

TO: Chairman Ron Young, Ranking Minority Member Michele Lepore-Hagan and Members of the Economic Development, Commerce and Labor Committee
RE: Sub. HB 2 – Interested Party
DATE: May 9, 2017
FROM: Ohio Employment Lawyers Association and Protecting Ohio's Employees

Over the past several months, representatives from the Ohio Chamber of Commerce (OCC), the Ohio Civil Rights Commission (OCRC), the Ohio Employment Lawyers Association (OELA) and Protecting Ohio's Employees (POE) have been meeting to discuss HB 2, sponsored by Representative Bill Seitz. Legislative proposals similar to HB 2 have been introduced over the past 17 years, and our organizations (OELA and POE) have fought vigorously to oppose the bills as they severely weakened the anti-discrimination employment laws in Ohio.

During the course of many conversations and substantial changes to HB 2, OELA and POE have changed our position from opposition to neutrality. Attached is a detailed analysis of Substitute HB 2. Below are some of the major changes to the substitute bill:

- The statute of limitations increased from 1 year to 2 years which provides a more meaningful opportunity to file an employment discrimination claim.
- Individual liability was modified but not completely eliminated. Employees can still sue individuals who commit acts of retaliation and those who aid and abet discrimination under 4112.02(I) and (J).
- The definition of agent was revised to match federal law, using wording that will not undermine employer liability under current law.
- The election of remedies was removed so employees do not need to choose between the OCRC and court.
- A requirement to file a charge with the OCRC before filing a lawsuit was included in a way that will not impose an unreasonable burden on employees.
- Age discrimination remedies under current law will be preserved.
- Age discrimination claims will, for the first time, have the same time limits for filing as all other discrimination claims.
- Affirmative defense for sexual harassment claims will be codified to match federal law without weakening current protections against harassment.

OELA and POE care deeply about protecting Ohio's employees and the anti-discrimination laws in the workplace. We have worked hard on behalf of all employees to provide amendments to this legislation to ensure that their rights are protected. We feel that substitute HB 2 is fair and reasonable, and we appreciate the leadership of Chairman Young, Ranking Minority Member Lepore-Hagan and this committee for providing us opportunity to discuss our initial concerns and supporting the changes to the bill. We also appreciate Representative Seitz's willingness to work with us, as well as representatives of the OCC and OCRC.

If you have any questions, please contact Connie Nolder, legislative representative for Protecting Ohio's Employees and the Ohio Employment Lawyers Association.
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