



Ohio Legislative Service Commission

Bill Analysis

Kelly Bomba

H.B. 360

130th General Assembly
(As Introduced)

Reps. Foley and R. Hagan, Ashford, Patterson, Antonio

BILL SUMMARY

- Requires a retail employer to pay the retail employer's retail employees treble wages for hours worked on Thanksgiving.
- Requires a retail employer to pay those employees treble wages for hours worked on the day after Thanksgiving if the retail establishment is open earlier than it normally would be open on a Friday.
- Prohibits a retail employer from adversely affecting the employment status, wages, hours, or employment conditions of a retail employee because the retail employee refuses to work on Thanksgiving.

CONTENT AND OPERATION

Treble wages during the Thanksgiving holiday

The bill requires a retail employer to pay each of the retail employer's retail employees at a wage rate of three times the retail employee's wage rate for time worked on Thanksgiving. A "retail employer" is an employer who employs at least one individual at a place of business open to the general public for the sale of goods or services (a "retail establishment"). A "retail employee" is an individual employed at a retail establishment. The bill also requires a retail employer to pay each of the retail employer's retail employees treble wages for time worked on the day after Thanksgiving if the retail establishment is open earlier than it normally would be open on a Friday.¹

¹ R.C. 4111.03(D)(1) and (2) and (E)(4)(5) and (6).

Exception to the treble wage requirement

A retail employer is not required to pay treble wages under the bill to a retail employee if the retail employee is covered by a collective bargaining agreement that does not require the retail employee to be paid at that wage rate.²

Remedies and penalty

If a retail employer pays a retail employee less than the wages to which the retail employee is entitled under the bill, the retail employer is liable to the retail employee for the full amount of the wages owed, less any amount actually paid to the retail employee by the retail employer, and for any costs or reasonable attorney's fees allowed by the court. An agreement between a retail employee and a retail employer to work for less than the wages required under the bill is not a defense to this type of action. The bill also allows a retail employee who is paid less than the bill's required wages to assign, in writing, the retail employee's wage claim to the Director of Commerce, who may bring any legal action necessary to collect the claim. These remedies are similar to the remedies available to employees who are paid less than the wages to which they are entitled under the current overtime law.³

Additionally, if a retail employer fails to pay the wages required under the bill, the retail employer is guilty of a third degree misdemeanor.⁴

Refusal to work on Thanksgiving

The bill prohibits a retail employer from adversely affecting a retail employee's employment status, wages, hours, or employment conditions because the retail employee refuses to work on Thanksgiving, unless the retail employee is covered by a collective bargaining agreement.⁵ The bill does not specify a remedy or penalty for a violation of this prohibition.

HISTORY

ACTION	DATE
Introduced	11-26-13

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² R.C. 4111.03(D)(3).

³ R.C. 4111.10.

⁴ R.C. 4111.13(C) and 4111.99, not in the bill.

⁵ R.C. 4113.75.

