

**Ohio Civil Rights Commission****G. Michael Payton  
Executive Director****Governor Bob Taft****Pastor Aaron Wheeler, Sr.  
Chairman****FOR IMMEDIATE RELEASE**

August 25, 2005

Contact: Director Public Affairs  
Christia Alou White  
(614) 466-9063**OHIO CIVIL RIGHTS COMMISSIONERS FIND PREGNANCY  
DISCRIMINATION IN DELAWARE COUNTY SHERIFF'S OFFICE CASE**

**Columbus, OH** (August 25, 2005) – At its public meeting today, The Ohio Civil Rights Commission (OCRC) ruled that the Delaware County Sheriff's Office did engage in a discriminatory employment practice, when it fired Deputy Marissa C. Hurst in July 2004 following pregnancy-related leave. Hurst's case gained statewide attention when her husband, Columbus Police Officer Bryan Hurst, was fatally shot during a robbery at a Columbus Fifth Third Bank in January of this year while working 15-20 hours of special duty to make ends meet when his wife was fired after giving birth to their daughter.

Ohio Revised Code (ORC) Section 4112.01(B) states that an employer shall treat women affected by pregnancy, childbirth, or related medical conditions, the same for all employment-related purposes, as other persons not so affected but similar in their ability or inability to work. The OCRC investigation revealed that the Sheriff's Office had provided light duty assignments to others in the past, and that there were several available light duty assignments at the time of Hurst's request.

"This is a clear case of unlawful sex discrimination, and it created a hostile work environment for all women working for the Delaware County Sheriff's Office because treatment of Ms. Hurst's pregnancy demonstrated the agency's intolerance toward pregnant women," said OCRC Executive Director G. Michael Payton.

-more-

Ohio Civil Rights Commission  
Commissioners: Grace Ramos, Nirmal Sinha, Charlie Winburn, Jeanine Donaldson  
1111 East Broad Street, Suite 301, Columbus, Ohio 43205  
phone • 888-278-7101, fax • 614-644-8776, internet • [www.crc.ohio.gov](http://www.crc.ohio.gov)

According to Desmon Martin, Chief of the OCRC Office of Special Investigation, in April 2004 Hurst requested a light duty assignment Delaware County Sheriff Al Myers denied. Hurst was required to use paid sick and vacation leave because she was not able to continue to work in the Patrol Unit. At the birth of her child in July, Hurst had exhausted all leave including unpaid federal Family Medical Leave Act leave that ran concurrently with her sick leave. She was ordered to return to work two weeks after having her baby. Ms. Hurst was discharged after she failed to return to work with a full duty release from her doctor.

Ohio law states that childbearing must be considered by the employer to be a justification for leave of absence for a female employee for a reasonable period of time. The law requires that employment policies provide for individual capacities and the medical status of the woman.

By law, each party has the right to request the Commission to reconsider its decision in writing within ten days of the determination. The Commissioners will then review the request and the case file, to decide whether or not to grant the request. If it's granted, the case may then be returned to the regional office for further investigation.

The OCRC holds public meetings once every three to four weeks. The five appointed Commissioners will hear arguments regarding discrimination complaints. For more information on the cases before the Commission, please go to the OCRC website at [www.crc.ohio.gov](http://www.crc.ohio.gov). Go to "Letters of Determination."

The OCRC receives and investigates charges of discrimination in employment, housing, credit and higher education on the basis of race, color, sex, religion, country of national origin age, ancestry, disability and families with children.

#