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The Honorable Ron Young  
Chairman, Economic Development,  
Commerce, and Labor Committee  
Ohio House of Representatives  
77 S. High Street, 13<sup>th</sup> Floor  
Columbus, OH 43215

Re: HB 2

Dear Chairman Young:

I am the Chair of the Labor and Employment Group at Frost Brown Todd. Our Ohio offices are in Cincinnati, Columbus, and West Chester. We have approximately 45 lawyers involved in all areas of labor and employment law. We represent thousands of different employers around this state, from the very small to the very large.

Ohio citizens need the Ohio Civil Rights Act to be amended. Quite frankly, the employment laws in Ohio are an anachronism and do not match federal law or the laws of other states. These anachronisms make it difficult to do business in Ohio.

HB 2 streamlines the Ohio Civil Rights Act and makes it consistent with the laws of Congress.

Let me turn to a few specifics:

1. HB 2 essentially creates a two-year period to file suit over alleged discrimination. Two years is a sufficient period of time for an employee to determine whether he or she believes that she is the victim of discrimination. Currently, employees have six years to file a discrimination lawsuit. Given that it takes approximately two years to get a case through the court system, witnesses can be asked about critical conversations that took place eight years ago. The practical reality is that witnesses and documents disappear over time through the fault of no one. It just happens. Shortening the statute of limitations simply increases the chance of reaching a just result in a lawsuit.

The Honorable Ron Young

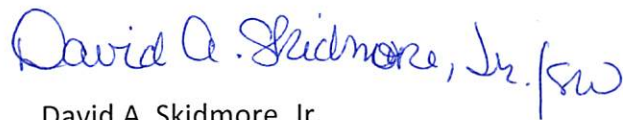
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2. Ohio age discrimination law is a confusing morass. Currently, there are four different methods for an employee to pursue a claim of age discrimination. Some of the methods are a trap for the unwary employee. HB 2 changes the law governing age discrimination claims so that they are consistent with all other types of discrimination claims.
3. HB 2 creates a limited affirmative defense that is patterned after federal law – and encourages deterrence of sexual harassment. The defense puts the burden on an employer to prove that it had an effective policy, that it properly educated employees about the policy and complaint procedures, that it exercised reasonable care to prevent or promptly correct an unlawful discriminatory practice, and that the complainant failed to take advantage of any preventative or corrective measures. I submit to you that if employers are taking these steps in their workplaces that discrimination will decrease markedly in this state which is the purpose of the law. SB 268 encourages employers to take these steps.

As the Chair of the Labor and Employment Group at Frost Brown Todd, we urge you to support HB 2.

Sincerely,



David A. Skidmore, Jr.

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