

**Legal Insights** is a newsletter of timely and practical legal information that we hope you can use in your professional and personal pursuits. Please contact your attorney at Nicola, Gudbranson & Cooper if you have any questions or comments or if you would like to suggest topics of interest for future issues.



## Protecting your business and employees from sexual harassment

Allegations against high-profile celebrities have spiked interest among employers in how to confront and prevent sexual harassment. With greater awareness, more alleged victims are coming forward and fewer businesses and organizations are immune from accusations of sexual harassment. In addition, it includes a range of acts and circumstances, some of which may be difficult to identify as sexual harassment.

Luke McConville explores the issues surrounding sexual harassment in the workplace and some steps an employer should take to ensure a safe work environment.

[Read the full article.](#)

## How will Ohio's medical marijuana law impact employers?

With medical marijuana legal in Ohio, various state agencies are drafting and implementing rules and regulations governing its manufacture and distribution. But what about medical marijuana as it relates to the workplace? So far employers are under no obligation to accommodate an employee's use of medical marijuana and may enforce drug testing policies and other restrictions.



In addition, it is up to the employee in a workers' compensation claim to show that being under the influence of medical marijuana was not the cause for injury. Josh Berggrun further writes that in some respects medical marijuana use in the workplace remains an open issue for the courts to decide.

[Read the full article.](#)

## AEDs in the workplace

From time to time, clients ask for advice on liability issues concerning the Automated External Defibrillator (AED) for emergency use in the workplace. As a general proposition, and pursuant to the relevant Ohio statutes, a private employer would not likely face any liability for providing or using AEDs in the workplace, according to Matt Fitzsimmons.



## SPOTLIGHT

Attorneys at Nicola, Gudbranson & Cooper represent individuals and families throughout Ohio in divorces, premarital agreements, domestic violence cases and other family law matters. Among the more distinguishing services is assistance to couples so they may arrive at solutions on their own through mediation and facilitation, without involving separate attorneys, sparing financial and emotional costs. Attorney John Sayre has specialized training in collaborative divorce and other alternate dispute processes. Additionally, our family law practice provides representation in international situations involving child abduction from one country to another, as well as interstate support enforcements.

[Read about our family law practice.](#)

## FIRM NEWS

**Karen Moss's** article, "[Buy American, Hire American Takes Its Toll on Business Immigration](#)," was published on the [bestlawyers.com](#) website in February. Karen, part of Nicola, Gudbranson & Cooper's [Immigration Law Group](#), was named "Immigration Lawyer of the Year" in 2016 by Best Lawyers® and has been consistently selected by her peers in the field.

**Mike Bertsch** and **Josh Berggrun** addressed the Lake County Safety Council on "How to Spot the Naughty from the Nice Workers' Compensation Claimant: Three Case Studies." Their presentation in December included best practices for defending suspect workers' compensation claims.

The 11th District Court of Appeals (Ohio) also in December upheld a finding, obtained from the lower court by Mike and **Amy Hamilton**, that an employee's injuries from an automobile accident were not covered by workers' compensation during his late-night travel returning home from a distant temporary workplace.

**Rich Witkowski** traveled Ohio in recent months making presentations on risk management and tax preparer responsibility. The risk management presentation, titled "Are You Putting Your Firm at Risk," was made at the Cincinnati, Columbus, Cleveland and Toledo accounting shows of the Ohio Society of Certified Public Accountants. At the society's Mega Tax Conference in December, Rich presented on "If You See Something: What Should You Do?"

**Matt Fitzsimmons** has been an adjunct professor at Cleveland State University's Cleveland-Marshall College of Law since 2008, co-teaching a

For most buildings and offices, there is no legal requirement in Ohio for a private employer to provide an AED, although Ohio law encourages those who may use an AED to get the proper training. An employer that does provide an AED must maintain and test the AED according to the manufacturer's guidelines.

**[Read the full article.](#)**

course on mediation with U.S. District Court Judge Dan Aaron Polster. This semester the *New York Times* captured the two teaching a class in a photograph accompanying a [story](#) on Judge Polster's overseeing the nation's lawsuits generated by the opioid crisis.

**Nicola, Gudbranson & Cooper LLC**  
25 West Prospect Avenue, Suite 1400  
Cleveland, Ohio 44115

**Tel:** (216) 621-7227  
**Fax:** (216) 621-3999

**[www.nicola.com](http://www.nicola.com)**



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