

Disability, Leave & Health Management Blog

Offering Practical Guidance to Employers

Ohio Means Business: New Law Prohibits Cities and Counties From Enacting Paid Sick Leave, Predictive Scheduling, and Minimum Wage Laws

By Katharine C. Weber and David A. Nenni on January 3, 2017



Imagine you operate multiple business locations in Columbus, Ohio where 3 counties comprise the city proper and as many as 11 counties comprise the larger Columbus Metropolitan Area. Now imagine that each of those counties adopts their own local ordinance requiring paid sick leave as well as advance notice (and extra pay) to employees before you can change their work schedule. Perhaps a few of the counties also enact an increased

minimum wage of \$15 an hour –much like the proposal to increase the minimum wage that was supposed to be voted upon in Cleveland in May of 2017. Would you want to continue to do business in Columbus or would you curtail your growth in that city and look for a more employer friendly home for your future business locations?

Many employers across the country continue to struggle with the spread of local paid sick leave, predictive scheduling, and minimum wage ordinances. In fact, Fox News ran a story last week about the challenges employers in the Village of Barrington, Illinois face by virtue of the fact that the Cook County line splits the business community in half making employers on one side of the street subject to one set of local ordinances, while businesses on the other side of the same street are subject to a different set of laws.

Fortunately for Ohio employers, Governor Kasich has recognized that this kind of patchwork of local laws is bad for business. Ohio Senate Bill 331 goes into effect on March 20, 2017. It prohibits political subdivisions of the state of Ohio from legislating or regulating the following areas of employment for private employers:

- requiring fringe benefits for employees, defined to include leaves of absences, vacation, and separation, sick and holiday pay, as well as health, welfare, and retirement benefits;

- whether an employer will provide advance notice of initial, new, or changes to an employee's work schedule, including whether an employer will provide predictive schedules;
- the amount of notice an employee receives of work schedule assignments or changes to work schedule assignments, including any addition or reduction of hours, cancellation of a shift or changes in the day or time of a shift;
- minimization in the fluctuation of the number of hours an employee is scheduled to work daily, weekly and monthly;
- providing additional hours to current employees before employing additional workers;
- the number of hours an employee is required to work or be on call;
- the time an employee is required to work or be on call;
- the location where an employee is required to work; and
- additional pay for reporting time when work is no longer available, being on call, or working a split shift.

The new law also prohibits cities and counties from adopting a minimum wage that exceeds that of Ohio and/ or the federal government.

Ohio definitely means business when it comes to putting a kibosh on local PSL, predictive scheduling, minimum wage, and other similar local employment laws. Stay tuned to our blog to keep track of what other cities, counties, and states are doing in this ever changing area of the law.