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The Employment Law Uniformity Act – Ohio House Bill 352

On January 12, 2021, Ohio Governor Mike DeWine signed H.B. 352, the Employment Law Uniformity Act. The Act takes effect on April 15, 2021, and applies to discrimination claims filed on or after that date.

The Act, which has been sought after by the Ohio Chamber of Commerce and other advocates for years, amends the procedures surrounding Ohio employment discrimination claims as follows:

1. Employees must now exhaust administrative remedies with the Ohio Civil Rights Commission (“OCRC”) prior to filing a lawsuit in court. This requirement is consistent with the requirements for filing employment discrimination claims in federal court.
2. Employees now have two years to file an employment discrimination claim instead of six years.
3. The Act substantially eliminates personal liability for managers and supervisors unless they act outside the scope of their employment, retaliate against the employee, or otherwise personally engage in discrimination.
4. The Act provides employers with a statutory affirmative defense to hostile work environment claims (commonly referred to as the Faragher-Ellerth defense as set forth in the Faragher v. City of Boca Raton, 524 U.S. 775 (1998), and Burlington Industries, Inc. v. Ellerth, 524 U.S. 742 (1998), if they have adopted strong anti-harassment policies and complaint procedures, trained employees on such policies and procedures, exercised reasonable care in preventing/correcting harassment, and the employee fails to follow the employer’s complaint procedures or other preventive or corrective opportunities.
5. The Act streamlines Ohio age discrimination statutes by eliminating two alternate methods of bringing such claims. Now, all age discrimination claims are subject to the new two-year statute of limitations and must be administratively exhausted before filing in court.

In sum, the Act creates more certainty and uniformity for employers with respect to employment discrimination claims by aligning Ohio procedures with federal law.



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