

# Legal Connections



POWERED BY THE COLUMBUS BAR ASSOCIATION

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## AS COLUMBUS GROWS, SO DOES THE HIRING MARKET

In my 52 years of staffing and recruiting at Dawson, I have never seen a more competitive hiring landscape in our market.

While this isn't the first time that the unemployment rate has dipped so low, companies are competing for talent more fiercely than ever before. The Greater Columbus Market is fortunate to have a history of strong companies like L Brands, OhioHealth, Worthington Industries, Nationwide Insurance and Cardinal Health, but today we are also home to many new, leading companies such as Amazon, lululemon and CoverMyMeds. Everyone is fishing from the same talent pool, and with so many options for candidates, it is much more challenging to fill your workforce.

Take the real estate market, for example. It is common that there will be multiple offers within the first 24 hours a home goes on the market. Home buyers are often approaching homeowners prior to a home listing to see if they can get an edge on the competition, get an offer in before the house is even for sale. Additionally, bidding



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wars are common, forcing buyers to pay more for their "dream home." The same is true in our current employment market. Talented job seekers hold the advantage as they can entertain multiple offers, often with competing salaries and benefits.

So, if you are a hiring manager, how can you get ahead of the competition? I advise my clients

to start identifying candidates before they are ready to hire. If you meet a candidate you like, chances are other companies will like them too. Much like the new home seller won't stop showing their house while the prospective buyer continues to look around, a job seeker won't wait around for your call back; they are going on additional interviews. It is important to hire the right candidate, but once you find someone you like, hire them immediately. If your hiring practices include interviewing with more than one person over multiple days, consolidate your hiring strategy to a more efficient process to eliminate a lengthy timeline, and be ready to make an offer. It's

also important, especially when it comes to hiring legal support staff, to be a bit more flexible when selecting candidates. You may be missing out on some incredible employees who are talented and eager to learn just because they don't explicitly match all of your qualifications.

Incentives are attractive for candidates shopping for a new job. Outside of a competitive salary, employers are offering other perks, including strong benefits packages, extended vacation time, flex hours, continuing education and remote working opportunities. In addition to these more traditional perks and incentives, companies are getting creative, and it is the creative perks that seem to be the most memorable. Health and wellness benefits include onsite gyms, free gym passes, standing desks and meditation or yoga classes. Smaller companies that don't have the budget or capabilities to offer the pricier perks use their creativity to offer birthdays off, celebrate more holidays or offer staff celebrations. There are even companies that allow you to bring your pet to work.

*"A business may need to change their standard procedures as the employment market shifts. By becoming aware of the newest trends, you can update your policies and help ensure a successful future."*



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Keep in mind, it's a challenging market, but it's not hopeless. Our hiring landscape is just forcing us to be more creative with our recruiting strategy and think outside the box to find the solutions to our workforce needs. ■

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## THE EMPLOYER'S GUIDE TO MEDICAL MARIJUANA

Potentially beginning later this year, Ohioans with certain medical conditions will be eligible to buy, possess and use medical marijuana. What does that mean for employers? It depends on the circumstances.

An employer must maintain a drug-free workplace – even free of state-authorized medical marijuana – if the employer is a federal contractor, otherwise receives federal funds or employs workers in federal safety sensitive positions. An employer must also maintain a drug-free workplace if it receives a workers' compensation insurance rebate for a drug-free workplace from the Ohio Bureau of Workers' Compensation and wishes to keep



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receiving that rebate.

All other employers have a choice, as the law neither requires nor prohibits accommodations for medical marijuana use. The law provides several, explicit protections for employers who take adverse employment action against employees based on medical marijuana use. Employers are expressly permitted to

continue with drug testing policies and zero-tolerance, drug-free workplace programs, and employees who are discharged for violation of such policies are ineligible for unemployment compensation benefits. Employers who choose to take adverse employment action against employees who

use medical marijuana should take care, however – depending on the circumstances, an adverse employment action based on medical marijuana use could be perceived instead as an adverse employment action based on disability or perceived disability, which is prohibited under Ohio law.

Employers can accommodate medical marijuana use among employees and have several options in doing so. For instance, an employer who tests their employees for drugs could treat positive marijuana tests like other positive drug tests – look for a prescription (a "recommendation" in the case of medical marijuana) and decide whether an accommodation can be made for that treatment. The employer can even have different testing and usage rules for different

employment classifications, perhaps continuing drug testing and discipline for marijuana usage among safety-sensitive positions and discontinuing the practice for non-safety sensitive positions.

For all employers, the lesson is the same: review your current workplace policies, reconsider those policies in light of the new Ohio law and any obligations you might have to maintain a "drug-free" workplace, and revise your policies as needed. ■

Ohio Revised Code §3796.28(A)(6). See also "Medical Marijuana and Its Impact on BWC," Ohio Bureau of Workers' Compensation, <https://www.bwc.ohio.gov/downloads/blankpdf/medmarijuanaimpact.pdf>, access May 23, 2018. R.C. 3796.28. R.C. 4112.02.

## SYMPOSIUM

ON THE STATE OF DIVERSITY AND INCLUSION IN THE LEGAL PROFESSION

**AUGUST 15**

1:30pm @ the Columbus Bar Association  
Program followed by a cocktail reception  
\$25 for members/non-attorneys



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