



Ohio Revised Code

Section 4113.85 Matters subject to employer policy.

Effective: March 21, 2017

Legislation: Senate Bill 331 - 131st General Assembly

(A)(1) As used in this section:

(a) "Employee" means any individual employed by an employer.

(b) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons, acting in the interest of an employer in relation to an employee, but does not include the state, its instrumentalities, a political subdivision of the state, or an instrumentality of a political subdivision.

(c) "Fringe benefit" means any benefit for which the employer would incur an expense, including health, welfare, or retirement benefits, whether paid for entirely by the employee or on the basis of a joint employer-employee contribution; leaves of absence; or vacation, separation, sick, or holiday pay.

(2) In construing the meaning of the terms "reporting time," "on call," and "split shift" in this section, the court shall give due consideration and great weight to the United States department of labor's and federal courts' interpretations of those terms under the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 201 as amended, and the regulations adopted pursuant to it.

(B) Except as otherwise expressly provided in state or federal law, the following matters are exclusively the result of an employer's policy, an agreement between an employer and the employer's employees, a contract between an employer and the employer's employees, or a collective bargaining agreement between an employer and the employer's employees:

(1) The number of hours an employee is required to work or be on call for work;

(2) The time when an employee is required to work or be on call for work;



- (3) The location where an employee is required to work;
 - (4) The amount of notification 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 change in the date or time of a work shift;
 - (5) Minimizing fluctuations in the number of hours an employee is scheduled to work on a daily, weekly, or monthly basis;
 - (6) Additional payment for reporting time when work is or becomes unavailable, for being on call for work, or for working a split shift;
 - (7) Whether an employer will provide advance notice of an employee's initial work or shift schedule, notice of new schedules, or notice of changed schedules, including whether an employer will provide employees with predictive schedules;
 - (8) Whether an employer will provide additional hours of work to employees the employer currently employs before employing additional workers;
 - (9) Whether an employer will provide employees with fringe benefits and the type and amount of those benefits.
- (C) Nothing in this section requires an employer to adopt a policy concerning any of the matters described in division (B) of this section.
- (D) Nothing in this section affects the authority provided by case law, the Revised Code, or Section 3 of Article XVIII, Ohio Constitution, for a political subdivision to adopt a resolution or ordinance to limit the hours an employer operates.