

TO: Members of the Ohio House

FROM: Kevin Shimp, General Counsel

RE: Upcoming Floor Vote on SB 47

DATE: March 23, 2022

The coronavirus has resulted in many changes to Ohio's workforce, but perhaps the biggest change is the increase in the prevalence of hourly workers performing their work from home. Having hourly employees working from home in unsupervised settings presents many challenges to employers including the increased risk of failing to pay a proper overtime wage which may result in costly wage and hour litigation.

Senate Bill 47 seeks to address this issue by amending Ohio's overtime statute, so that employees have an incentive to properly record the hours they worked while also preventing employers from facing unreasonable litigation alleging they failed to properly compensate an employee for their time despite the employer having no knowledge the work was performed.

To accomplish this goal, Senate Bill 47 codifies into Ohio law a U.S. Supreme Court overtime doctrine which states that when the working time at issue concerns only a few seconds or minutes of work beyond the scheduled working hours then the time need not be compensated.

Senate Bill 47 also includes a provision reforming overtime class actions lawsuits brought under Ohio law by requiring employees to opt-in to the class action rather than current law which presumes similarly situated employees are a part of the class unless the person opts-on. This change will mirror the statutory scheme currently used for minimum wage class actions and stands to benefit employers across Ohio.

The Ohio Chamber believes the amendments to Ohio's overtime statute made by Senate Bill 47 modernizes the statute to reflect the realities of Ohio's 21st Century workforce where employers are counting on their hourly employees to properly record the hours they work since many of these employees are now able to complete their job duties in an unsupervised setting.

We urge a YES vote on SB 47 on the House floor. Your vote may be recorded on the Ohio Chamber's *General Assembly Voting Record* which is a compilation of your voting record on key pro-business legislation during the General Assembly.

If you have any questions about this bill or the Ohio Chamber's position, please contact me at (614) 629-0916 or KShimp@ohiochamber.com.