

# Ohio Legislature Proposes Major Reform of Ohio Employment Discrimination Law

By Patrick O. Peters

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The Ohio employment discrimination statute may be in for substantial changes. A bill aimed at comprehensive reform of Ohio's employment discrimination statute (R.C. § 4112) has been introduced Ohio Legislature.

Key provisions in [House Bill 2](#) would amend R.C. § 4112 to:

- Eliminate individual liability for supervisors and managers,
- Reduce the applicable statute of limitations to initiate claims,
- Streamline age discrimination claims, and
- Modify procedures for asserting claims.

A similar bill was introduced in the Ohio Senate in 2016, but that one lapsed at the end of the legislative session.

Significantly, House Bill 2 would revise the definition of "employer" under R.C. § 4112 to exclude individuals acting in their employer's interest. This revision would eliminate individual liability for managers and supervisors and move Ohio in line with federal law.

House Bill 2 also proposes a substantial reduction in the statute of limitations for employment discrimination claims brought under Ohio law. Currently, employees can bring employment discrimination claims under Ohio law up to six years following the occurrence of the alleged incident. House Bill 2 would reduce this to 365 days for all employment discrimination claims.

In addition, the bill would modify Ohio law on age discrimination claims. Under Ohio's current statutory scheme, age discrimination claims are handled differently than claims related to other protected classes, such as race and gender. The proposed legislation would consolidate age discrimination claims with other types of employment discrimination claims to equate age to other protected classes.

Another key provision of House Bill 2 would alter the interaction between administrative claims and civil lawsuits. Currently, employees can file charges of discrimination with the Ohio Civil Rights Commission while concurrently pursuing a lawsuit in state court. The proposed legislation would prohibit these types of duplicative legal proceedings by requiring employees to choose between filing an administrative charge or a civil lawsuit.

The legislation proposes other changes, such as the creation of an employer affirmative defense to vicarious liability in some hostile work environment cases and encouraging the use of alternative dispute resolution in the administrative process.

The bill was introduced in the Ohio House on February 1, 2017, by Representative William Seitz (R-Cincinnati). House Bill 2 was referred to the Committee for Economic Development, Commerce, and Labor, but has not yet been scheduled for a vote.

The changes proposed by House Bill 2 would substantially affect employment discrimination law in Ohio. Jackson Lewis will continue to monitor the progress of the legislation. Jackson Lewis attorneys are available to assist employers in navigating Ohio's employment discrimination law.

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