

OHIO GENERAL ASSEMBLY  
JOINT COMMITTEE ON AGENCY RULE REVIEW

**SENATE MEMBERS**

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VICE-CHAIR

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SANDRA R. WILLIAMS



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EXECUTIVE DIRECTOR

GREG FOUCHE  
DEPUTY DIRECTOR

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JAMIE CALLENDER  
CHAIR

DICK STEIN  
MICHAEL J. SKINDELL

BRETT HUDSON HILLYER  
KRISTIN BOGGS

**March 4, 2019**

Chairman Callender called the meeting to order at 1:41 p.m.

Deputy Director Fouche called the roll. Representatives Callender, Stein, Hillyer, Skindell, Boggs and Senators Uecker, Brenner, Kunze, Williams, and Craig were in attendance. Deputy Director Fouche stated a quorum was present. Chairman Callender asked the Committee members to review the February 11, 2019 minutes. The minutes were approved as presented.

Director Wolpert read the No Change Agenda. Chairman Callender called for questions or comments on the No Change Agenda. There were no questions from the Committee or public. Director Wolpert read the Regular Agenda. Item 30 was moved to the review portion of the agenda. Chairman Callender called for questions or comments on the Regular Agenda. There were no questions from the Committee or public. Chairman Callender temporarily recessed the Committee at 1:46 p.m.

Chairman Callender called the Committee back to order at 1:47 p.m. to discuss the review portion of the agenda. Chairman Callender asked if there was anyone present that would like to provide testimony on item 50. There were no witnesses to provide testimony on item 50. Chairman Callender called Stephanie Demers, Ohio Civil Rights Commission, to answer questions from the Committee on item 30.

Representative Boggs asked Ms. Demers to explain why language regarding the termination of employment of an employee who is temporarily disabled due to pregnancy or medical related condition is being struck from the rule. Representative Boggs also asked Ms. Demers to explain the impact this would have on job security. Ms. Demers stated the reason the Commission was recommending to strike the paragraph from the rule was due to a 2010 Supreme Court case ruling. Ms. Demers summarized the ruling, as the employers must treat pregnant females equally to all other persons that are similar in their inability or ability to work.

Representative Boggs believes Ms. Demers' analysis is correct, however Representative Boggs understood that if an employer didn't have a leave policy, then pregnant women would be protected and offered reasonable leave. Representative Boggs asked if the rule were to go into effect if we would be leaving a vast number of women who are employed without protection and job security. Ms. Demers stated a better approach might be to table the proposed rule and possibly craft language that would better identify gender neutral policies. Representative Boggs agreed. Chairman Callender asked Ms. Demers to clarify that she was going to put the rule in To Be Refiled status. Ms. Demers stated yes. There were no further questions for the witness.

Chairman Callender reminded the public of the next JCARR meeting on Monday, March 25, 2019 at 1:30 p.m. in the William McKinley Hearing Room.

Chairman Callender adjourned the meeting at 1:54 p.m.

  
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Jamie Callender, Chair

  
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Larry Wolpert, Director