



Legislative Update

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Be Informed: Ohio Statehouse Highlights for NAWBO Members

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There are a number of bills pending at the Ohio Statehouse that may impact your business either today or sometime in the future.

For example, the Ohio General Assembly is working to fix a tax issue related to small businesses who use professional employer organizations (PEOs).

The Department of Taxation (ODT) currently does not consider a pass-through entity that uses a PEO as a small business for the purpose of the state's business income tax deduction. [Senate Bill 186](#) (Peterson), if passed, would ensure that business using a PEO model are eligible for the business investor deduction and flat three percent (3%) rate for income exceeding \$250,000. Prior to the introduction of SB 186 (and its companion in the House, HB 334), ODT was auditing hundreds of small businesses utilizing PEO services and was retroactively going back and excluding business owners' compensation from their calculations. HB 186 has had two hearings in the Senate Ways and Means Committee.

Here are some highlights of other bills that we are monitoring on behalf of NAWBO members:

[HB 2](#): Would modify Ohio civil rights laws related to employment.

Status: *HB 2 passed out of the House Economic Development, Commerce and Labor Committee in May, but has not yet been heard on the House Floor.*

- HB 2 more closely mirrors federal law in regard to employment discrimination laws (Title VII). It would create greater predictability for both employers and employees in matters of alleged workplace discrimination. For example, the bill would require all administrative remedies be exhausted prior to filing a lawsuit and sets a two-year statute of limitations. The current statute of limitations is six years. Also, individual liability for supervisors and managers is limited to retaliation and aiding and abetting claims.

[HB 187](#): Would prohibit employers from asking for information such as birth date, social security number, or driver's license number prior to making an offer of employment.

Status: *HB 187 has had three hearings in House Community and Family Advancement Committee.*

- HB 187 would prohibit employers from requesting an applicant's Social Security number, birthdate, or driver's license number before making the applicant an offer of employment. Several exemptions are included in the bill including an exemption for background checks, credit check or driving record verification. Representative Dever brought the bill forward

because of a constituent that was turned down by employers because he refused to provide his social security number of the job application.

HB 193: Prohibit an employer from penalizing an employee for not getting a flu vaccine.

Status: *HB 193 passed out of the House Economic Development, Commerce and Labor Committee on September 12, 2017, but was re-referred to committee the following week.*

- Representative Hagan said in her sponsor testimony that she introduced HB 193 to empower Ohioans and give them the right to refuse the flu vaccine without placing their jobs in jeopardy. Many opponents including business groups like the Columbus and Ohio Chambers have opposed the bill because it would curtail employers' right to regulate the use of the influenza vaccination in their workplace to help maintain a healthy and productive workforce and prevent the spread of illness, especially in healthcare fields.

HB 98: Prevents a school board from prohibiting outside education and workforce recruiters from entering into high schools to make presentations regarding career or training opportunities known as the High School Career Opportunity Act

Status: *HB 98 has had three hearings in the House Education and Career Readiness Committee.*

- HB 98, sponsored by Rep. Mike Duffey and Rep. Kristen Boggs, both of Columbus, would establish minimum access standards for recruiters to communicate with students in grades 9-12 in Ohio, providing a statutory right to present information at least two (2) times per year. The school can determine how the requirement is met, for example, providing modest common area access for presentation of informational materials or by scheduling a general educational or career fair.

HB 166: Contains several workforce development provisions such as an OhioMeansJobs-ready certificate, in-demand jobs week, pre-apprenticeship programs and others that encourage educators and employers to collaborate.

Status: *HB 166 has had five hearings in the House Higher Education and Workforce Development Committee and is expected to be voted out at the next hearing.*

- HB 166 would designate the first week of May as In-Demand Jobs Week to get the public aware of the different job opportunities that are available in Ohio across the different industries.

A number of provisions that were originally contained in HB 166 were instead placed in the budget bill and were signed by the Governor in July. Those provisions include:

- Streamlining Ohio law to comply with the federal Workforce and Innovation Act (WIOA).
- The development of a competency based OhioMeansJobs-Ready certificate.
- Creation of a STEAM designation -- Science, Technology, Engineering, Arts, and Math. "This creates a designation for certain STEM schools that integrate art and design into their current STEM curriculum and expands the grades that STEM and STEAM schools can serve to K-12."
- Recognition of high school credits for students who participate in work-based learning experiences. "Participating in 'hands-on training' and gaining real-world experience is how students can attain the 'hard skills' necessary to start their journey in many technical careers."
- Reforms certificates of qualification for employment to help inmates transition into the workforce upon reentry
- The requirement that the Ohio Department of Education and Ohio Department of Higher

Education to create workforce regional counseling collaboratives utilizing local partnerships in each of the JOBS Ohio regions.

HB 108: Includes financial literacy in high school curriculum.

Status: *HB 108 has had three hearings in House Education and Career Readiness Committee*

- Under HB 108, high school students would be taught the principles of economics and financial literacy with an emphasis on personal finance, the concepts of credit, debt, investments and sound money management, through at least ½ unit of their high school curriculum. Rep. Hagan emphasizes the student loan crisis and the need for students to make educated financial decisions for their future.

HB 170: Bill would allow students to replace their Algebra II credit with a computer science course.

Status: *HB 170 has passed the House and has had two hearings in the Senate Education Committee.*

- Sub. HB 170 creates computer science academic content standards for grades kindergarten through twelve. The legislation adds computer science instruction as an option in lieu of certain elective, science and math subjects, namely Algebra II. The proponents feel that proficiency in computer science or coding better prepares students for the workforce or the next step in their education. Proponents believe it provides practical knowledge.

HB 271: This legislation would require individuals to give businesses notice of an accessibility violation of the Americans with Disabilities Act (ADA) and provide an opportunity to fix the violation prior to the individual filing a lawsuit.

Status: *HB 271 has had two hearings in the House Civil Justice Committee*

- House bill 271 would require that an aggrieved party must provide notice of an access violation before filing suit. In addition, the legislation provides for a notice and cure period before a civil action can be pursued against the businesses. We are not seeking to discourage or delay compliance with the ADA standards, but rather provide an environment that is beneficial for both the businesses and the people of Ohio. This legislation will encourage that violations actually be corrected rather than both parties going through the costly expense of a lawsuit.

Please reach out with any questions to Rachel Winder 614-223-9316 or rwinder@beneschlaw.com