

Summary of Employer-Employee Rights & Obligations

The following is a summary of the rights and obligations of employers and employees. You are advised to consult legal counsel for the requirements of your particular situation.

Equal Opportunity

It is unlawful for any employer to discharge without just cause, to refuse to hire, or otherwise to discriminate against a person because of the race, color, religion, sex, national origin, disability, age, or ancestry of any person. No employer shall discriminate in any job opening against any applicant or discharge without just cause any employee aged forty or older who is physically able to perform the duties of the job.

Sexual Harassment

Unlawful sexual harassment can arise when a superior requests submission to sexual advances as a condition for favorable treatment in the workplace or penalizes workers for spurning advances. In addition, an employer that permits a hostile atmosphere in the workplace may be liable to affected employees whether or not they are specific or intended victims.

Employment-At-Will

Ohio is generally an employment-at-will state. Employment-at-will is employment that is usually undertaken without a contract and that may be terminated at any time, by either the employer or the employee, without cause. This rule does not apply to employees governed by collective agreements or employees with employment contracts.

Confidentiality, Trade-Secret and Non-Compete Obligations of Employees

Employees cannot intentionally disclose confidential or proprietary information belonging to their employers without the employer's express consent.

Retaliation

Employer cannot take any disciplinary or retaliatory action against an employee for making any report pertaining to illegal activity or hazardous work environments, or as a result of the employee's having made any inquiry or taken any other action to ensure the accuracy of any information reported.

Military Service

Discrimination against individuals who enter military service is prohibited. Federal law controls what is considered military service.

Jury Duty

An Ohio employer is not obligated to pay the employee's salary for time spent on jury duty. However, the employer is prohibited from discharging the employee because of a summons for jury duty.

Polygraph Tests

The Employee Polygraph Protection Act (EPPA) is a federal law that prohibits pre-employment lie detector tests entirely and limits testing of current employees to times where the property of the employer/business is stolen, lost, or damaged.

Drug Testing

Federal law says employers are permitted, but not required to conduct drug testing to ensure that employees are not using illegal drugs. Ohio law also permits drug testing in the workplace. The results of a drug or alcohol test, or the employee's refusal to submit to a test, may affect the employee's eligibility for benefits.

Arrest and Convictions

Guidelines issued by the Ohio Civil Rights Commission generally prohibit an employer from asking any questions that might reveal information about arrest that did not lead to conviction. On the other hand, an employer generally may ask an applicant about convictions for crimes that relate to qualifications for the job for which the person is applying. In addition, Ohio law prohibits employers from questioning applicants about criminal records that have been sealed or expunged, unless the question has a direct and substantial relationship to the job in question.

Concerted Activity

A concerted activity occurs whenever an employee acts with or on behalf of other employees to accomplish a collective goal in connection with a term or condition of the job. Federal law prohibits employers from terminating, discriminating against, or intimidating employees for engaging in a protected concerted activity.

Workers' Compensation/Disability Compensation

Ohio law requires any public or private employer that has one or more employees regularly employed in the same business to pay into the state's workers' compensation fund. Employers must also report injuries to the Bureau of Workers' Compensation and must keep certain records.

Pay

Under federal law, employers must pay each of their employees a wage no less than the established minimum wage. Generally, employees are entitled to overtime pay. City, state, federal, and Social Security taxes must be deducted irrespective of the nationality of the employee or the employer. In terms of a private loan by the employer to the employee, the employer must commence an action against the employee in order to formally garnish the employee's wages for repayment, unless the employee consents to assignment of wages to the employer.

Separation Benefits

Employers are required by federal law and Ohio to offer employees the right to continue as members of group health insurance plans for a certain amount of time after separation from employment.

Public Notices

Many statutes governing equal employment, wages, workers' compensation, and unemployment compensation require public posting or distribution of notices informing employees of their rights.

Accommodations of Disabled Workers

The Americans with Disabilities Act requires employers to make "reasonable accommodations" for an employee's or applicant's known disabilities unless the employer can show that the accommodation would impose an undue hardship on the employer's business. There are no hard-and-fast rules or dollar limitations to determine what is a reasonable accommodation for a particular individual or is an undue hardship for a particular employer.

COLE LPA
863 N. Cleveland-Massillon Rd.
Akron, OH 44333
(330) 666-5500 / info@colelpa.com
<http://www.colelpa.com>

