



The Ohio SHRM State Council *Monthly Legislative Report*



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UPCOMING IMPORTANT DATES IN 2013

April 23, 2013: 2013 Ohio SHRM Legislative Conference. Sheraton Columbus Hotel at Capitol Square in Columbus, Ohio. [Register today!](#)

September 18-20, 2013: 2013 Ohio Human Resource Conference: HR – Making Connections that Count. Kalahari Resort in Sandusky, Ohio. Details and registration information available at http://www.ohioshrm.org/hr_conf/

TOP NEWS IN OHIO

Ohio – Federal Affordable Care Act (ACA)

The attorneys general for 13 states, including Ohio, recently sent a letter to the U.S. Department of Health and Human Services (HHS) urging the adoption of “broader religious exceptions” to provisions of the federal Affordable Care Act (ACA). The focus is on a rule that requires employers to provide coverage for all FDA-approved birth control methods. Accenture has been selected by the state of Ohio, following a competitive bid process, to build a new integrated eligibility system for health and human service programs. According to the company, the contract has a 66-month base period that runs to August 2018.

According to a recent report from Families USA, approximately 916,000 Ohioans will be eligible for tax credits toward the purchase of health insurance under the federal Affordable Care Act (ACA). Those earning between 200 percent and 400 percent of poverty for a family of four, or \$47,000 to \$94,200, will make up just over half of those eligible, about 56 percent, according to the advocacy and research organization.

State & National Unemployment Numbers for February – March 2013

On March 22, the Ohio Department of Job and Family Services announced that Ohio’s unemployment rate was 7 percent for February, unchanged from January. According to ODJFS, even though the state added 16,100 jobs in February, the number of unemployed workers looking for work also increased.

The federal Bureau of Labor Statistics reports that the national unemployment rate for March was 7.6 percent — down from 7.7 percent in February as nonfarm employment went up +88,000. It was 7.9 percent in January.

Ohio Businesses Continue to Grow

On March 22, Ohio Secretary of State Jon Husted reported that 7,097 new entities filed to do business in Ohio in February 2013. These numbers are down slightly compared to February 2012, in which 7,656 new entities filed with the secretary of state. Husted said his office has assisted with 15,157 new business filings to date in 2013 (January-February). This is an increase from the same time period last year, when there were 14,596 new business filings.



TOP NEWS IN OHIO

Ohio Legislature Ramps Up Activity Before Spring Break

Attempting to prioritize legislation before beginning their official spring break, the House passed two bills on Tuesday, March 26. The first, HB1 (Derickson-Romanchuk) makes changes to workforce development. The second, HB2 (Derickson-Brown), makes specific changes to unemployment compensation. Prior to the bills being passed, Democrats raised concerns about increased technology and staffing costs for local governments.

On the Senate side, Senators Nina Turner (D-Cleveland) and Charleta Tavares (D-Columbus) introduced SB92, the Fair and Acceptable Income Required Act, on March 20. The legislation is meant to address wage disparities based on gender by requiring employers to substantiate pay gaps with legitimate job-related, skill-based reasons.



HB82 *(Ohio's Civil Rights Law Exemption)*

On February 26, Representatives Bill Hayes and Terry Blair co-sponsored HB82, legislation to exempt religious corporations, associations, educational institutions, or societies from the definition of "employer" for the purpose of Ohio's Civil Rights law.

HB91 *(Health Care Freedom Act)*

On March 5, a number of Ohio Representatives co-sponsored HB91, legislation intended to enact the Health Care Freedom Act.

HB107 *(Career Exploration Internships-Tax Credit)*

Representative Nan Baker introduced HB107 on March 20. The bill seeks to authorize a tax credit for businesses that employ high school students in career exploration internships.

SB1 *(OhioMeansJobs Workforce Development Revolving Loan Fund)*

On February 12, a handful of Representatives co-sponsored SB1, legislation to create the OhioMeansJobs Workforce Development Revolving Loan Fund, to create the OhioMeansJobs Workforce Development Revolving Loan Program, to allocate a portion of casino license fees to finance the loan program, and to make an appropriation.

SB2 *(Ohio's Workforce Development Law)*

SB2 was introduced on February 12, co-sponsored by a number of Ohio Senators. The bill would require a local workforce investment area to use OhioMeansJobs as the local workforce investment area's job placement system, to rename county one-stop systems, and to make other changes to Ohio's Workforce Development Law.



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SB9 (Insurance Agents Education Requirements)

On February 12, Senator Kevin Bacon introduced SB9, legislation to specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange and to make changes to copayments, cost sharing, and deductibles for health insuring corporations.

SB70 (Ohio Civil Rights Law)

Senator Charleta Tavares introduced SB70 on March 12. The bill would specify that discrimination by an employer against any person because of the person's credit history is an unlawful discriminatory practice under the Ohio Civil Rights Law.

SB88 (Ohio Health Benefit Exchange Program)

On March 19, Senator Michael Skindell introduced SB88, legislation that seeks to establish the Ohio Health Benefit Exchange Agency and to establish the Ohio Health Benefit Exchange Program consisting of an exchange for individual coverage and a Small Business Health Options Program.

SB89 (Earned Income Tax Credit)

Senator Michael Skindell introduced SB89 on March 19. The bill would grant a state earned income tax credit equal to a percentage of the federal earned income tax credit.

SB92 (Wage Discrimination)

On March 20, Senators Nina Turner and Charleta Tavares co-sponsored SB92, legislation to enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.

SHRM LEGISLATIVE TRACKING

No active legislation for the following areas: Labor Relations

Employment Law

HB82 OHIO'S CIVIL RIGHTS LAW EXEMPTION (HAYES B, BLAIR T) To exempt religious corporations, associations, educational institutions, or societies from the definition of "employer" for the purpose of Ohio's Civil Rights law.

Current Status: 3/6/2013 - House Judiciary, (First Hearing)

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_82

SB45 PRIVATE ELECTRONIC ACCOUNTS ACCESS (TAVARES C) To prohibit employers, employment agencies, personnel placement services, and labor organizations from requiring an applicant or employee to provide access to private electronic accounts of the applicant or employee.

Current Status: 3/6/2013 - Senate Commerce and Labor, (Second Hearing)

State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_45



SHRM LEGISLATIVE TRACKING

SB70 OHIO CIVIL RIGHTS LAW (TAVARES C) To specify that discrimination by an employer against any person because of the person's credit history is an unlawful discriminatory practice under the Ohio Civil Rights Law.
Current Status: 3/13/2013 - Referred to Committee Senate Commerce and Labor
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_70

SB92 WAGE DISCRIMINATION (TURNER N, TAVARES C) To enact the "Fair and Acceptable Income Required (FAIR) Act" and to revise the enforcement of the prohibitions against discrimination in the payment of wages.
Current Status: 3/20/2013 - Introduced
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_92

Healthcare

HB3 HEALTH BENEFIT EXCHANGE (SEARS B, KUNZE S) To specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange.
Current Status: 3/19/2013 - Referred to Committee Senate Insurance and Financial Institutions
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_3

HB91 HEALTH CARE FREEDOM ACT (YOUNG R, THOMPSON A) To enact the Health Care Freedom Act.
Current Status: 3/20/2013 - House Health and Aging, (First Hearing)
State Bill Page:

SB9 INSURANCE AGENTS EDUCATION REQUIREMENTS (BACON K) To specify licensing and continuing education requirements for insurance agents involved in selling, soliciting, or negotiating sickness and accident insurance through a health benefit exchange
Current Status: 3/19/2013 - PASSED BY SENATE; Vote 33-0
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_9

SB88 OHIO HEALTH BENEFIT EXCHANGE PROGRAM (SKINDELL M) To establish the Ohio Health Benefit Exchange Agency and to establish the Ohio Health Benefit Exchange Program consisting of an exchange for individual coverage and a Small Business Health Options Program.
Current Status: 3/20/2013 - Referred to Committee Senate Insurance and Financial Institutions
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_88

Taxation

HB107 CAREER EXPLORATION INTERNSHIPS-TAX CREDIT (BAKER N) To authorize a tax credit for businesses that employ high school students in career exploration internships.
Current Status: 3/20/2013 - Introduced
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_107



SHRM LEGISLATIVE TRACKING

SB89 EARNED INCOME TAX CREDIT (SKINDELL M) To grant a state earned income tax credit equal to a percentage of the federal earned income tax credit.
Current Status: 3/20/2013 - Referred to Committee Senate Ways and Means
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_89

Unemployment Compensation

HB2 UNEMPLOYMENT COMPENSATION CLAIMANT (DERICKSON T, BROWN T) To require an unemployment compensation claimant to register with OhioMeansJobs to be eligible for unemployment compensation benefits and to require a claimant to contact a local one-stop office beginning with the eighth week of filing for unemployment.
Current Status: 3/19/2013 - PASSED BY HOUSE; Vote 80-12
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_2

HB22 MILITARY SPOUSE UNEMPLOYMENT COMPENSATION (PILLICH C) To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.
Current Status: 2/13/2013 - House Commerce, Labor and Technology, (First Hearing)
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_22

HB37 SHAREDWORK OHIO PROGRAM (DUFFEY M, SCHERER G) To create the SharedWork Ohio Program and to declare an emergency.
Current Status: 3/20/2013 - SUBSTITUTE BILL ACCEPTED & REPORTED OUT, House Commerce, Labor and Technology, (Fourth Hearing)
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_37

HB55 UNEMPLOYMENT ELIGIBILITY-MILITARY SPOUSE (PILLICH C, TERHAR L) To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.
Current Status: 2/27/2013 - House Commerce, Labor and Technology, (Third Hearing)
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_55

SB8 UNEMPLOYMENT COMPENSATION BENEFITS-MILITARY SPOUSE (LAROSE F) To permit persons who quit work to accompany the person's spouse on a military transfer to be eligible for unemployment compensation benefits.
Current Status: 3/6/2013 - Senate Commerce and Labor, (Second Hearing)
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_8



SHRM LEGISLATIVE TRACKING

SB14 UNEMPLOYMENT COMPENSATION LAW (KEARNEY E) To authorize programs and tax credits to encourage the hiring of unemployed individuals, to make changes to the Unemployment Compensation Law.
Current Status: 2/13/2013 - Referred to Committee Senate Finance
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_14

SB25 SHAREDWORK OHIO PROGRAM (PETERSON B, LAROSE F) To create the SharedWork Ohio Program and to declare an emergency.
Current Status: 3/20/2013 - PASSED BY SENATE; Vote 32-1 Emergency 33-0
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_25

Workers' Compensation

HB33 INDUSTRIAL COMMISSION BUDGET (HACKETT R) To make appropriations for the Industrial Commission for the biennium beginning July 1, 2013, and ending June 30, 2015, and to provide authorization and conditions for the operation of Commission programs.
Current Status: 3/26/2013 - SIGNED BY GOVERNOR
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_33

HB34 WORKERS' COMPENSATION BUDGET (HACKETT R) To make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2013, and ending June 30, 2015; and to provide authorization and conditions for the operation of the Bureau's programs.
Current Status: 3/26/2013 - SIGNED BY GOVERNOR
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_34

Workforce Development

HB1 OHIO WORKFORCE DEVELOPMENT LAW (DERICKSON T, ROMANCHUK M) To require a local workforce investment area to use OhioMeansJobs as the local workforce investment area's job placement system, to rename county one-stop systems, and to make other changes to Ohio's Workforce Development Law.
Current Status: 3/19/2013 - PASSED BY HOUSE; Vote 81-11
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_1

HB63 TAX CREDIT- OIL AND GAS PRODUCTION (CERA J, O'BRIEN S) To establish a nonrefundable commercial activity tax credit for companies involved in horizontal well drilling or related oil and gas production services that hire Ohio residents or dislocated workers.
Current Status: 2/20/2013 - Referred to Committee House Ways and Means
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_63



SHRM LEGISLATIVE TRACKING

- SB1** OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND (BEAGLE B, BALDERSON T) To create the OhioMeansJobs Workforce Development Revolving Loan Fund, to create the OhioMeansJobs Workforce Development Revolving Loan Program, to allocate a portion of casino license fees to finance the loan program, and to make an appropriation.
Current Status: 3/19/2013 - Senate Workforce and Economic Development, (Third Hearing)
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_1
- SB2** OHIO'S WORKFORCE DEVELOPMENT LAW (LEHNER P, BEAGLE B) To require a local workforce investment area to use OhioMeansJobs as the local workforce investment area's job placement system, to rename county one-stop systems, and to make other changes to Ohio's Workforce Development Law.
Current Status: 3/20/2013 - PASSED BY SENATE; Vote 32-1
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_SB_2
- Misc.**
- HB59** BIENNIAL BUDGET (AMSTUTZ R) To make operating appropriations for the biennium beginning July 1, 2013, and ending June 30, 2015; to provide authorization and conditions for the operation of state programs.
Current Status: 3/21/2013 - House Finance and Appropriations, (Seventh Hearing)
State Bill Page: http://www.legislature.state.oh.us/bills.cfm?ID=130_HB_59

OTHER NEWS IN STATE, LOCAL & FEDERAL GOVERNMENT

Federal

Supreme Court Considers Same-Sex Marriage

Shortly before the Supreme Court's term ends two-and-a-half months from now, it will decide two cases focusing on same-sex marriage. Central to the first (Hollingsworth v. Perry) is a California voter initiative called Proposition 8 ruling out same-sex marriage in that state. The second case (Windsor v. United States) concerns a section of the federal Defense of Marriage Act extending government recognition only to marriage between a man and a woman.

The Supreme Court accepted the cases last December and heard oral arguments March 26 and 27.

Lawmakers have rushed to ally themselves with supporters of same-sex marriage in recent weeks. As of April 5, only four Senate Democrats oppose same-sex marriage: Mary L. Landrieu of Louisiana, Tim Johnson of South Dakota, Joe Manchin III of West Virginia and Mark Pryor of Arkansas.



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Ohio Congressman Pushes for Federal Fair Minimum Wage Act

In late March, U.S. Sen. Sherrod Brown (D-OH) continued his tour of Ohio to push the Fair Minimum Wage Act, legislation increasing the federal minimum wage up to \$10.10 an hour in three steps. According to Brown and other supporters of the legislation, the current wage level is still well below the poverty level.

With Washington, D.C. media speculating on the possibility of Senator Sherrod Brown's taking the helm of the U.S. Senate Banking Committee next term, Brown recently told reporters that he doesn't know what the chances of that happening are. Brown, who held a press conference in Columbus on March 28 to discuss his support for passage of the federal Fair Minimum Wage Act, said he would be glad to chair the committee, but said three other senators would need to decline the spot before he could become chair.

Ohio Universities Encourage Federal Comprehensive Immigration Reform

The presidents of seven of Ohio's universities recently co-signed a letter to U.S. Sens. Sherrod Brown (D) and Rob Portman (R) in support of comprehensive immigration reform. These university presidents agree that the current restrictive policies deprive U.S. markets of talented foreign born graduates by making it impossible to obtain the proper visa to stay.

State

Auditor of State

More than \$10 million could be saved annually by cutting the number of supervisors at the Ohio Department of Job and Family Services (ODJFS), according to an interim performance audit report examining the department's structure released by Auditor of State Dave Yost in late March. An additional \$7 million could be saved by consolidating Medicaid provider enrollment functions, improving food stamps benefits processes and implementing other changes.

The auditor also suggested ODJFS either eliminate the unused Unemployment Compensation Advisory Council (UCAC) or fully constitute it and charge it with addressing its mandates under Ohio law.

Taxation

Ohio collected nearly \$20 million in the past two years through an amnesty program that will end in the next few weeks, according to the Ohio Department of Taxation. The state opened the amnesty program Oct. 1, 2011 for businesses with unpaid use tax. The tax is owed on purchases from out-of-state suppliers who are not obligated to collect Ohio sales tax, thus transferring the liability for collection to the purchaser. The rate and base of the use tax are the same as those for the sales tax. Ohio launched the program because many businesses are unfamiliar with the tax or don't even know it exists.

With the Friday, March 22 signing of [SB28](#) (Obhoff), the bill that brings the state income tax system into alignment with the federal tax system, the Ohio Department of Taxation (ODT) reports that taxpayers who had delayed filing their returns in anticipation of the bill's passage can now do so.