



STATE OF OHIO
MINIMUM WAGE

OHIO DEPARTMENT OF COMMERCE
DIVISION OF INDUSTRIAL COMPLIANCE & LABOR

TED STRICKLAND
Governor

KIMBERLY A. ZURZ
Director

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NON-TIPPED EMPLOYEES

**A Minimum Wage of
\$7.30** per hour (as of January 1, 2009)

"**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 \$267,000.00 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 \$6.55 per hour. Effective **July 24, 2009**, it is \$7.25 per hour.

TIPPED EMPLOYEES

**A Minimum Wage of
\$3.65** per hour **PLUS TIPS** (as of January 1, 2009)

"**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 \$7.30 prescribed by law.

OVERTIME (ORC 4111.03)

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 (ORC 4111.08 & 4111.14(F))

1. Each employer shall keep permanent records for at least three years, available for transcription and inspection by a duly authorized Deputy of the Division, showing the following facts 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. Determinations of compliance. The records may be opened for inspection or copying at any reasonable time and no employer shall hinder or delay authorized Deputies of the Division in the performance of their duties.

HANDICAPPED RATE (ORC 4111.06)

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 Administrator.

INDIVIDUALS EXEMPT FROM MINIMUM WAGE (ORC 4111.14 (B))

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.

This summary does not include all of the requirements for minimum and overtime wages. Persons should refer to ORC 4111 for specific requirements applicable to them.

POST IN A CONSPICUOUS PLACE

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.