



**Proponent Testimony (Written) from Tony Fiore
On behalf of
The Ohio SHRM State Council
In Support of HB 369
Before the
House Civil Justice Committee
On
February 4, 2020**



Chairman Hambley, Vice Chair Patton, Ranking member Brown and members of the House Civil Justice Committee, thank you for the opportunity to provide written proponent testimony on HB 369. My name is Tony Fiore and serve as the Director, Government Affairs for the Ohio SHRM State Council.

I am here today on behalf of the Ohio SHRM State Council. The Society for Human Resources Management ("SHRM") was founded in 1948 in Berea, Ohio. SHRM is the world's largest HR membership organization devoted to human resources management. Representing more than 300,000 members with over 115 million employees in over 160 countries, the Society is the leading provider of resources to serve the needs of HR professionals and advance the professional practice of human resource management. SHRM has more than 575 affiliated chapters within the United States and subsidiary offices in China, India and United Arab Emirates. In Ohio, the Ohio SHRM State Council represents over 25 local chapters and more than 15,000 members.

HB 369 seeks to add “sexual orientation and gender identity or expression” to the list of protected classes under Ohio’s Fair Employment Practices Act. Today, Ohio employers must comply with similar anti-discrimination laws in at least nineteen municipalities including Akron, Athens, Bexley, Bowling Green, Cincinnati, Cleveland, Cleveland Heights, Columbus, Coshocton, Dayton, East Cleveland, Lakewood, Kent, Newark, Olmsted Falls, Oxford, Toledo, Yellow Springs, and Youngstown. In addition, twenty-one states and the District of Columbia have laws that prohibit discrimination based on sexual orientation and/or gender identity.

Adding “sexual orientation and gender identity or expression” to the list of protected classes in Ohio, as HB 369 will do, supports SHRM’s goal of promoting a 21st Century Workplace across the entire state regardless of where employers or employees call home.

As you discuss and debate adding these protected classes to the statute there are several other areas that need to be made to make Ohio law more fair and competitive.

For nearly two decades I, along with the Ohio SHRM State Council, have been working with the Ohio Chamber of Commerce, Ohio Civil Rights Commission (OCRC) and employment plaintiff's counsel to develop the employment law reforms contained in **HB 352**, sponsored by Rep. Jon Cross and Rep. George Lang. If enacted, **HB 352** would:

1. retain employment liability on employers while eliminate personal liability on managers and supervisors as federal law and a majority of states proscribe,
2. reduce the statute of limitations from 6 years, the longest in the nation, to be in line with most states between 1 and 2 years, and
3. require claimants to pursue their employment claims in the Ohio Civil Rights Commission or in court instead of requiring employers to defend claims in both forums similar to federal law – this change will also assist the OCRC to track and report ALL discrimination claims in Ohio on an annual basis.

I call human resource professionals the “guardians” of employees civil rights because they are, and should be, the first line of defense to help eviscerate discrimination in our state. But, many of Ohio's civil rights laws are duplicative and make it more difficult for HR professionals, whether at a small or large company, to navigate this employment compliance maze. Therefore, if a decision is made to add “sexual orientation and gender identity or expression” to the list of protected classes under **HB 369** please consider enacting all of the comprehensive reforms to Ohio's employment discrimination statute contained in **HB 352**.

Every employment law should strike the right balance between employee rights and employer obligations. **HB 369** in addition to **HB 352** strikes and appropriate balance between employers and employees in promoting a 21st Century Workplace.

Chairman Hambley, Vice Chair Patton, Ranking member Brown and members of the House Civil Justice Committee, thank you for the opportunity to provide written proponent testimony today.