

LEGALLY SPEAKING

by Bob Dunlevey

OHIO'S HEALTHY FAMILIES ACT (ACT NOW TO AVOID COSTS!)

If all goes as predicted, this November, Ohio voters will vote themselves seven paid sick days per year at the expense of Ohio businesses. Proponents call it the Healthy Families Act. But, for Ohio businesses it's just bad medicine and democracy running amuck. Benjamin Franklin once said "Democracy is two wolves and a lamb voting on what to have for lunch." This November Ohio voters may very well have your business for lunch. Even pro-labor Governor Strickland opposes this proposed law in its present form.

When the law takes effect, unprepared Ohio businesses will be like lambs led to slaughter. Ohio employers with twenty-five or more employees will have to give employees seven paid sick days in addition to vacation and other paid days off. Even worse, once effective, the new law will make it virtually impossible for businesses to ever safely reduce other forms of paid time off due to the specific language of this proposed law. That's right never, ever. In addition, it will become much more difficult to discipline those with a chronic absenteeism problem. If this law passes, employees may be able to take off the seven paid sick days in increments of six-minute intervals without repercussion and without any obligation to provide a medical excuse. This law makes the Family and Medical Leave Act look tame.

House Speaker John Husted recently stated that "this issue has the potential to be the single largest job killer our state has seen in decades. It would make us the only state in the nation with such an onerous system and diminish our potential to attract any paying jobs." This grass roots proposal sponsored by a union sets a bad precedent for future elections. Will Ohio's

constituents vote in paid vacations next year? Several coalitions are being formed to wage an aggressive campaign against enactment.

Remember, the new law will make it virtually impossible for businesses to ever safely reduce other forms of time off to compensate for the additional mandated days. Therefore, employers must act now to modify their policies in anticipation of this law passing in November.

The law applies to both full-time and part-time employees. Time may be taken for illness, injury or medical conditions as well as preventive health care for employees, their children, spouses and parents (including in-laws). The days carry over from year to year. Advance request for the time off need not be given unless feasible. The time off can not be counted under a no-fault attendance policy. Medical excuses cannot be requested if the time off is three days or less and then the employee has 30 days to provide it. An elaborate penalty system has been set up to trap the unwary employer with penalties including \$100 per day of violation, three times the lost wages and benefits, and attorneys' fees. It is a plaintiff/claimant's attorney dream.

Among the current strategies to be utilized to counteract this anticipated law, consider shrinking your work force to avoid coverage, amending existing policies to create a multi-purpose paid time off policy, terminate employees with absenteeism problems before November, and negotiate changes to existing collective bargaining agreements before November. Most importantly, let your voice be heard.

For more information, contact Bob Dunlevey at (937) 223-6003 or go to the web site of Dunlevey, Mahan & Furry at www.dmfdayton.com.