



Employee Who Was Fired For Failing To Obtain A Required Professional License Cannot Get Unemployment Benefits

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A Human Resources E-Alert

[Full text of the Court's opinion](#)

In a unanimous decision, the Supreme Court of Ohio held today that a fired employee was ineligible to receive unemployment benefits when she was fired for failing to obtain a professional license that was required as a condition of hiring. When the employee agrees to the licensure condition and is given a reasonable opportunity to obtain the required license, the failure to do so is "just cause" for termination under Ohio's unemployment compensation laws. *Williams v. Ohio Department of Job & Family Services*, Slip Opinion No. 2011-Ohio-2897.

In the case decided today, Mary Williams had accepted a promotion from her employer, Bridgeway, Inc., to a position of "residential services program manager." Bridgeway, a community mental health center, conditioned the promotion on Williams obtaining certification as a "Licensed Independent Social Worker" (LISW). When she accepted the promotion, Williams signed an appointment letter, which included a statement that her failure to complete the LISW licensure by May 2008 "will make you ineligible to keep this position."

Williams did not pass the LISW examination and, as a result, did not obtain LISW certification within the time required. Bridgeway terminated her employment after she failed to obtain the certification. Williams then sought unemployment compensation, which was denied by the Ohio Department of Job & Family Services on the basis that Bridgeway terminated her employment "with just cause." Williams was unsuccessful in several levels of administrative appeals from this determination. Eventually, however, the Eighth District Court of Appeals (Cuyahoga County) ruled in Williams' favor, finding that the LISW certification requirement was applied unfairly to Williams because two other program managers did not have the LISW certification.

Bridgeway appealed to the Supreme Court of Ohio, which unanimously rejected the court of appeals' decision and found Williams ineligible for benefits. The Court emphasized the fact that Williams accepted the promotion knowing that LISW certification was required. And as for the other two program managers who were not LISW-certified, the Court found that they were considerably more experienced and hired several years before Williams; thus, Williams was not "similarly situated" to them. The Court also noted that Bridgeway was entitled to increase the educational requirements of its employees and the LISW certification was a reasonable such requirement.

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