

# *Legal Notes . . .*

In continuation of our monthly service to our existing clients, below is a short synopsis of the status of Ohio's employment law. It is our hope that you will find this informative. Please feel free to share this with family or friends who you think would be interested in the topic.

## Ohio, An "Employment At Will" State

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Ohio is an "employment at will" state. Generally, this means that employees may be hired, terminated, demoted, or promoted for virtually any reason. However, because a pure operation of the "at will doctrine" can be harsh, four basic categories of exceptions to it have developed over the years.

First, employees who have a contract with the employer have the rules of their employment governed by that document instead of working "at will." Union contracts and executive compensation packages are perhaps the most common forms of such agreements.

Secondly, the "at will doctrine" has a well-known exception based upon the following forms of discrimination: age, if you are over the age of forty; race; religion; national origin; disability and gender. Generally speaking, other forms of discrimination, while many times unfair, are not illegal.

Third, a more difficult to define exception exists called, "wrongful termination in violation of public policy." This requires that the terminated employee find a public policy clearly stated in a constitutional provision, statute, ordinance, or administrative regulation that would be offended by the employee's firing. For instance, if an employer fires an employee for objecting to tobacco smoke in the workplace, in light of Ohio smoking ban, that termination would violate a clearly articulated public policy, and expose the employer to liability.

Lastly, there exist a variety of special statutes, such as those found in the Worker's Compensation system or OSHA regulations, that prohibit retaliation against an employee for exercising a right under the system.

This is intended to provide you with a very basic understanding of the Ohio employment law landscape. Each case is unique, so please contact me with any specific concerns.

