

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 398

Representatives Miranda, Abdullahi

Cosponsors: Representatives Troy, Piccolantonio, McNally, Brennan, Thomas, C.,  
Upchurch, Grim, Brent, Isaacsohn, Somani, Forhan, Miller, A., Miller, J., Weinstein,  
Brown, Brewer, Sweeney, Jarrells, Dell'Aquila, Skindell, Rogers, Russo

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A BILL

To enact section 4113.12 of the Revised Code to 1  
prohibit employers from seeking a prospective 2  
employee's wage or salary history. 3

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

**Section 1.** That section 4113.12 of the Revised Code be 4  
enacted to read as follows: 5

**Sec. 4113.12.** (A) As used in this section, "employer" 6  
means any person who has fifteen or more employees and includes 7  
an agent of an employer, the state or any agency or 8  
instrumentality of the state, and any municipal corporation, 9  
county, township, school district, or other political 10  
subdivision or any agency or instrumentality thereof. 11

(B) Except as provided in divisions (C), (D), and (E) of 12  
this section, no employer shall do any of the following: 13

(1) Refuse to interview or consider a prospective employee 14  
for employment based on the prospective employee's wage or 15  
salary history; 16

(2) Request or seek information regarding a prospective employee's wage or salary history from the prospective employee or the prospective employee's current or former employer; 17  
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(3) Require that a prospective employee's wage or salary history satisfy minimum or maximum criteria. 20  
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(C) An employer may request information regarding or seek to confirm a prospective employee's wage or salary history from the prospective employee or the prospective employee's current or former employer if both of the following apply: 22  
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(1) The prospective employee has voluntarily disclosed to the employer information regarding the prospective employee's wage or salary history. 26  
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(2) The employer has made an offer of employment with compensation to the prospective employee. 29  
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(D) Nothing in this section prevents an employer from doing either of the following: 31  
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(1) Inquiring as to a prospective employee's wage or salary expectations or requirements; 33  
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(2) Providing information regarding the wages, salary, benefits, commissions, or any other forms of remuneration or compensation offered in connection with any position for which the prospective employee is applying. 35  
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(E) If an employee is seeking to fill another position with the employee's employer by transfer or promotion, the employer may consider the employee's wage or salary for purposes of determining the wage or salary to be paid to the employee in the new position. 39  
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(F) Any prospective employee alleging that an employer has 44

violated this section may bring an action in any court of 45  
competent jurisdiction to recover damages sustained due to an 46  
employer's violation of this section, or for equitable relief, 47  
together with costs and reasonable attorney's fees. Two or more 48  
prospective employees alleging the same employer has violated 49  
this section may join as co-plaintiffs in one action. 50

The attorney general, at the written request of one or 51  
more prospective employees alleging an employer has violated 52  
this section, may take an assignment of the claim or claims in 53  
trust and bring an action in any court of competent jurisdiction 54  
to recover damages sustained due to an employer's violation of 55  
this section, or for equitable relief, together with costs and 56  
reasonable attorney's fees. 57