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Ohio Supreme Court Limits Age Discrimination Lawsuits

On June 2, 2009, in *Meyer v. United Parcel Serv., Inc.*, the Ohio Supreme Court held that when an employee's discharge has been arbitrated in favor of the employer, or the employee had the opportunity to arbitrate his discharge, that employee is barred from filing a lawsuit against his employer for age discrimination.

At the time of his discharge by UPS, Meyer was 48 years old, and was replaced by an employee in his early twenties. Meyer's grievance of his discharge was denied and this decision was upheld by UPS's "Ohio Joint State Committee." Meyer then filed suit and included a claim of age discrimination. UPS moved for summary judgment, arguing, in part, that R.C. 4112.14(C) barred the age discrimination claim because the proceeding through which the grievance was processed was the "equivalent" of an arbitration. The trial court denied the motion for summary judgment and the case proceeded to a jury trial, which found in Meyer's favor. On appeal, the First District Court of Appeals ruled that R.C. 4112.12(C) did not apply because the age discrimination claim was brought solely under R.C. 4112.99. The Ohio Supreme Court reversed this ruling and held that the "arbitration" proceedings that considered Meyer's grievance were a complete bar to his age discrimination claim under R.C. 4112.14(C).

This is a significant decision for Ohio employers, because it highlights the importance of arbitration/grievance clauses, whether they appear in an employee handbook, an individual employment agreement, or in a union contract.

Healthy Families Act introduced in House of Representatives

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The Healthy Families Act of 2009 (H.R. 2460), was introduced on May 18, 2009, in the U.S. House of Representatives. The bill would require employers with more than 15 employees to provide up to 56 hours of paid sick leave each year.

In the summer of 2008 this was a hot topic in Ohio, before a similar proposal was withdrawn from the ballot.

If passed, H.R. 2460 would actually impact more Ohio employers than the previous Ohio proposal since the Ohio law was limited to employers with 25 or more employees.

The change in administrations and the make up of Congress in Washington suggest that this may be the year mandated paid sick leave passes. We will continue to monitor the progress of H.R. 2460 and report, from time to time, on its status.

For more information concerning age discrimination claims, or the Healthy Families Act of 2009 please contact a member of our Labor and Employment law practice group at (419) 244-6788:

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Mark Barnes appointed to Toledo Bar Association Board of Trustees

Bugbee & Conkle is proud to announce that Mark Barnes, a partner in the firm, has been appointed to the Toledo Bar Association's Board of Trustees. The mission of the Toledo Bar Association is to provide outstanding service to its members and to assist them in serving the law profession and the community. Congratulations Mark!

THE EMPLOYER is not intended to provide legal advice, but is intended as a service to the clients of Bugbee & Conkle, LLP and to alert them to recent developments affecting the employment relationship, with a particular emphasis on the perspective of the employer.

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