

HUNTER, CARNAHAN, SHOUB, BYARD & HARSHMAN

ATTORNEYS AT LAW

Michael J. Hunter
Russell E. Carnahan
Grant D. Shoub
Robert R. Byard
Cathrine J. Harshman

3360 TREMONT ROAD, SUITE 230
Columbus, Ohio 43221

TELEPHONE: (614) 442-5626
FAX: (614) 442-5625

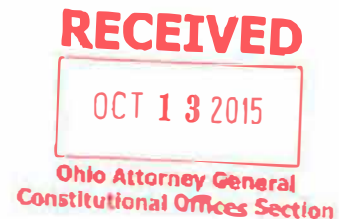
www.hcands.com

Associate
Jaclyn R. Tipton

Of Counsel
Robert M. Cody

13 October 2015

Honorable Mike DeWine
Ohio Attorney General
30 E. Broad Street, 16th Floor
Columbus, Ohio 43215



Attorney General DeWine:

On behalf of Stand Up Ohio and pursuant to Ohio Rev. Code § 3519.01(A), I am filing a petition to approve a summary of a constitutional amendment to be proposed by initiative petition. The petition contains 3398 signatures of electors on 166 part petitions and the summary and full text of the law to be proposed. A list of the number of part petitions and signatures by county is also attached for your convenience.

If you have any questions, please do not hesitate to contact me.

Sincerely

A handwritten signature in black ink, appearing to read "Cathrine J. Harshman". The signature is fluid and cursive.

Cathrine J. Harshman

Stand Up for Ohio Part Petitions

County	Number of Part Petitions	Number of Signatures
Carroll County	4	65
Columbiana County	51	1201
Cuyahoga County	87	1799
Fairfield County	1	1
Jefferson County	4	45
Lake County	2	5
Logan County	1	3
Lorain County	2	9
Mahoning County	4	66
Muskingum County	1	1
Portage County	1	2
Stark County	3	65
Summit County	3	29
Trumbull County	1	5
Wayne County	1	2

Number: 132

County: _____

INITIATIVE PETITION

To the Attorney General of Ohio: Pursuant to Ohio Revised Code §3519.01(A), the undersigned electors of the State of Ohio, numbering in excess of one thousand, hereby submit to you the full text of a proposed Amendment to the Ohio Constitution and a summary of the same.

TITLE

The Ohio Fair Wage Amendment

SUMMARY

This proposed amendment will amend existing Article II, Section 34a of the Ohio Constitution, which establishes a state minimum wage rate. Specifically, this amendment will:

- Increase the minimum wage to \$10.00 per hour on January 1, 2017. The minimum wage will increase by fifty cents per hour every following January 1st until it reaches \$12.00 per hour in 2021. After that, it will be annually adjusted for inflation consistent with existing law.
- Change existing law, which allows employers to pay tipped employees half of the full minimum wage when employees earn the full minimum wage when tips are included, to require employers to pay tipped employees at least \$6.00 per hour beginning January 1, 2017 when employees earn the full minimum wage when tips are included.
 - The amount that employers must pay tipped employees will be increased by \$1.00 per hour every following January 1st until the wage paid to tipped employees by their employer matches the full minimum wage.
 - If the wage paid to tipped employees by an employer requires an annual increase of less than \$1.00 per hour to match the full minimum wage, the annual increase will only be for the amount required to match the full minimum wage.
 - Once the amount paid by the employer equals the full minimum wage, it will increase every January 1st based on the rate of inflation consistent with existing law.

COMMITTEE TO REPRESENT THE PETITIONERS

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Troy Jackson	526 Howell Ave.	Cincinnati, OH 45220
Kirk Noden	4254 Lakewood Rd.	Ravenna, OH 44266
Molly Shack	2581 East 5th Ave.	Columbus, OH 43219
Jennifer Toles	473 Ardella Ave.	Akron, OH 44306
Pastor Michael Harrison	4185 Ledgewater Dr.	Mogadore, OH 44260

RECEIVED

OCT 13 2015

Ohio Attorney General
Constitutional Offices Section

FULL TEXT OF PROPOSED AMENDMENT

Be it Resolved by the People of the State of Ohio that Article II of the Ohio Constitution is hereby amended to add the following language to Section 34a shown underlined below, and repeals the existing language shown by strikethrough. Current language that is not changed appears without underline or strikethrough:

Article II, Section 34a

Minimum Wage

Except as provided in this section, every employer shall pay their employees a wage rate of not less than six dollars and eighty-five cents per hour beginning January 1, 2007; not less than ten dollars per hour beginning January 1, 2017; not less than ten dollars and fifty cents per hour beginning in January 1, 2018; not less than eleven dollars per hour beginning January 1, 2019; not less than eleven dollars and fifty cents per hour beginning January 1, 2020; and not less than twelve dollars per hour beginning January 1, 2021. On the thirtieth day of each September, beginning in 2007~~21~~, this state minimum wage rate shall be increased effective the first day of the following January by the rate of inflation for the twelve month period prior to that September according to the consumer price index or its successor index for all urban wage earners and clerical workers for all items as calculated by the federal government rounded to the nearest five cents. Employees under the age of sixteen and employees of businesses with annual gross receipts of two hundred fifty thousand dollars or less for the preceding calendar year shall be paid a wage rate of not less than that established under the federal Fair Labor Standards Act or its successor law. This gross revenue figure shall be increased each year beginning January 1, 2008 by the change in the consumer price index or its successor index in the same manner as the required annual adjustment in the minimum wage rate set forth above rounded to the nearest one thousand dollars. Prior to January 1, 2017, A~~an~~ employer may pay an employee less than, but not less than half, the minimum wage rate required by this section, if the employer is able to demonstrate that the employee receives tips that combined with the wages paid by the employer are equal to or greater than the minimum wage rate for all hours worked. Beginning January 1, 2017, an employer may pay an employee less than the minimum wage rate required by this section, if the employer is able to demonstrate that the employee receives tips that combined with wages paid by the employer are equal to or greater than the minimum wage rate required by this section for all hours worked, except that the hourly wage paid by the employer to a such a tipped employee shall not be less than six dollars per hour, and starting January 1, 2018, and on each January 1st thereafter, this hourly wage paid by an employer to a tipped employee shall be increased by an additional one dollar per hour until it reaches the annually adjusted state minimum wage rate established in this section. If less than a dollar per hour is necessary for the wages paid by the employer to the tipped employee to equal the annually adjusted state minimum wage rate required by this section, then the hourly wage shall be increased that year only by the amount required to equal the annually adjusted state minimum wage rate. Once the hourly wage paid by an employer to a tipped employee is equal to the annually adjusted state minimum wage, it shall thereafter be increased by the rate of inflation in the same manner as provided for in this section. The provisions of this section shall not apply to employees of a solely family owned and operated business who are family members of an owner. The state may issue licenses to employers authorizing payment of a wage rate below that required by this section to individuals with mental or physical disabilities that may otherwise adversely affect their opportunity for employment.

As used in this section: "employer," "employee," "employ," "person" and "independent contractor" have the same meanings as under the federal Fair Labor Standards Act or its successor law, except that "employer" shall also include the state and every political subdivision and "employee" shall not include an individual employed in or about the property of the employer or individual's residence on a casual basis. Only the exemptions set forth in this section shall apply to this section.

An employer shall at the time of hire provide an employee the employer's name, address, telephone number, and other contact information and update such information when it changes. An employer shall maintain a record of the name, address, occupation, pay rate, hours worked for each day worked and each amount paid an employee for a period of not less than three years following the last date the employee was employed. Such information shall be provided without charge to an employee or person acting on behalf of an employee upon request. An employee, person acting on behalf of one or more employees and/or any other interested party may file a complaint with the state for a violation of any provision of this section or any law or regulation implementing its provisions. Such complaint shall be promptly investigated and

resolved by the state. The employee's name shall be kept confidential unless disclosure is necessary to resolution of a complaint and the employee consents to disclosure. The state may on its own initiative investigate an employer's compliance with this section and any law or regulation implementing its provisions. The employer shall make available to the state any records related to such investigation and other information required for enforcement of this section or any law or regulation implementing its provisions. No employer shall discharge or in any other manner discriminate or retaliate against an employee for exercising any right under this section or any law or regulation implementing its provisions or against any person for providing assistance to an employee or information regarding the same.

An action for equitable and monetary relief may be brought against an employer by the attorney general and/or an employee or person acting on behalf of an employee or all similarly situated employees in any court of competent jurisdiction, including the common pleas court of an employee's county of residence, for any violation of this section or any law or regulation implementing its provisions within three years of the violation or of when the violation ceased if it was of a continuing nature, or within one year after notification to the employee of final disposition by the state of a complaint for the same violation, whichever is later. There shall be no exhaustion requirement, no procedural, pleading or burden of proof requirements beyond those that apply generally to civil suits in order to maintain such action and no liability for costs or attorney's fees on an employee except upon a finding that such action was frivolous in accordance with the same standards that apply generally in civil suits. Where an employer is found by the state or a court to have violated any provision of this section, the employer shall within thirty days of the finding pay the employee back wages, damages, and the employee's costs and reasonable attorney's fees. Damages shall be calculated as an additional two times the amount of the back wages and in the case of a violation of an anti-retaliation provision an amount set by the state or court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued. Payment under this paragraph shall not be stayed pending any appeal.

This section shall be liberally construed in favor of its purposes. Laws may be passed to implement its provisions and create additional remedies, increase the minimum wage rate and extend the coverage of the section, but in no manner restricting any provision of the section or the power of municipalities under Article XVIII of this constitution with respect to the same.

If any part of this section is held invalid, the remainder of the section shall not be affected by such holding and shall continue in full force and effect.

