

## Ohio Court Finds New Local Minimum Wage Law Unconstitutional On Technicality

June 8, 2017 | [Employment Lessons](#), [Labor And Employment](#)



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A Franklin County, Ohio, judge has invalidated a new Ohio law that prohibited municipalities from enacting pro-employee laws raising the local minimum wage and guaranteeing additional employee rights. The law was found to be unconstitutional, but only on procedural grounds.

Ohio Senate Bill 331 started as an animal welfare bill – it regulated the sale of dogs from pet stores, prohibited cockfighting and bearbaiting, and outlawed bestiality. However, during the lame duck legislative session in December 2016, the House Finance Committee added diverse new provisions. The committee included a provision that cities could not set a [local minimum wage](#) higher than the statewide \$8.15 rate in response to Cleveland’s debate over a \$15 local minimum wage. The committee also sought to ban municipalities from passing their own pro-employee laws that required paid sick leave or additional benefits for workers. And completely unrelated, the committee also included a provision that affected the rules of wireless communications equipment.

The revised bill passed the Ohio House and Senate in December 2016 and was signed by Gov. John Kasich. It went into effect on March 21, 2017. Fifty municipalities from across Ohio challenged the new law in court on constitutional grounds. The Ohio Constitution requires that all legislative bills relate to a single subject matter. While different parts of a bill don’t have to be identical, they all have to fall under a single unifying theme. The municipalities argued – and the court agreed – that there was no single subject to a bill about animal rights, regulation of working conditions and wireless communications.

As such, the court repealed the parts of the bill added during the December lame duck session and maintained the original animal rights provisions of the law. It is noteworthy that the employment-based sections of the law were not struck down on substantive grounds, and there is nothing to prevent the legislature from passing them as part of a new bill. Pro-business groups such as the Ohio Chamber of Commerce champion these provisions because they protect employers from having to comply with a [“patchwork” of different local laws](#) and instead create uniformity throughout the state.

Conversely, employee-rights groups would argue that \$8.15 is not a living wage in larger cities such as Cleveland and that cities should have a right to pass their own legislation to protect workers. At this early stage, it is unknown whether new legislation will be introduced, in what form it may be introduced, or whether it would pass as part of a separate bill. What is known is that there will certainly be a fight about it if the legislation is reintroduced.

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