

***Lead Contamination reporting. New Legislation introduced SB-269***

We wanted to make you aware of the attached legislation that was introduced yesterday in the Senate. Below is a description of the legislation for your review:

**SB 269 WATER SYSTEMS (Schiavoni, J.) To require a public water system to provide notice of lead contamination not later than thirty days after becoming aware that lead contamination may effect the system's drinking water, to require the Director of Environmental Protection to provide the notice if the public water system fails to provide it, to require employees of the Environmental Protection Agency to provide continuing assistance to a public water system that fails to provide the required notice of lead contamination, and to require the Director to adopt rules that increase the monitoring frequency for lead and copper under specified circumstances. Am. 6109.10 and 6109.12**

*We wanted to make you aware that yesterday Senator Bill Seitz (R-Cincinnati) introduced SB 268 which would reform Ohio's employment discrimination statute. SB 268, or the Employment Law Uniformity Act, seeks to increase uniformity between state and federal discrimination laws.*

The key reforms in the bill are highlighted below:

- Creates a universal 365-day statute of limitations for *all* employment discrimination claims.
- Eliminates individual statutory liability for managers and supervisors.
- Caps non-economic and punitive damages based on the size of

- the employer.
- Unifies the filing of age discrimination claims to the same procedures and remedies as all other protected classes.
  - Requires individuals to elect between filing an administrative charge with the Ohio Civil Rights Commission or filing a discrimination lawsuit in court, with the filing of the former tolling the statute of limitations for the latter.
  - Prioritizes mediation and conciliation for all charges filed with the OCRC, such that all but the most difficult of cases can be resolved efficiently and cost-effectively.
  - Establishes an affirmative defense to claims not alleging an adverse, tangible employment action, when 1) the employer exercised reasonable care to prevent or promptly correct the alleged unlawful discriminatory practice or harassing behavior, and 2) the employee failed to take advantage of any preventive or corrective opportunities provided by the employer or to otherwise avoid the alleged harm.

Senator Seitz said the following in his co-sponsor request:

“Drastically differing state and federal laws create an administrative burden for employers and human resource professionals. Shaping Ohio law to mirror federal law as much as possible will create greater predictability in matters of workplace discrimination for both employers and employees.”

We encourage you to share your thoughts on this legislation with us. We will be sure to closely monitor this legislation and will provide you with updates as they are made available.