



The Ohio Association of Civil Trial Attorneys (OACTA) supports The Employment Law Uniformity Act, Ohio Senate Bill 268. OACTA's mission is to promote fairness, excellence, and integrity in the civil justice system. Senate Bill 268 furthers this objective by providing uniformity and fairness to businesses operating in Ohio.

There are many key differences that make it difficult for companies in Ohio to efficiently manage resources and defend against frivolous lawsuits. 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 and a lawsuit based on the same allegations. This duplicity leads to added defense costs, inconsistent results, and a drain on public resources.

The current 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. Further illustrating the problem, Ohio employment discrimination claims currently are not subject to the sensible limits on non-economic and punitive damages imposed by federal anti-discrimination law. Finally, 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.

Senate Bill 268 addresses these deficiencies by providing more uniformity with federal law, eliminating duplicity, and preventing many hardworking Ohioans the anxiety a personal lawsuit can bring. The proposed Act remedies the problems with the current law while still permitting aggrieved employees with several generous and readily available avenues for pursuing their claims. Senate Bill 268 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 recommendation of Senate Bill 268.