



This article presents general guidelines for Ohio nonprofit organizations as of the date written and should not be construed as legal advice. Always consult an attorney to address your particular situation.

Ohio's Rules on Pay Transparency in Hiring

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If your nonprofit operates in any of Ohio's major cities—Cincinnati, Columbus, Cleveland, and Toledo—chances are your organization is subject to a pay transparency law. These laws, which cover organizations having 15 or more employees, regulate how employers communicate with job applicants and make hiring decisions about pay.¹ For nonprofits operating in Dayton, to date the City of Dayton has not passed any ordinance regulating how employers use salary history of job applicants or requiring employers to post salary information in job postings. This article summarizes the core obligations and restrictions these laws impose in Ohio's four major cities and the implications of these laws on nonprofit organizations.

Do: Provide Salary Information to Job Applicants

The laws in effect in Columbus and Cleveland require employers to include salary range information in all job postings for prospective job applicants. The laws cover postings listed on employers' career webpages as well as postings hosted on external websites, including social media. The laws define "salary" broadly to include not just wages, but also other monetary earnings. In Cleveland, the law also includes benefits in the definition of salary.

Notably, the Columbus ordinance provides employers with a list of factors to consider when determining the range of salaries to include for a given job posting. The factors include the range of prior work experience the employer expects job applicants may have, the potential variation in the responsibilities of the position, the opportunities for growth in the position, and the cost of living for the locations in which an applicant may work.

Unlike the laws in Columbus and Cleveland, the laws in Cincinnati and Toledo do not require employers to include salary information in job postings. However, if a job applicant requests the salary range for a posted job, the laws in Cincinnati and Toledo require the employer to provide that information to the applicant.

The laws in Cincinnati, Columbus, Cleveland, and Toledo do not govern postings for jobs available only to current employees. For example, employers need not disclose the salary range in postings for a promotion or transfer opportunity.

Don't: Ask Job Applicants About Their Pay

Asking job applicants what they currently make is banned under each of the laws in Cincinnati, Columbus, Cleveland, and Toledo. The intended purpose of the bans is to push employers to make pay decisions based on the requirements of the job, not based on what the person applying for the job made with another

¹ See Columbus City Codes Ch. 2335; Codified Ordinances of Cleveland Sections 669.01 to 669.07, Toledo Municipal Code 768.01 to 768.05; Cincinnati Municipal Code Ch. 804.



employer. In practical terms, organizations cannot ask about pay history directly, such as through job applications or during job interviews, nor can they seek out the information indirectly. Organizations can, however, ask job applicants about the rate of pay they are seeking in a job.

The laws recognize that job applicants may bring up the subject of pay voluntarily. If an applicant voluntarily and without prompting shares their current or past earning information, nonprofits can use that information without violating the laws.

Implications for Nonprofit Employers

If your organization is hiring in Cincinnati, Columbus, Cleveland, or Toledo, it is important to take a close look at your hiring practices to ensure compliance with the pay transparency laws.

Also important is the need to consider how the laws affect current employees. By pushing employers to publicize the pay range for new job opportunities, the laws may also push current employees to question their pay and seek out higher-paying jobs with other organizations.

In addition to reviewing job postings, nonprofit organizations may also want to take a fresh look at their organization's offer letters, job descriptions, performance evaluation templates, and employee handbooks for a holistic assessment of their practices surrounding employee pay.

Organizations that build pay transparency laws into their recruitment, hiring, and retention strategies will be well positioned to stay competitive in the market for nonprofit talent.

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