriate subjects for collective 483  
bargaining. 484

(C) Unless a public employer agrees otherwise in a 485  
collective bargaining agreement, nothing in Chapter 4117. of the 486  
Revised Code impairs the right and responsibility of each public 487  
employer to: 488

(1) Determine matters of inherent managerial policy which 489  
include, but are not limited to, areas of discretion or policy 490  
such as the functions and programs of the public employer, 491  
standards of services, its overall budget, utilization of 492  
technology, and organizational structure; 493

(2) Direct, supervise, evaluate, or hire employees; 494

(3) Maintain and improve the efficiency and effectiveness 495  
of governmental operations; 496

(4) Determine the overall methods, process, means, or 497  
personnel by which governmental operations are to be conducted; 498

(5) Suspend, discipline, demote, or discharge for just cause, or lay off, transfer, assign, schedule, promote, or retain employees; 499  
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(6) Determine the adequacy of the work force; 502

(7) Determine the overall mission of the employer as a unit of government; 503  
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(8) Effectively manage the work force; 505

(9) Take actions to carry out the mission of the public employer as a governmental unit. 506  
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The employer is not required to bargain on subjects reserved to the management and direction of the governmental unit except as affect wages, hours, terms and conditions of employment, and the continuation, modification, or deletion of an existing provision of a collective bargaining agreement. A public employee or exclusive representative may raise a legitimate complaint or file a grievance based on the collective bargaining agreement. 508  
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(D) (1) A public employer shall assure that all of the following occur in preparation for negotiating a collective bargaining agreement, if applicable: 516  
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(a) That compensation for positions in the classified civil service and unclassified civil service bear reasonable relationship to one another; 519  
520  
521

(b) That compensation for positions bears a reasonable relationship to similar positions outside of that particular public employer; 522  
523  
524

(c) That compensation for positions within the public employer's workforce bears a reasonable relationship among 525  
526

various classes and among various levels within the same 527  
occupation group. 528

(2) As used in division (D)(1) of this section, 529  
"reasonable relationship" has the same meaning as in section 530  
142.03 of the Revised Code. 531

**Sec. 4117.141.** (A) As used in this section, "balanced 532  
class" has the same meaning as in section 142.01 of the Revised 533  
Code. 534

(B) A fact-finding panel or a conciliator appointed under 535  
section 4117.14 of the Revised Code shall consider all of the 536  
following in any settlement of a dispute involving a class other 537  
than a balanced class under Chapter 142. of the Revised Code: 538

(1) The equitable compensation relationship standards 539  
established in section 142.02 of the Revised Code; 540

(2) The reasonable compensation relationships established 541  
under section 142.03 of the Revised Code; 542

(3) The results of a job evaluation system conducted under 543  
section 142.04 of the Revised Code; 544

(4) Any employee objections to the job evaluation system. 545

(C) In settlements of disputes involving a balanced class, 546  
the fact-finding panel or conciliator shall consider similar 547  
classifications of other public employers. The fact-finding 548  
panel or conciliator also may consider the standards established 549  
under section 142.02 of the Revised Code and the results of, and 550  
any employee objections to, a job evaluation system conducted 551  
under section 142.04 of the Revised Code. 552

(D) In collective bargaining involving a balanced class, 553  
the parties shall consider similar classifications of other 554

public employers. The parties also may consider the equitable 555  
compensation relationship standards established under section 556  
142.02 of the Revised Code and the results of a job evaluation 557  
system conducted under section 142.04 of the Revised Code. 558

**Sec. 4145.01. As used in this chapter:** 559

(A) "Business entity" means a corporation, partnership, 560  
association, firm, sole proprietorship, limited liability 561  
corporation, limited liability partnership, or other entity 562  
engaged in business. 563

(B) "Construction manager" and "construction manager at 564  
risk" have the same meanings as in section 9.33 of the Revised 565  
Code. 566

(C) "Contractor" means any person who undertakes to 567  
construct, alter, erect, improve, repair, demolish, remove, dig, 568  
or drill any part of a public improvement under a contract, and 569  
includes a construction manager, construction manager at risk, 570  
and design-build firm. 571

(D) "Design-build firm" has the same meaning as in section 572  
153.65 of the Revised Code. 573

(E) "EEO-1 report" means the report required by the United 574  
States equal employment opportunity commission under 29 C.F.R. 575  
1602.7. 576

(F) "Public improvement" means any construction, 577  
reconstruction, improvement, enlargement, alteration, 578  
demolition, or repair of a building, highway, drainage system, 579  
water system, road, street, alley, sewer, ditch, sewage disposal 580  
plant, water works, and any other structure or work of any 581  
nature by a state agency. 582

(G) "State agency" has the same meaning as in section 1.60 583  
of the Revised Code. 584

**Sec. 4145.02.** (A) (1) No state agency shall award a 585  
contract for a public improvement to a contractor who employs 586  
four or more full-time employees on any day in the prior twelve 587  
months in the state where the contractor has the contractor's 588  
principal place of business unless the contractor meets one of 589  
the following conditions: 590

(a) The contractor has obtained an equal pay certificate 591  
issued under section 4145.03 of the Revised Code. 592

(b) The contractor has certified that the contractor is 593  
exempt from obtaining a certificate pursuant to division (B) of 594  
this section in accordance with rules adopted by the director of 595  
administrative services. 596

(2) No state agency shall award a contract to provide 597  
goods or services to a state agency to a person who employs four 598  
or more full-time employees on any day in the prior twelve 599  
months in the state where the person has the person's principal 600  
place of business unless the person meets one of the following 601  
conditions: 602

(a) The person has obtained an equal pay certificate 603  
issued under section 4145.03 of the Revised Code. 604

(b) The person has certified that the person is exempt 605  
from obtaining a certificate pursuant to division (B) of this 606  
section in accordance with rules adopted by the director. 607

(3) No state agency shall award a grant or other economic 608  
incentive to a business entity that employs four or more full- 609  
time employees on any day in the prior twelve months in the 610  
state where the business entity has the business entity's 611

principal place of business, including if the award is being 612  
made on recommendation of the nonprofit corporation formed under 613  
section 187.01 of the Revised Code, unless the business entity 614  
meets one of the following conditions: 615

(a) The business entity has obtained an equal pay 616  
certificate issued under section 4145.03 of the Revised Code. 617

(b) The business entity has certified that the business 618  
entity is exempt from obtaining a certificate pursuant to 619  
division (B) of this section in accordance with rules adopted by 620  
the director. 621

(B) This section does not apply to a contractor, person, 622  
or business entity described in division (A) of this section, 623  
with respect to a specific contract for a public improvement, to 624  
provide goods or services to a state agency, or to a specific 625  
grant or other economic incentive, if the director determines 626  
that compliance with division (A) of this section would cause 627  
undue hardship to the contractor, person, or business entity. 628

(C) The director shall adopt rules in accordance with 629  
Chapter 119. of the Revised Code to do all of the following: 630

(1) Establish procedures to apply for and requirements to 631  
obtain an exemption described in division (B) of this section; 632

(2) Define "undue hardship" for purposes of division (B) 633  
of this section; 634

(3) Establish procedures to renew a certificate. 635

(D) The director shall provide technical assistance to a 636  
contractor, person, or business entity who requests assistance 637  
regarding compliance with this chapter. 638

**Sec. 4145.03. (A) A contractor wishing to be awarded a** 639

contract for a public improvement, a person wishing to provide 640  
goods or services to a state agency, or a business entity 641  
wishing to be awarded a grant or other economic incentive shall 642  
apply for a certificate required by section 4145.02 of the 643  
Revised Code by submitting a twenty-five-dollar filing fee and 644  
an equal pay compliance statement described in this section to 645  
the director of administrative services. An equal pay compliance 646  
statement shall be signed by the contractor, person, or the 647  
chief executive officer of the business entity and contain all 648  
of the following information: 649

(1) That the contractor, person, or business entity is in 650  
compliance with Title VII of the Civil Rights Act of 1964, 42 651  
U.S.C. 2000e et seq., the Equal Pay Act of 1963, 29 U.S.C. 652  
206(d), Chapter 4112. of the Revised Code, and section 4111.17 653  
of the Revised Code; 654

(2) That the average compensation for female employees is 655  
not consistently below the average compensation for male 656  
employees within each of the major job categories in the 657  
contractor's, person's, or business entity's EEO-1 report, if 658  
the contractor, person, or business entity is required to file 659  
that report, taking into account all of the following factors: 660

(a) Length of service; 661

(b) Requirements of specific jobs; 662

(c) Experience; 663

(d) Skill; 664

(e) Effort; 665

(f) Responsibility; 666

(g) Working conditions of the job; 667



<u>(h) Other mitigating factors.</u>	668
<u>(3) That employees of one sex are not restricted to certain job classifications;</u>	669 670
<u>(4) That the contractor, person, or business entity makes retention and promotion decisions without regard to sex;</u>	671 672
<u>(5) That compensation and benefit disparities are corrected when identified;</u>	673 674
<u>(6) The frequency in which compensation and benefits are evaluated to ensure compliance with the laws listed in division (A) (1) of this section;</u>	675 676 677
<u>(7) Which of the following approaches a contractor, person, or business entity uses in setting compensation and benefits:</u>	678 679 680
<u>(a) Market pricing;</u>	681
<u>(b) State prevailing wage or labor organization contract requirements;</u>	682 683
<u>(c) A performance pay system;</u>	684
<u>(d) Internal analysis;</u>	685
<u>(e) An alternative approach as described by the contractor, person, or business entity.</u>	686 687
<u>(8) That employees of the contractor, person, or business entity are able to contact the contractor's, person's, or business entity's human resources department and request to see how the employee's compensation compares with other employees with jobs of "comparable skill, effort, responsibility, and working conditions."</u>	688 689 690 691 692 693
<u>(B) Receipt of an equal pay compliance statement by the</u>	694

director does not establish a contractor's, person's, or 695  
business entity's compliance with the laws listed in division 696  
(A) (1) of this section. 697

(C) The director shall reject an application only if the 698  
statement described in division (A) of this section submitted by 699  
the contractor, person, or business entity does not comply with 700  
the requirements of that division or the contractor, person, or 701  
business entity fails to submit the required fee. The director 702  
shall issue a certificate or, if the director rejects an 703  
application, a statement explaining the reason for the 704  
rejection, to a contractor, person, or business entity within 705  
fifteen days after receiving an application submitted under this 706  
section. A certificate issued under this section is valid for a 707  
period of four years and may be renewed in accordance with rules 708  
adopted by the director. 709

**Sec. 4145.04.** (A) (1) The director of administrative 710  
services, in accordance with Chapter 119. of the Revised Code, 711  
may suspend or revoke a certificate issued under section 4145.03 712  
of the Revised Code for any of the following reasons: 713

(a) The contractor, person, or business entity fails to 714  
comply with the laws listed in division (A) (1) of section 715  
4145.03 of the Revised Code. 716

(b) The contractor, person, or business entity has 717  
multiple violations of the laws listed in division (A) (1) of 718  
section 4145.03 of the Revised Code. 719

(c) The contractor, person, or business entity fails to 720  
comply with section 4145.02 of the Revised Code. 721

(2) The director shall provide a contractor, person, or 722  
business entity an opportunity to comply with section 4145.02 or 723

4145.03 of the Revised Code before suspending or revoking the 724  
contractor's, person's, or business entity's certificate. 725

(B) A state agency, in accordance with Chapter 119. of the 726  
Revised Code, may abridge or terminate a contract with a 727  
contractor or person or revoke a grant or other economic 728  
incentive from a business entity on notice that the director has 729  
suspended or revoked the certificate issued to a contractor, 730  
person, or business entity. 731

(C) The director may void a contract or revoke a grant or 732  
other economic incentive on behalf of a state agency if a 733  
contractor, person, or business entity is not in compliance with 734  
section 4145.02 or 4145.03 of the Revised Code. 735

(D) The director shall notify a state agency that has an 736  
agreement with a contractor or person or has awarded a grant or 737  
other economic incentive to a business entity before the 738  
director voids the contract or revokes the grant or other 739  
economic incentive under division (C) of this section. 740

**Sec. 4145.05.** (A) The director of administrative services 741  
shall notify a contractor, person, or business entity that holds 742  
a certificate issued under section 4145.03 of the Revised Code 743  
by certified mail of the director's decision to suspend or 744  
revoke a contractor's, person's, or business entity's 745  
certificate under section 4145.04 of the Revised Code. 746

(B) A state agency shall notify a contractor, person, or 747  
business entity by certified mail of the state agency's decision 748  
to abridge or terminate a contractor's or person's contract or 749  
to revoke a business entity's grant or other economic incentive 750  
under section 4145.04 of the Revised Code. 751

**Sec. 4145.06.** The director of administrative services may 752

audit a contractor, person, or business entity described in 753  
section 4145.02 of the Revised Code to determine whether the 754  
contractor, person, or business entity is in compliance with 755  
section 4145.02 or 4145.03 of the Revised Code. As part of an 756  
audit, a contractor, person, or business entity shall provide to 757  
the director information for all employees expected to perform 758  
work under the contract, grant, or other economic incentive for 759  
each of the major job categories included in the contractor's, 760  
person's, or business entity's EEO-1 report if the contractor, 761  
person, or business entity is required to file that report. As a 762  
part of an audit, the contractor, person, or business entity 763  
shall provide all of the following information to the director: 764

(A) Number of male employees; 765

(B) Number of female employees; 766

(C) Average length of service for male employees and for 767  
female employees within each major job category; 768

(D) Average annualized salaries paid to male employees and 769  
to female employees within each major job category, in the 770  
manner most consistent with the compensation system identified 771  
by the contractor, person, or business entity under division (A) 772  
(7) of section 4145.03 of the Revised Code; 773

(E) Performance payments, benefits, or other elements of 774  
compensation, in the manner most consistent with the 775  
compensation system identified by the contractor, person, or 776  
business entity under division (A) (7) of section 4145.03 of the 777  
Revised Code; 778

(F) Other information identified by the director as 779  
necessary to determine compliance with division (A) of section 780  
4145.03 of the Revised Code. 781

Sec. 4145.07. Any data on individuals submitted to the 782  
director of administrative services under division (A) of 783  
section 4145.03 of the Revised Code shall be confidential and is 784  
not a public record under section 149.43 of the Revised Code. 785

A record of the director's decision to issue, not issue, 786  
revoke, or suspend a certificate is a public record. 787

Sec. 4145.08. Not later than January 31, 2022, and every 788  
two years thereafter, the director of administrative services 789  
shall submit a results-based accountability report of the 790  
activities of the department of administrative services 791  
regarding certificates issued under section 4145.03 of the 792  
Revised Code to the governor and the general assembly. The 793  
report shall contain all of the following information: 794

(A) The number of certificates issued; 795

(B) The name of each contractor, person, and chief 796  
executive officer who signed an equal pay compliance statement 797  
pursuant to section 4145.03 of the Revised Code; 798

(C) For each year, the number of contracts awarded to a 799  
contractor for a public improvement, contracts awarded to a 800  
person to provide goods or services to a state agency, and 801  
grants or other economic incentives awarded to a business 802  
entity; 803

(D) The number of females employed by each contractor, 804  
person, or business entity to which the director issued a 805  
certificate; 806

(E) The number of audits conducted under section 4145.06 807  
of the Revised Code; 808

(F) The processes contractors for public improvements, 809

persons wishing to provide goods or services to a state agency, 810  
or business entities awarded a grant or other economic incentive 811  
use to ensure compliance with division (A) of section 4145.03 of 812  
the Revised Code; 813

(G) A summary of the director's auditing efforts under 814  
section 4145.06 of the Revised Code. 815

**Sec. 4145.09.** The equal pay certificate fund is created in 816  
the state treasury. The fund consists of all certificate filing 817  
fees collected by the director of administrative services under 818  
division (A) of section 4145.03 of the Revised Code. Money in 819  
the fund shall be used by the department of administrative 820  
services to administer this chapter. Investment earnings of the 821  
fund shall be credited to the fund. 822

**Section 2.** That existing sections 4112.04 and 4117.08 of 823  
the Revised Code are hereby repealed. 824

**Section 3.** This act shall be known as the "Ohio Equal Pay 825  
Act." 826