

# Legal Connections



POWERED BY THE COLUMBUS BAR ASSOCIATION

AUGUST 18, 2017

## EMPLOYMENT AT RISK: THE ELDERCARE DILEMMA

**T**oday, more than 40 million unpaid caregivers are providing care to an elderly loved one. In a recent study, AARP found the average caregiver is a 49-year-old woman, working outside the home and provides nearly 20 hours of care each week. While many workers will face work-family conflict at some point, those with eldercare responsibilities find their caregiving tasks to be more challenging than those who only have childcare responsibilities. Unlike childcare, the onset of eldercare responsibilities can arise gradually from chronic, degenerative conditions, or abruptly as a result of an accident or acute health crisis.



MELANIE HANKINSON  
IKOR of Columbus

Adding to the stress of caring for an aging parent, workers providing eldercare often navigate complex emotions during the caregiving period. One of the most stressful situations family caregivers can end up in is when the parent they are caring for becomes incapacitated and important health decisions must be made on that

individual's behalf. When several siblings are involved in their parent's care, this situation can easily lead to family conflict. It's unsurprising that workers who provide eldercare report they rarely or never feel that their work and family responsibilities are aligned. As America's population ages and more women participate in the workforce past 55 years of age, family caregiving concerns will have

an increasing impact for both employees and employers.

There is no single statute that protects the rights of workers with eldercare responsibilities. Rather, a patchwork of laws exist which create obligations for employers and provides protections to employees. These laws are the Family Medical Leave Act (FMLA), protecting both men and women who need to take leave from work to provide care for a family member; the Americans with Disabilities Act (ADA), preventing discrimination against those who provide care for a disabled family member; and the Age Discrimination in Employment Act (ADEA), protecting workers 40 years

and older and can be applied to those with caregiver responsibilities. Finally, Title VII of the Civil Rights Act prevents discrimination on the basis of sex stereotypes; meaning a male employee cannot be denied leave to provide care to an aging parent because it is something a woman should do. While there is no state equivalent of the FMLA in Ohio, the Ohio Civil Rights Act prohibits discrimination in the provision of leave to employees who fall into certain protected categories.

MetLife and the National Alliance for Caregiving has estimated U.S. companies lose \$31 billion a year to lost productivity. Some employers have started a caregiver program, which includes benefits like flex time hours, job sharing, telecommunicating or the use of a professional geriatric care manager. The professional care manager can meet with aging parent(s) and their families to assess needs, create a care plan and walk the caregiver through options for services that could help ease some of the burden.

Employers can contact Columbus companies like IKOR (

"Join us on Sept 14 to discuss our Fifth Amendment rights and how due process preserves our rights to life, liberty and property."

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### EDUCATION & EVENTS

Tuesday, Aug 22 • 9 a.m. – 12:15 p.m.  
The E-Discovery Process: Video  
3.0 CLE Hours

Wednesday Aug 23 • 1:30 – 4:45 p.m.  
Executive Presence: Improve How You Are Perceived  
3.0 CLE Hours

Thursday, Aug 24 • 9 a.m. – 12:15 p.m.  
Privilege and Selective Enforcement: Video  
3.0 CLE Hours

Tuesday, Oct 3 • 8:30 – 10:30 a.m.  
Muffins and Medicare

All classes listed are offered at the Columbus Bar Associations offices, 175 S. Third St. Ste. 1100. To register, call 614-221-4112 or enroll online at [www.cbalaw.org](http://www.cbalaw.org).

columbus) for professional geriatric Care Management services or a knowledgeable eldercare law attorney ([directory.cbalaw.org](http://directory.cbalaw.org)); these benefits may have upfront costs but may also see a return to the bottom line. ■

Interested in learning more about economic disparities & housing? • Register for the Jan. 26 MLK Symposium: (614) 221-4112

## IN DEFENSE OF LANDLORDS: THE HOUSING CRISIS IN COLUMBUS

represent almost exclusively landlords, most of whom are reputable business people who maintain their properties. But they get a bad rap: no other businessman/woman is criticized because they cease providing services if they are not paid. There is not an eviction crisis, there is an affordable housing crisis. The average apartment in Columbus rents for over \$800 per month. If a person earns \$10 per hour, it takes two weeks of gross pay to pay for an average apartment. If a tenant becomes ill, has a financial emergency or loses a job, he quickly fall behind in rent and an eviction ensues. For housing there is nothing like

Medicaid, and few sources of financial help, though there are some short-term sources of aid. Obtaining a Section 8 certificate is a lengthy and difficult process. The problem is that housing is expensive and there are few sources of assistance if the tenant needs help.

The eviction process is the same for business and residential evictions, though business landlords have more legal rights as they do not have to comply with the Ohio Landlord Tenant Law. On the other hand, business tenants, even ones in financial

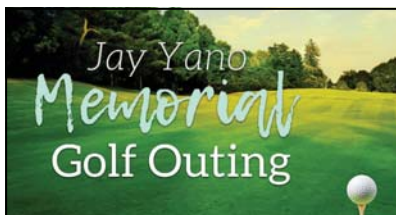


IRA B. SULLY, ESQ.

distress, will likely be more sophisticated, hire attorneys, etc., so, the process tends to be somewhat lengthier, complicated and contentious than a residential eviction though the law is technically more favorable to business landlords.

If you are a landlord in a sticky eviction situation, contact the Lawyer Referral Service (614-221-0754) or visit [directory.cbalaw.org](http://directory.cbalaw.org). Tenants and landlords might also consider Community Mediation Services of Central Ohio which offers free, two-hour Eviction Prevention Education Workshops for low-income tenants. These classes are mobile and focus on how to be a good, responsible tenant and avoid an eviction. For more information, call (614) 228-7191 ext. 13. ■

Every year, 19,000 evictions are filed in Columbus.



September 19, 2017 1:00pm Bent Tree Golf Club

### The Columbus Bar golf outing is back!

Tickets and sponsorship opportunities are available for the Jay Yano Memorial Golf Outing. All proceeds from the outing benefit the Jay Yano Memorial Fund of the Columbus Bar Foundation. Visit [cbalaw.org](http://cbalaw.org) for more information.

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