



**Department of Commerce**  
Division of Industrial Compliance

**Minimum Wage**  
Bureau of Wage and Hour Administration

Updated January 2012

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**The Ohio Minimum Wage**

- Effective January 1, 2012, Ohio Minimum Wage is \$7.70 an hour.
  - Tipped employees; at least ½ the minimum wage (\$3.85) plus tips.
  - This amount paid by the employer plus tips received must be equal to or greater than the minimum wage for all hours worked.
- Regulations outlined in Ohio Constitution
  - Section 34a of Article II
  - Amounts adjusted annually.
  - Calculated September 13<sup>th</sup> for following January 1st.




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**Exceptions to Ohio Minimum Wage**

- Businesses: less than \$283,000.00 gross annual revenue pay Federal Minimum Wage
- Employees under 16 years old: at least Federal Minimum Wage
- Federal Minimum Wage currently \$7.25 per hour




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### Employer Record Keeping

- Keep records at least three years
- Must be available for transcription & inspection by Division
- Must include:
  - A. Name
  - B. Address
  - C. Occupation
  - D. Rate of Pay
  - E. Hours worked each day and each work week
  - F. Amount paid each pay period
- Records must be made available without charge to the employee or representative of the employee.



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### Potential Damages

- Deductions taken for breakages, damages and or failure to comply with work rules can not reduce employee pay below the minimum wage for all working hours.
- Failure to pay at least Minimum Wage for all hours worked may result in the back wages due plus damages calculated at two times the amount of back wages.



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### Individuals Exempt from Minimum Wage

- Employees of a solely family-owned & operated business who are family members of the owner
- Employee of the United States Government
- Baby-sitter in the employer's home, live-in companion to a sick, convalescing, or elderly person & principal duties do not include housekeeping.
- Outside salesman compensated by commissions or in a bona fide executive, administrative, or professional capacity, or computer professional.



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## Individuals Exempt from Minimum Wage

- Volunteer performing services for a public agency which is a State, a political subdivision of a State or an interstate government agency, if:
  - Receives no compensation or is paid expenses, reasonable benefits or nominal fee to perform services for which the individual volunteered; and
  - Services are not the same as the individual is employed to perform for such public agency.
- Works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;
- Employed at a camp or recreational area for children under eighteen years of age and owned & operated by a non-profit organization or group of organizations



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## Overtime ORC 4111.03

- Employer shall pay overtime at a rate of one and one-half times the employee's wage rate for hours in excess of forty in one work week, except for employers grossing less than \$150,000.00 per year.
- Hospitals and Nursing Homes are permitted time and one-half in excess of eighty hours in a two week period and also in excess of eight hours a day.



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## Thank You

### Contact Information

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Wage and Hour Investigator Supervisor

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Bureau of Wage and Hour  
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JOHN KASICH  
Governor

# STATE OF OHIO MINOR LABOR LAWS

OHIO DEPARTMENT OF COMMERCE  
DIVISION OF INDUSTRIAL COMPLIANCE & LABOR

[www.com.ohio.gov/](http://www.com.ohio.gov/)



DAVID GOODMAN  
Director

## ***OHIO REVISED CODE CHAPTER 4109\****

### ***"MINOR" MEANS ANY PERSON LESS THAN 18 YEARS OF AGE***

**WORKING PERMITS:** Every minor 14 through 17 years of age must have a working permit unless otherwise stated in Chapter 4109.

**WAGE AGREEMENT:** No employer shall give employment to a minor without agreeing with him/her as to the wages or compensation he/she shall receive for each day, week, month, year or per piece for work performed.

**REST PERIOD:** No employer shall employ a minor more than 5 consecutive hours without a rest period of at least 30 minutes.

**LIST OF MINORS EMPLOYED:** Employer shall keep a list of minors employed at each establishment and a list must be posted in a conspicuous place to which all minor employees have access.

**TIME RECORDS:** Every employer shall keep a time book or other written record showing actual starting and stopping time of each work and rest period. These records must be kept for two (2) years.

## ***RESTRICTIONS ON WORKING HOURS FOR MINORS 14 and 15 YEARS OF AGE***

No person under 16 shall be employed:

1. During school hours except where specifically permitted by Chapter 4109
2. Before 7 a.m. or after 9 p.m. from June 1<sup>st</sup> to September 1<sup>st</sup> or during any school holiday of 5 school days or more; or after 7 p.m. at any other time
3. For more than 3 hours a day in any school day
4. For more than 18 hours in any school week
5. For more than 8 hours in any day when school is not in session
6. For more than 40 hours in any week that school is not in session nor during school hours, unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board of education.

## ***RESTRICTIONS ON WORKING HOURS FOR MINORS 16 and 17 YEARS OF AGE***

No person 16 or 17 who is required to attend school shall be employed:

1. Before 7 a.m. on any day that school is in session or 6 a.m. if the person was not employed after 8 p.m. the previous night
2. After 11 p.m. on any night preceding a day that school is in session.

## ***PROHIBITED OCCUPATIONS FOR MINORS UNDER 16 YEARS OF AGE***

1. All manufacturing; mining; processing; public messenger service
2. Work in freezers and meat coolers and all preparation of meats for sale (except wrapping, sealing, labeling, weighing, pricing and stocking)
3. Transportation; storage; communications; public utilities; construction; repair
4. Work in boiler or engine rooms; maintenance or repair of machinery
5. Outside window washing from window sills or scaffolding and/or ladders
6. Cooking and baking; operating, setting up, adjusting, cleaning, oiling or repairing power-driven food slicers, grinders, food choppers, cutters, bakery type mixers
7. Loading or unloading goods to and from trucks
8. All warehouse work except office and clerical
9. Work in connection with cars and trucks involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

## ***PROHIBITED OCCUPATIONS FOR MINORS 14 through 17 YEARS OF AGE***

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|---|---|
| <ol style="list-style-type: none"> <li>1. Occupations involving slaughtering, meat-packing, processing or rendering</li> <li>2. Power-driven bakery machines</li> <li>3. Occupations involved in the manufacture of brick, tile and kindred products</li> <li>4. Occupations involved in the manufacture of chemicals</li> <li>5. Manufacturing or storage occupations involving explosives</li> <li>6. Occupations involving exposure to radioactive substances and to ionizing radiations</li> <li>7. Power-driven paper products machines</li> <li>8. Power-driven metal forming, punching and shearing machines</li> <li>9. Occupations involved in the operation of power-driven circular saws, band saws and guillotine shears</li> </ol> | <ol style="list-style-type: none"> <li>10. Power-driven woodworking machines</li> <li>11. Coal mines</li> <li>12. Occupations in connection with mining, other than coal</li> <li>13. Logging and sawmilling</li> <li>14. Motor vehicle occupations</li> <li>15. Maritime and longshoreman occupations</li> <li>16. Railroads</li> <li>17. Excavation operations</li> <li>18. Power-driven and hoisting apparatus</li> <li>19. Roofing operations</li> <li>20. Wrecking, demolition, and shipbreaking.</li> </ol> |
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## ***MINORS UNDER 16 YEARS OF AGE MAY NOT ENGAGE IN DOOR-TO-DOOR EMPLOYMENT UNLESS***

The for-profit employer is REGISTERED with the Ohio Department of Commerce. DOOR-TO-DOOR SALES EMPLOYERS SHALL:

1. Be in compliance with all applicable Ohio and Federal laws relating to the employment of minors
2. Provide at least one supervisor who is over the age of eighteen, for each six minor employees
3. Have been and be in compliance with Ohio's Motor Vehicle Financial Responsibility, Workers' Compensation, Unemployment Compensation, and all other applicable laws
4. Require all minors to work at least in pairs
5. Not employ any minor who does not have an appropriate Age and Schooling Certificate
6. Provide each minor employee with a photo identification card
7. Not employ any minor in any door-to-door sales activity during school hours except where specifically permitted
8. Not employ minors under 16 in door-to-door sales activity before 7 a.m. or after 7 p.m.
9. Not employ minors 16 and 17 years of age in door-to-door sales activity before 7 a.m. or after 8 p.m.

**\*For Exceptions to Coverage See Chapter 4109.06**

This is a summary of ORC 4109. This summary does not include all of the requirements for minor labor laws. Persons should refer to 4109 for specific requirements applicable to them. This information can be accessed through the Ohio Department of Commerce Web site at [www.com.state.oh.us](http://www.com.state.oh.us).

## **POST IN A CONSPICUOUS PLACE**

For further information about Minor Labor issues, please contact: The Ohio Department of Commerce, Division of Industrial Compliance & Labor, 6606 Tussing Road, Reynoldsburg, OH 43068 phone: (614) 644-2239. TTY/TDD: 1-800-750-0750. An Equal Opportunity Employer and Service Provider (REV. 1/14/11)



## STATE OF OHIO

# 2012 MINIMUM WAGE

OHIO DEPARTMENT OF COMMERCE  
DIVISION OF INDUSTRIAL COMPLIANCE & LABOR

JOHN R. KASICH  
Governor

DAVID GOODMAN  
Director

[www.com.ohio.gov](http://www.com.ohio.gov)

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## ***NON-TIPPED EMPLOYEES***

### **A Minimum Wage of**

**\$7.70** per hour

“**Non-Tipped Employees**” includes any employee who does not engage in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips from patrons or others.

“**Employers**” who gross under \$283,000.00 shall pay their employees no less than the current Federal Minimum wage rate.

“**Employees**” under the age of 16 shall be paid no less than the current federal minimum wage rate.

“**Current Federal Minimum Wage**” is \$7.25 per hour.

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## ***TIPPED EMPLOYEES***

### **A Minimum Wage of**

**\$3.85** per hour **PLUS TIPS**

“**Tipped Employees**” includes any employee who engages in an occupation in which he/she customarily and regularly receives more than thirty dollars (\$30.00) per month in tips from patrons or others. The tips are proven if indicated by the employee’s declaration for the purposes of the federal insurance contribution act. Including when tips are added to the employee’s wage, his/her hourly pay cannot be **less** than the regular minimum wage of \$7.70 prescribed by law.

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**Below is a partial summary of the requirements and exemptions for minimum and overtime wages. Persons should refer to Ohio Revised Code Chapter 4111 and the federal Fair Labor Standards Act of 1938, as amended, for specific requirements applicable to them. For further information about minimum wage issues, please contact: The Ohio Department of Commerce, Division of Industrial Compliance & Labor, 6606 Tussing Road, Reynoldsburg, Ohio 43068. Phone: (614) 644-2239. TTY/TDD: 1-800-750-0750.**

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#### **OVERTIME**

1. An employer shall pay an employee for overtime at a wage rate of one and one-half times the employee’s wage rate for hours in excess of forty hours in one work week, except for employers grossing **less** than \$150,000 per year.
2. Hospitals and Nursing Homes are permitted time and one-half in excess of eighty hours in a two week period and also in excess of eight hours a day.

#### **PERMANENT RECORDS TO BE KEPT BY THE EMPLOYER**

1. Each employer shall keep permanent records for at least three years, available for copying and inspection by the Director of the Ohio Department of Commerce, showing the following information concerning each employee:
  - A. Name
  - B. Address
  - C. Occupation
  - D. Rate of Pay
  - E. Amount paid each pay period
  - F. Hours worked each day and each work week
2. The records may be opened for inspection or copying at any reasonable time and no employer shall hinder or delay the Director of the Ohio Department of Commerce in the performance of these duties.

#### **HANDICAPPED RATE**

To prevent the curtailment of opportunities for employment and avoid undue hardship to individuals whose earning capacity is affected or impaired by physical or mental deficiencies or injuries, a sub-minimum wage may be paid, as provided in the rules and regulations set forth by the Director of the Ohio Department of Commerce.

#### **INDIVIDUALS EXEMPT FROM MINIMUM WAGE**

1. Any individual employed by the United States;
2. Any individual employed as a baby-sitter in the employer’s home, or a live-in companion to a sick, convalescing, or elderly person whose principal duties do not include housekeeping;
3. Any individual employed as an outside salesman compensated by commissions or in a bona fide executive, administrative, or professional capacity, or computer professionals;
4. Any individual who volunteers to perform services for a public agency which is a State, a political subdivision of a State, or an interstate government agency, if
  - (i) the individual receives no compensation or is paid expenses, reasonable benefits, or a nominal fee to perform the services for which the individual volunteered; and
  - (ii) such services are not the same type of services which the individual is employed to perform for such public agency;
5. Any individual who works or provides personal services of a charitable nature in a hospital or health institution for which compensation is not sought or contemplated;
6. Any individual in the employ of a camp or recreational area for children under eighteen years of age and owned and operated by a non-profit organization or group of organizations.
7. Employees of a solely family owned and operated business who are family members of an owner.

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## **POST IN A CONSPICUOUS PLACE**

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