



# Cincinnati Law Library News

A Monthly Newsletter from the Cincinnati Law Library Association

December 2007

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## Mandatory 12-Week Maternity Leave Adopted by the Ohio Civil Rights Commission Kelly L. Kauffman

On October 25, 2007, the Ohio Civil Rights Commission, by a 4-1 vote, revised Ohio Administrative Code Chapter 4112-5-05(G), replacing a "reasonable period of time" maternity leave requirement with a mandated twelve-week time frame. Ohio employers with four or more workers have to provide female employees twelve (12) weeks of unpaid maternity leave, with guaranteed job reinstatement, under this revised rule.

Failure to provide twelve weeks of leave to pregnant employees would be "presumed to have a disparate impact on women and constitute unlawful sex discrimination unless justified by a business necessity." Revised O.A.C. 4112-5-05(G)(4). The revised code further requires that a pregnant employee be treated the same as other employees who are similarly situated solely in their ability or inability to work. Whether a pregnant employee is also similarly situated in all other material respects would be irrelevant.

The current version of the rule, adopted in 1977, requires that employers provide pregnancy leave "for a reasonable period of time," makes it illegal to terminate a female employee under a policy providing "insufficient" or no pregnancy leave,

and requires that pregnant employees be returned to their original or similar job upon signifying their intent to return to work within a "reasonable time." The proposed revision to this rule removes any ambiguity by changing "reasonable period" to a mandatory 12 weeks. Ohio joins numerous other states that require more generous maternity leave benefits than provided in federal mandates, by adopting this revised language.

Business interests have challenged the revision to O.A.C. 4112-5-05(G) since it was proposed on June 21, 2007, by the Ohio Civil Rights Commission, protesting that this mandatory twelve week leave will place an undue burden on employers, particularly small companies, particularly at this time when Ohio's economy is struggling. The business community further contest that the code as revised creates a "super-protected" class of women of reproductive age. The Ohio Chamber of Commerce released a statement indicating that it will challenge the revised policy when it goes before the Joint Committee on Agency Rule Review (JCARR) later this year.

JCARR has thirty (30) days from the

Continued on page 4

### The Cincinnati Law Library Association

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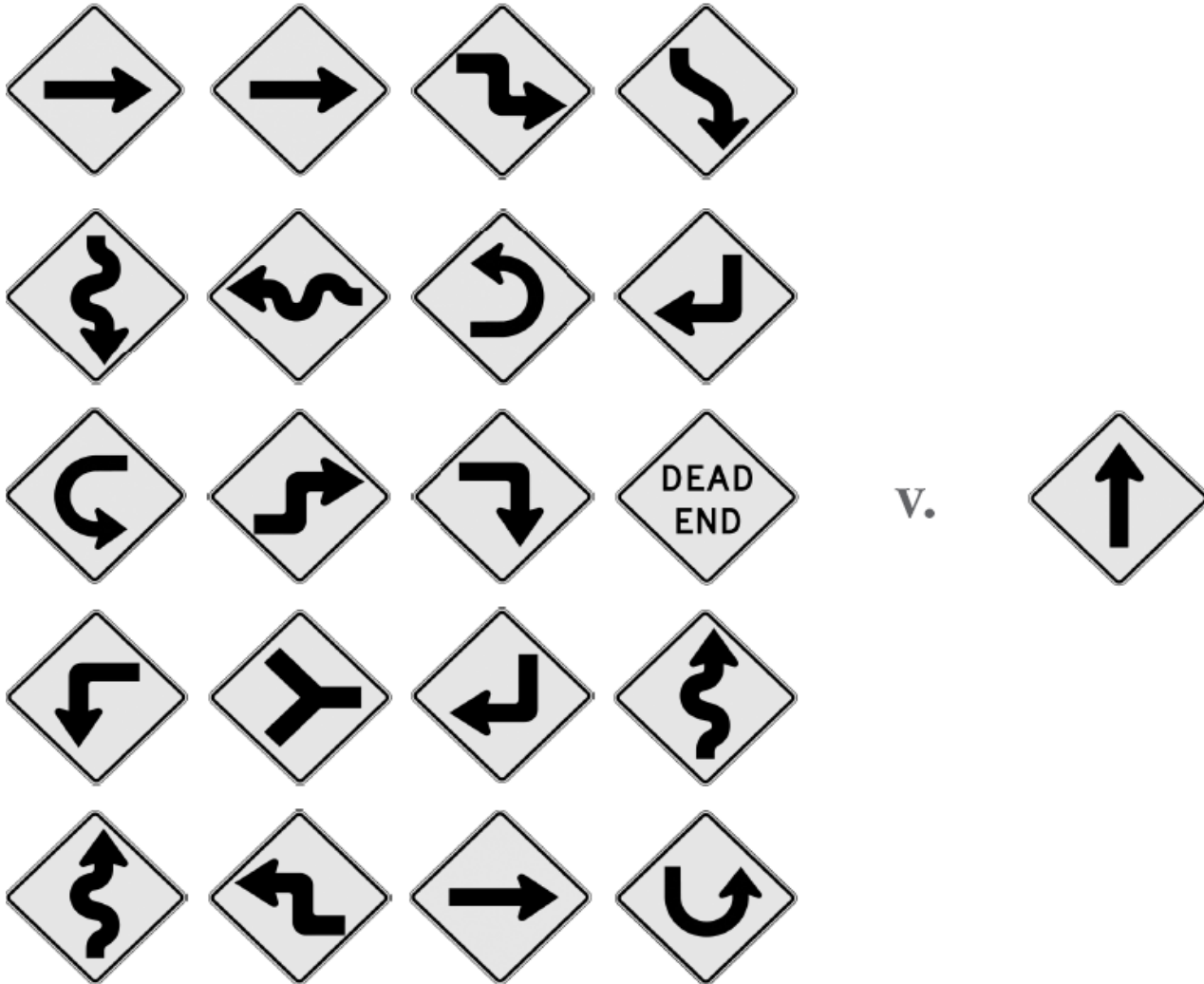
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# Getting started with Fastcase

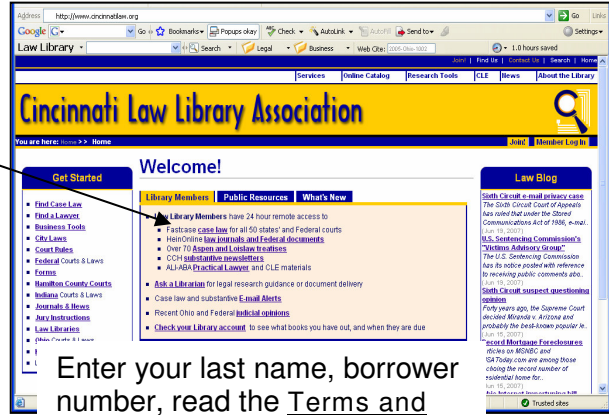
Julie Koehne, Assistant Law Librarian

Getting started with Fastcase and your all night remote-access information buffet! It all starts with a membership number and an internet connection.

Let's start at our homepage [www.cincinnatiaw.org](http://www.cincinnatiaw.org)

Next, click on the case law link in the middle of the page.

You will be asked to login.

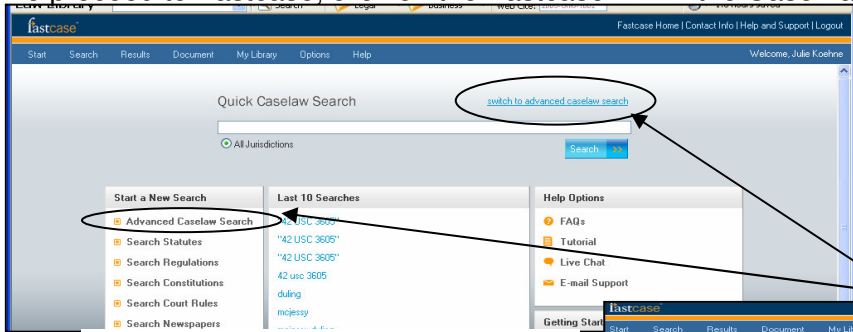


Enter your last name, borrower number, read the Terms and Service, select the box indicating you read the Terms and Services and click **Go**.

Once you have logged in, you will see the plethora of information available through your membership benefits. Notice the different Tabs available to maneuver to.

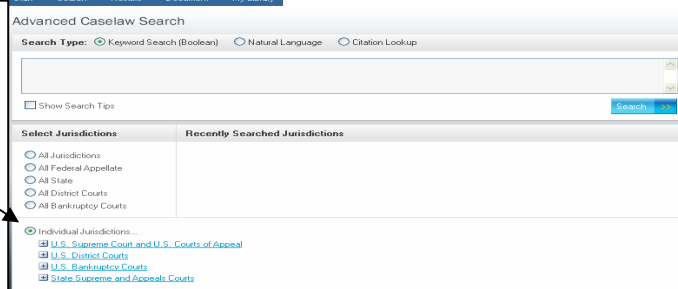


To proceed to Fastcase, click on the Fastcase link in the Case Law box.



Fastcase offers many types databases to search, such as, newspapers, court rules, constitutions, regulations, statutes, and case law. To search case law by a specific jurisdiction, click on the "Advanced Caselaw Search".

At the bottom of the next screen you will find "Individual Jurisdictions", click the radio button and menus will continue to open as you select the specific jurisdiction you want. Enter your search terms above and click on the search button. Your results await you.



filing of the rule by the commission to act or else the rule takes effect eleven (11) days later, i.e. forty-one (41) days from filing. If at least six members of the committee vote to invalidate the change, that decision would have to be approved by a majority vote in both chambers of the Ohio General Assembly.

Text of the revised rule can be viewed online at the OCRC's website at

<http://crc.ohio.gov/pdf/PregnancyRule06212007.pdf>

*Kelly L. Kauffman is a member of the Labor and Employment Law Department. Kelly has experience in advising and representing private and public employers in all aspects of employment law and labor relations matters, including litigation in state and federal court; wrongful discharge litigation; discrimination and civil rights issues; breach of employment contracts; employment-at-will; collective bargaining negotiations; contract arbitration; and employer-employee relations. She served as a law clerk to the Hon. Alice M. Batchelder - U.S. Court of Appeals for the Sixth Circuit.*

## Search for and find jury verdicts

By Glenna Herald

Finding jury verdicts is not always easy. The Cincinnati Law Library Association is one access point to this information, as we have many resources to aid our members in the area of personal injury. The following lists specific resources-treatises and databases on damages and jury verdicts.

### Print

The Ohio Trial Reporter [KFO67.O3] published monthly by Verdict Research Group summarizes civil jury verdicts from around Ohio.

Personal Injury [KF 1256 .A8 F7], published by Matthew Bender (Lexis), is a 28 volume treatise addressing personal injury actions, defenses, and damages. This set also includes forms.

What's it Worth? [KF 1257 .H3] By James P. Munger. Is published by Lexis. The material in this volume "... is designed to aid in determining the value of a plaintiff's case, or for a defense attorney in estimating the extent of a client's exposure." The book is divided into chapters that each deal with a particular type of injury. Settlements, adequate verdicts, inadequate verdicts, and excessive verdicts are the chapter divisions.

Personal Injury Valuation Handbooks [KF 1256. A8 J87] published by LRP offers 8 volumes of reports identifying jury awards and settlements for injuries and liabilities.

### Electronic

JAS Publications

<http://www.verdicts.com/>

Allows users to search full text, exact name, similar injury, or subject matter. [Free searching, but charges for cases.]

Westlaw

There are numerous Westlaw databases on jury verdicts. To see a list select Directory > Litigation > Jury Verdicts, Settlements & Judgments.

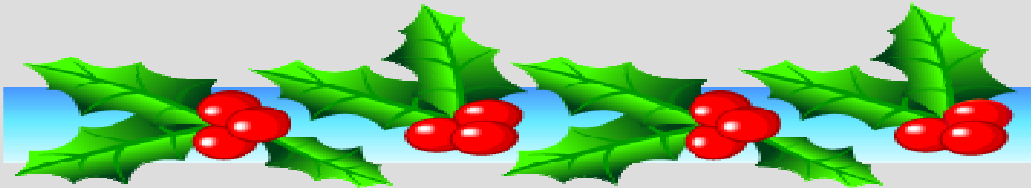
Lexis/Nexis

For a list of the available databases, choose Legal > Area of Law - By Topic > Litigation > Jury Verdicts.

*Holiday Hours*

Monday December 24, 2007: 8:30-12:30

Tuesday December 25, 2007: Closed



Monday December 31, 2007: 8:30-12:30

Tuesday January 1, 2008: Closed

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