

Bill Proposes To Streamline Ohio's Outdated Antidiscrimination Statutes

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Ohio's antidiscrimination statutes are currently some of the least friendly in the country to employers. There are long statutes of limitations, individual liability for managers, and uncapped damages. Not to mention, the laws can be incredibly confusing – there are four different ways to file an age discrimination claim and they have different statutes of limitations, remedies and jurisdictions. Hopefully for employers, this system will soon be corrected. Senator Bill Seitz has introduced Senate Bill 268, the Employment Law Uniformity Act. If the bill were to be adopted, Ohio's antidiscrimination statutes would be streamlined and simplified, and would look far more similar to federal antidiscrimination laws. Included in Senate Bill 268 are proposals to do the following:

- Place caps on non-economic and punitive damages based on the size of the employer similar to Title VII's caps (ranging from up to \$50,000 for employers of four to 100 employees to up to \$300,000 for employers of more than 500 employees)
- Eliminate individual liability for supervisors
- Create one statute of limitations for all employment discrimination claims, and reduce the statute of limitations from six years currently available for some claims to one year
- Require employees to choose to file their claim either with the Ohio Civil Rights Commission or in court (as opposed to now, when an employee may in many cases pursue their claims simultaneously in both forums)
- Establish a *Faragher/Elzerth*-type affirmative defense for harassment claims with no tangible employment action

Pro-employer groups such as the Ohio Chamber of Commerce have championed these changes. More employer-friendly laws are more likely to attract employers to the state, and eliminating individual liability for supervisors allows them to focus on making the best possible business judgments without being sued. The bill was only introduced this month, and surely it will be contested and revised throughout the legislative process. However, if the bill survives largely intact and becomes law, then Ohio employers can look forward to simpler, more predictable antidiscrimination laws.

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