

Employment Law

Ohio's system of handling employment discrimination suits can be a challenging process for Ohio's smallest employers. Additionally, employer mandates are particularly onerous for small businesses. The cost of compliance can be significantly higher than larger companies. Employment law is one of the fastest growing areas of costly litigation.

- Ohio law permits employees to file suit against employers up to six years after the alleged discrimination. It makes sense to more closely align Ohio law with federal law which allows up to one year to file.
- Employers often find themselves simultaneously fighting discrimination allegations before the Ohio Civil Rights Commission as well as in the courts. Individuals should have to select one venue in which to file suit. This minor change prevents small employers, with limited resources, from having to battle, on the same allegation, on two fronts while still allowing individuals access to due process.
- Employers also deserve the right to an affirmative defense. It is only fair to allow employers the opportunity to have their perspective heard.
- A priority should be given to clarifying the Ohio Supreme Court's decision in Genaro v. Central Transport, Inc. to ensure that a supervisor will not be jointly and severally liable from the employer. This prevents a supervisor from being subjected to personal liability for simply enforcing company policy.
- These reforms must be enacted before looking at legislation that creates new protected classes which increase employer liability.
- No new employer mandates such as parental leave, predictive scheduling, and paid sick leave should be enacted.