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Ohio is an employment-at-will state...or is it?

For many years, the mantra of Ohio employment lawyers was that Ohio is an employment-at-will state, allowing employers to discharge employees for any reason, or no reason at all. Obvious exceptions were employees protected by collective bargaining agreements or employment contracts with specific terms regarding conditions justifying discharge.

In 1990, the Supreme Court of Ohio decided *Greeley v. Miami Valley Maintenance Contractors, Inc.* The Court protected Mr. Greeley who had been fired because of a domestic relations order requiring that child support be withheld from his pay. That case stands for the proposition that, where a discharge is in violation of a statute, it contravenes public policy, and is an exception to the at-will doctrine.

In 1994, the *Greeley* holding was expanded to include discharges that violated the "Constitutions of Ohio and the United States, administrative rules and regulations, and the common law." The case, *Painter v. Graley*, involved a public employee discharged because she ran for public office. The Painter Court adopted the public policy exception to at-will employment, although it held that her claim was without merit because "there is no clear public policy in support of allowing public employees to become candidates for partisan elective office."

In the recent (May 31, 2007) case of *Zajc v. Hycomp*, the Cuyahoga County Court of Appeals set aside a judgment in favor of an employer. The employee had been fired for refusing to ship an aircraft part he found "did not meet contract specifications and/or had serious quality problems or potential quality problems." The court found that plaintiff's actions were protected by a clear public policy sufficient to justify an exception to the employment-at-will doctrine.

This recent case law illustrates the complexities of the employer/employee relationship in the State of Ohio. If your business needs any help in navigating the employee-at-will minefield or if you have any other employment concerns please call us at (614) 221-0922.

Please be aware that the information contained herein should not be construed as legal advice, each set of circumstances needs to be evaluated independently, if you should have any questions or concerns please call us we would be glad to help in any way we can.