



The Ohio Association of Civil Trial Attorneys (OACTA) supports The Employment Law Uniformity Act, Ohio House Bill 352. OACTA is an organization of civil defense attorneys and corporate executives engaged in the defense of civil lawsuits and the management of claims against individuals, corporations, and governmental entities. OACTA's mission is to promote fairness, excellence, and integrity in the civil justice system. House Bill 352 furthers this objective by providing uniformity and fairness to businesses operating in Ohio.

House Bill 352 aims to harmonize federal and state employment law – reform that is long overdue in Ohio. There are many key differences between federal and state employment law that make it difficult for companies in Ohio to efficiently manage resources and defend against frivolous lawsuits. For example, Ohio permits employees to file claims up to six years after the date of the alleged discrimination. This is significantly longer than the time permitted to file claims under federal law, and is the longest limitation period permitted by any state in the country. Employers must go to added expense to maintain personnel records for this extended period of time, and key witnesses have often moved on before a lawsuit is filed. Employers also have the added expense of simultaneously defending both a charge of discrimination before the Ohio Civil Rights Commission (“OCRC”), and a lawsuit based on the same allegations. This duplicity leads to added defense costs, inconsistent results, and a drain on public resources.

Current Ohio employment law presents many other illogical departures from federal law. Lawsuits may be filed individually against managers and supervisors accused of discrimination, which results in many managerial employees facing expensive legal defense costs for merely doing their jobs. In addition, current law permits a plaintiff to bring an age discrimination claim in four different ways, although there is no basis to treat age discrimination differently than any other employment discrimination claim.

House Bill 352 addresses these deficiencies by providing more uniformity with federal law, eliminating duplicity, and preventing many hardworking Ohioans the anxiety a personal lawsuit can bring. This Bill also fosters a work environment that is fair and tolerant by providing an affirmative defense to hostile work environment claims which gives human resource professionals the first opportunity to resolve workplace issues before they result in costly litigation. The Bill also adopts a two year statute of limitations, which enables employers to better defend frivolous lawsuits while still permitting aggrieved employees with several generous and readily available avenues for pursuing their claims. House Bill 352 also promotes new job creation by eliminating the uncertainty, steep defense costs, and laborious recordkeeping the current system requires.

OACTA commends the sponsors of this legislation for their efforts to modernize Ohio's employment laws and urges the Committee's support and recommendation of House Bill 352.