

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

H. B. No. 2

Representative Seitz

A BILL

To amend sections 2315.18, 4112.01, 4112.02, 1
4112.04, 4112.05, 4112.051, 4112.08, and 2
4112.99; to amend, for the purpose of adopting 3
new section numbers as indicated in parentheses, 4
sections 4112.051 (4112.055) and 4112.052 5
(4112.056); to enact new sections 4112.051, 6
4112.052 and sections 4112.053 and 4112.054; and 7
to repeal section 4112.14 of the Revised Code to 8
modify Ohio civil rights laws related to 9
employment. 10

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2315.18, 4112.01, 4112.02, 11
4112.04, 4112.05, 4112.051, 4112.08, and 4112.99 be amended; 12
sections 4112.052 (4112.056) and 4112.051 (4112.055) be amended 13
for the purpose of adopting new section numbers as indicated in 14
parentheses; and new sections 4112.051 and 4112.052 and sections 15
4112.053 and 4112.054 of the Revised Code be enacted to read as 16
follows: 17

Sec. 2315.18. (A) As used in this section and in section 18
2315.19 of the Revised Code: 19

(1) "Asbestos claim" has the same meaning as in section 2307.91 of the Revised Code.	20 21
(2) "Economic loss" means any of the following types of pecuniary harm:	22 23
(a) All wages, salaries, or other compensation lost as a result of an injury or loss to person or property that is a subject of a tort action;	24 25 26
(b) All expenditures for medical care or treatment, rehabilitation services, or other care, treatment, services, products, or accommodations as a result of an injury or loss to person or property that is a subject of a tort action;	27 28 29 30
(c) Any other expenditures incurred as a result of an injury or loss to person or property that is a subject of a tort action, other than attorney's fees incurred in connection with that action.	31 32 33 34
(3) "Medical claim," "dental claim," "optometric claim," and "chiropractic claim" have the same meanings as in section 2305.113 of the Revised Code.	35 36 37
(4) "Noneconomic loss" means nonpecuniary harm that results from an injury or loss to person or property that is a subject of a tort action, including, but not limited to, pain and suffering, loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, disfigurement, mental anguish, and any other intangible loss.	38 39 40 41 42 43 44
(5) "Occurrence" means all claims resulting from or arising out of any one person's bodily injury.	45 46
(6) "Product liability claim" has the same meaning as in	47

section 2307.71 of the Revised Code. 48

(7) "Tort action" means a civil action for damages for 49
injury or loss to person or property. "Tort action" includes a 50
civil action upon a product liability claim or an asbestos claim 51
and a civil action based on an unlawful discriminatory practice 52
relating to employment brought under section 4112.052 or 4112.99 53
of the Revised Code. "Tort action" does not include a civil 54
action upon a medical claim, dental claim, optometric claim, or 55
chiropractic claim or a civil action for damages for a breach of 56
contract or another agreement between persons. 57

(8) "Trier of fact" means the jury or, in a nonjury 58
action, the court. 59

(B) In a tort action to recover damages for injury or loss 60
to person or property, all of the following apply: 61

(1) There shall not be any limitation on the amount of 62
compensatory damages that represents the economic loss of the 63
person who is awarded the damages in the tort action. 64

(2) Except as otherwise provided in division (B)(3) of 65
this section, the amount of compensatory damages that represents 66
damages for noneconomic loss that is recoverable in a tort 67
action under this section to recover damages for injury or loss 68
to person or property shall not exceed the greater of two 69
hundred fifty thousand dollars or an amount that is equal to 70
three times the economic loss, as determined by the trier of 71
fact, of the plaintiff in that tort action to a maximum of three 72
hundred fifty thousand dollars for each plaintiff in that tort 73
action or a maximum of five hundred thousand dollars for each 74
occurrence that is the basis of that tort action. 75

(3) There shall not be any limitation on the amount of 76

compensatory damages that represents damages for noneconomic	77
loss that is recoverable in a tort action to recover damages for	78
injury or loss to person or property if the noneconomic losses	79
of the plaintiff are for either of the following:	80
(a) Permanent and substantial physical deformity, loss of	81
use of a limb, or loss of a bodily organ system;	82
(b) Permanent physical functional injury that permanently	83
prevents the injured person from being able to independently	84
care for self and perform life-sustaining activities.	85
(c) In determining an award of compensatory damages for	86
noneconomic loss in a tort action, the trier of fact shall not	87
consider any of the following:	88
(1) Evidence of a defendant's alleged wrongdoing,	89
misconduct, or guilt;	90
(2) Evidence of the defendant's wealth or financial	91
resources;	92
(3) All other evidence that is offered for the purpose of	93
punishing the defendant, rather than offered for a compensatory	94
purpose.	95
(d) If a trial is conducted in a tort action to recover	96
damages for injury or loss to person or property and a plaintiff	97
prevails in that action, the court in a nonjury trial shall make	98
findings of fact, and the jury in a jury trial shall return a	99
general verdict accompanied by answers to interrogatories, that	100
shall specify all of the following:	101
(1) The total compensatory damages recoverable by the	102
plaintiff;	103
(2) The portion of the total compensatory damages that	104

represents damages for economic loss;	105
(3) The portion of the total compensatory damages that	106
represents damages for noneconomic loss.	107
(E) (1) After the trier of fact in a tort action to recover	108
damages for injury or loss to person or property complies with	109
division (D) of this section, the court shall enter a judgment	110
in favor of the plaintiff for compensatory damages for economic	111
loss in the amount determined pursuant to division (D) (2) of	112
this section, and, subject to division (F) (1) of this section,	113
the court shall enter a judgment in favor of the plaintiff for	114
compensatory damages for noneconomic loss. Except as provided in	115
division (B) (3) of this section, in no event shall a judgment	116
for compensatory damages for noneconomic loss exceed the maximum	117
recoverable amount that represents damages for noneconomic loss	118
as provided in division (B) (2) of this section. Division (B) of	119
this section shall be applied in a jury trial only after the	120
jury has made its factual findings and determination as to the	121
damages.	122
(2) Prior to the trial in the tort action described in	123
division (D) of this section, any party may seek summary	124
judgment with respect to the nature of the alleged injury or	125
loss to person or property, seeking a determination of the	126
damages as described in division (B) (2) of this section.	127
(F) (1) A court of common pleas has no jurisdiction to	128
enter judgment on an award of compensatory damages for	129
noneconomic loss in excess of the limits set forth in this	130
section.	131
(2) If the trier of fact is a jury, the court shall not	132
instruct the jury with respect to the limit on compensatory	133

damages for noneconomic loss described in division (B) (2) of 134
this section, and neither counsel for any party nor a witness 135
shall inform the jury or potential jurors of that limit. 136

(G) With respect to a tort action to which division (B) (2) 137
of this section applies, any excess amount of compensatory 138
damages for noneconomic loss that is greater than the applicable 139
amount specified in division (B) (2) of this section shall not be 140
reallocated to any other tortfeasor beyond the amount of 141
compensatory damages that the tortfeasor would otherwise be 142
responsible for under the laws of this state. 143

(H) This section does not apply to any of the following: 144

(1) Tort actions that are brought against the state in the 145
court of claims, including, but not limited to, those actions in 146
which a state university or college is a defendant and to which 147
division (B) (3) of section 3345.40 of the Revised Code applies; 148

(2) Tort actions that are brought against political 149
subdivisions of this state and that are commenced under or are 150
subject to Chapter 2744. of the Revised Code. Division (C) of 151
section 2744.05 of the Revised Code applies to recoverable 152
damages in those actions. 153

(3) Wrongful death actions brought pursuant to Chapter 154
2125. of the Revised Code. 155

(I) If the provisions regarding the limits on compensatory 156
damages for noneconomic loss set forth in division (B) (2) of 157
this section have been determined to be unconstitutional, then 158
division (C) of this section and section 2315.19 of the Revised 159
Code shall govern the determination of an award of compensatory 160
damages for noneconomic loss in a tort action. 161

Sec. 4112.01. (A) As used in this chapter: 162

(1) "Person" includes one or more individuals, 163
partnerships, associations, organizations, corporations, legal 164
representatives, trustees, trustees in bankruptcy, receivers, 165
and other organized groups of persons. "Person" also includes, 166
but is not limited to, any owner, lessor, assignor, builder, 167
manager, broker, salesperson, appraiser, agent, employee, 168
lending institution, and the state and all political 169
subdivisions, authorities, agencies, boards, and commissions of 170
the state. 171

(2) "Employer" ~~includes~~ means the state, any political 172
subdivision of the state, ~~any or a~~ person employing four or more 173
persons within the state, ~~and any person acting directly or~~ 174
~~indirectly in the interest of an employer for each working day~~ 175
in each of twenty or more calendar weeks in the current or 176
preceding calendar year. 177

(3) "Employee" means an individual employed by any 178
employer but does not include any individual employed in the 179
domestic service of any person. 180

(4) "Labor organization" includes any organization that 181
exists, in whole or in part, for the purpose of collective 182
bargaining or of dealing with employers concerning grievances, 183
terms or conditions of employment, or other mutual aid or 184
protection in relation to employment. 185

(5) "Employment agency" includes any person regularly 186
undertaking, with or without compensation, to procure 187
opportunities to work or to procure, recruit, refer, or place 188
employees. 189

(6) "Commission" means the Ohio civil rights commission 190
created by section 4112.03 of the Revised Code. 191

(7) "Discriminate" includes segregate or separate.	192
(8) "Unlawful discriminatory practice" means any act prohibited by section 4112.02, 4112.021, or 4112.022 of the Revised Code.	193 194 195
(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.	196 197 198 199 200 201
(10) "Housing accommodations" includes any building or structure, or portion of a building or structure, that is used or occupied or is intended, arranged, or designed to be used or occupied as the home residence, dwelling, dwelling unit, or sleeping place of one or more individuals, groups, or families whether or not living independently of each other; and any vacant land offered for sale or lease. "Housing accommodations" also includes any housing accommodations held or offered for sale or rent by a real estate broker, salesperson, or agent, by any other person pursuant to authorization of the owner, by the owner, or by the owner's legal representative.	202 203 204 205 206 207 208 209 210 211 212
(11) "Restrictive covenant" means any specification limiting the transfer, rental, lease, or other use of any housing accommodations because of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry, or any limitation based upon affiliation with or approval by any person, directly or indirectly, employing race, color, religion, sex, military status, familial status, national origin, disability, or ancestry as a condition of affiliation or approval.	213 214 215 216 217 218 219 220 221

(12) "Burial lot" means any lot for the burial of deceased persons within any public burial ground or cemetery, including, but not limited to, cemeteries owned and operated by municipal corporations, townships, or companies or associations incorporated for cemetery purposes.

(13) "Disability" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means ~~at least an individual aged forty years old or older.~~

(15) "Familial status" means either of the following:

(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;

(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.

(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following:

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the

following body systems: neurological; musculoskeletal; special	251
sense organs; respiratory, including speech organs;	252
cardiovascular; reproductive; digestive; genito-urinary; hemic	253
and lymphatic; skin; and endocrine;	254
(ii) Any mental or psychological disorder, including, but	255
not limited to, intellectual disability, organic brain syndrome,	256
emotional or mental illness, and specific learning disabilities;	257
(iii) Diseases and conditions, including, but not limited	258
to, orthopedic, visual, speech, and hearing impairments,	259
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple	260
sclerosis, cancer, heart disease, diabetes, human	261
immunodeficiency virus infection, intellectual disability,	262
emotional illness, drug addiction, and alcoholism.	263
(b) "Physical or mental impairment" does not include any	264
of the following:	265
(i) Homosexuality and bisexuality;	266
(ii) Transvestism, transsexualism, pedophilia,	267
exhibitionism, voyeurism, gender identity disorders not	268
resulting from physical impairments, or other sexual behavior	269
disorders;	270
(iii) Compulsive gambling, kleptomania, or pyromania;	271
(iv) Psychoactive substance use disorders resulting from	272
the current illegal use of a controlled substance or the current	273
use of alcoholic beverages.	274
(17) "Dwelling unit" means a single unit of residence for	275
a family of one or more persons.	276
(18) "Common use areas" means rooms, spaces, or elements	277
inside or outside a building that are made available for the use	278

of residents of the building or their guests, and includes, but 279
is not limited to, hallways, lounges, lobbies, laundry rooms, 280
refuse rooms, mail rooms, recreational areas, and passageways 281
among and between buildings. 282

(19) "Public use areas" means interior or exterior rooms 283
or spaces of a privately or publicly owned building that are 284
made available to the general public. 285

(20) "Controlled substance" has the same meaning as in 286
section 3719.01 of the Revised Code. 287

(21) "Disabled tenant" means a tenant or prospective 288
tenant who is a person with a disability. 289

(22) "Military status" means a person's status in "service 290
in the uniformed services" as defined in section 5923.05 of the 291
Revised Code. 292

(23) "Aggrieved person" includes both of the following: 293

(a) Any person who claims to have been injured by any 294
unlawful discriminatory practice described in division (H) of 295
section 4112.02 of the Revised Code; 296

(b) Any person who believes that the person will be 297
injured by, any unlawful discriminatory practice described in 298
division (H) of section 4112.02 of the Revised Code that is 299
about to occur. 300

(24) "Unlawful discriminatory practice relating to 301
employment" means both of the following: 302

(a) An unlawful discriminatory practice that is prohibited 303
by division (A), (B), (C), (D), (E), or (F) of section 4112.02 304
of the Revised Code; 305

(b) An unlawful discriminatory practice that is prohibited 306
by division (I) or (J) of section 4112.02 of the Revised Code 307
that is related to an unlawful discriminatory practice 308
prohibited by division (A), (B), (C), (D), (E), or (F) of that 309
section. 310

(B) For the purposes of divisions (A) to (F) of section 311
4112.02 of the Revised Code, the terms "because of sex" and "on 312
the basis of sex" include, but are not limited to, because of or 313
on the basis of pregnancy, any illness arising out of and 314
occurring during the course of a pregnancy, childbirth, or 315
related medical conditions. Women affected by pregnancy, 316
childbirth, or related medical conditions shall be treated the 317
same for all employment-related purposes, including receipt of 318
benefits under fringe benefit programs, as other persons not so 319
affected but similar in their ability or inability to work, and 320
nothing in division (B) of section 4111.17 of the Revised Code 321
shall be interpreted to permit otherwise. This division shall 322
not be construed to require an employer to pay for health 323
insurance benefits for abortion, except where the life of the 324
mother would be endangered if the fetus were carried to term or 325
except where medical complications have arisen from the 326
abortion, provided that nothing in this division precludes an 327
employer from providing abortion benefits or otherwise affects 328
bargaining agreements in regard to abortion. 329

Sec. 4112.02. It shall be an unlawful discriminatory 330
practice: 331

(A) For any employer, because of the race, color, 332
religion, sex, military status, national origin, disability, 333
age, or ancestry of any person, to discharge without just cause, 334
to refuse to hire, or otherwise to discriminate against that 335

person with respect to hire, tenure, terms, conditions, or 336
privileges of employment, or any matter directly or indirectly 337
related to employment. 338

(B) For an employment agency or personnel placement 339
service, because of race, color, religion, sex, military status, 340
national origin, disability, age, or ancestry, to do any of the 341
following: 342

(1) Refuse or fail to accept, register, classify properly, 343
or refer for employment, or otherwise discriminate against any 344
person; 345

(2) Comply with a request from an employer for referral of 346
applicants for employment if the request directly or indirectly 347
indicates that the employer fails to comply with the provisions 348
of sections 4112.01 to 4112.07 of the Revised Code. 349

(C) For any labor organization to do any of the following: 350

(1) Limit or classify its membership on the basis of race, 351
color, religion, sex, military status, national origin, 352
disability, age, or ancestry; 353

(2) Discriminate against, limit the employment 354
opportunities of, or otherwise adversely affect the employment 355
status, wages, hours, or employment conditions of any person as 356
an employee because of race, color, religion, sex, military 357
status, national origin, disability, age, or ancestry. 358

(D) For any employer, labor organization, or joint labor- 359
management committee controlling apprentice training programs to 360
discriminate against any person because of race, color, 361
religion, sex, military status, national origin, disability, or 362
ancestry in admission to, or employment in, any program 363
established to provide apprentice training. 364

(E) Except where based on a bona fide occupational 365
qualification certified in advance by the commission, for any 366
employer, employment agency, personnel placement service, or 367
labor organization, prior to employment or admission to 368
membership, to do any of the following: 369

(1) Elicit or attempt to elicit any information concerning 370
the race, color, religion, sex, military status, national 371
origin, disability, age, or ancestry of an applicant for 372
employment or membership; 373

(2) Make or keep a record of the race, color, religion, 374
sex, military status, national origin, disability, age, or 375
ancestry of any applicant for employment or membership; 376

(3) Use any form of application for employment, or 377
personnel or membership blank, seeking to elicit information 378
regarding race, color, religion, sex, military status, national 379
origin, disability, age, or ancestry; but an employer holding a 380
contract containing a nondiscrimination clause with the 381
government of the United States, or any department or agency of 382
that government, may require an employee or applicant for 383
employment to furnish documentary proof of United States 384
citizenship and may retain that proof in the employer's 385
personnel records and may use photographic or fingerprint 386
identification for security purposes; 387

(4) Print or publish or cause to be printed or published 388
any notice or advertisement relating to employment or membership 389
indicating any preference, limitation, specification, or 390
discrimination, based upon race, color, religion, sex, military 391
status, national origin, disability, age, or ancestry; 392

(5) Announce or follow a policy of denying or limiting, 393

through a quota system or otherwise, employment or membership 394
opportunities of any group because of the race, color, religion, 395
sex, military status, national origin, disability, age, or 396
ancestry of that group; 397

(6) Utilize in the recruitment or hiring of persons any 398
employment agency, personnel placement service, training school 399
or center, labor organization, or any other employee-referring 400
source known to discriminate against persons because of their 401
race, color, religion, sex, military status, national origin, 402
disability, age, or ancestry. 403

(F) For any person seeking employment to publish or cause 404
to be published any advertisement that specifies or in any 405
manner indicates that person's race, color, religion, sex, 406
military status, national origin, disability, age, or ancestry, 407
or expresses a limitation or preference as to the race, color, 408
religion, sex, military status, national origin, disability, 409
age, or ancestry of any prospective employer. 410

(G) For any proprietor or any employee, keeper, or manager 411
of a place of public accommodation to deny to any person, except 412
for reasons applicable alike to all persons regardless of race, 413
color, religion, sex, military status, national origin, 414
disability, age, or ancestry, the full enjoyment of the 415
accommodations, advantages, facilities, or privileges of the 416
place of public accommodation. 417

(H) Subject to section 4112.024 of the Revised Code, for 418
any person to do any of the following: 419

(1) Refuse to sell, transfer, assign, rent, lease, 420
sublease, or finance housing accommodations, refuse to negotiate 421
for the sale or rental of housing accommodations, or otherwise 422

deny or make unavailable housing accommodations because of race, 423
color, religion, sex, military status, familial status, 424
ancestry, disability, or national origin; 425

(2) Represent to any person that housing accommodations 426
are not available for inspection, sale, or rental, when in fact 427
they are available, because of race, color, religion, sex, 428
military status, familial status, ancestry, disability, or 429
national origin; 430

(3) Discriminate against any person in the making or 431
purchasing of loans or the provision of other financial 432
assistance for the acquisition, construction, rehabilitation, 433
repair, or maintenance of housing accommodations, or any person 434
in the making or purchasing of loans or the provision of other 435
financial assistance that is secured by residential real estate, 436
because of race, color, religion, sex, military status, familial 437
status, ancestry, disability, or national origin or because of 438
the racial composition of the neighborhood in which the housing 439
accommodations are located, provided that the person, whether an 440
individual, corporation, or association of any type, lends money 441
as one of the principal aspects or incident to the person's 442
principal business and not only as a part of the purchase price 443
of an owner-occupied residence the person is selling nor merely 444
casually or occasionally to a relative or friend; 445

(4) Discriminate against any person in the terms or 446
conditions of selling, transferring, assigning, renting, 447
leasing, or subleasing any housing accommodations or in 448
furnishing facilities, services, or privileges in connection 449
with the ownership, occupancy, or use of any housing 450
accommodations, including the sale of fire, extended coverage, 451
or homeowners insurance, because of race, color, religion, sex, 452

military status, familial status, ancestry, disability, or 453
national origin or because of the racial composition of the 454
neighborhood in which the housing accommodations are located; 455

(5) Discriminate against any person in the terms or 456
conditions of any loan of money, whether or not secured by 457
mortgage or otherwise, for the acquisition, construction, 458
rehabilitation, repair, or maintenance of housing accommodations 459
because of race, color, religion, sex, military status, familial 460
status, ancestry, disability, or national origin or because of 461
the racial composition of the neighborhood in which the housing 462
accommodations are located; 463

(6) Refuse to consider without prejudice the combined 464
income of both husband and wife for the purpose of extending 465
mortgage credit to a married couple or either member of a 466
married couple; 467

(7) Print, publish, or circulate any statement or 468
advertisement, or make or cause to be made any statement or 469
advertisement, relating to the sale, transfer, assignment, 470
rental, lease, sublease, or acquisition of any housing 471
accommodations, or relating to the loan of money, whether or not 472
secured by mortgage or otherwise, for the acquisition, 473
construction, rehabilitation, repair, or maintenance of housing 474
accommodations, that indicates any preference, limitation, 475
specification, or discrimination based upon race, color, 476
religion, sex, military status, familial status, ancestry, 477
disability, or national origin, or an intention to make any such 478
preference, limitation, specification, or discrimination; 479

(8) Except as otherwise provided in division (H) (8) or 480
(17) of this section, make any inquiry, elicit any information, 481
make or keep any record, or use any form of application 482

containing questions or entries concerning race, color, 483
religion, sex, military status, familial status, ancestry, 484
disability, or national origin in connection with the sale or 485
lease of any housing accommodations or the loan of any money, 486
whether or not secured by mortgage or otherwise, for the 487
acquisition, construction, rehabilitation, repair, or 488
maintenance of housing accommodations. Any person may make 489
inquiries, and make and keep records, concerning race, color, 490
religion, sex, military status, familial status, ancestry, 491
disability, or national origin for the purpose of monitoring 492
compliance with this chapter. 493

(9) Include in any transfer, rental, or lease of housing 494
accommodations any restrictive covenant, or honor or exercise, 495
or attempt to honor or exercise, any restrictive covenant; 496

(10) Induce or solicit, or attempt to induce or solicit, a 497
housing accommodations listing, sale, or transaction by 498
representing that a change has occurred or may occur with 499
respect to the racial, religious, sexual, military status, 500
familial status, or ethnic composition of the block, 501
neighborhood, or other area in which the housing accommodations 502
are located, or induce or solicit, or attempt to induce or 503
solicit, a housing accommodations listing, sale, or transaction 504
by representing that the presence or anticipated presence of 505
persons of any race, color, religion, sex, military status, 506
familial status, ancestry, disability, or national origin, in 507
the block, neighborhood, or other area will or may have results 508
including, but not limited to, the following: 509

(a) The lowering of property values; 510

(b) A change in the racial, religious, sexual, military 511
status, familial status, or ethnic composition of the block, 512

neighborhood, or other area;	513
(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	514 515
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	516 517
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;	518 519 520 521 522 523 524 525
(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;	526 527 528 529 530
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	531 532 533 534 535
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	536 537 538 539 540
(15) Discriminate in the sale or rental of, or otherwise	541

make unavailable or deny, housing accommodations to any buyer or 542
renter because of a disability of any of the following: 543

(a) The buyer or renter; 544

(b) A person residing in or intending to reside in the 545
housing accommodations after they are sold, rented, or made 546
available; 547

(c) Any individual associated with the person described in 548
division (H) (15) (b) of this section. 549

(16) Discriminate in the terms, conditions, or privileges 550
of the sale or rental of housing accommodations to any person or 551
in the provision of services or facilities to any person in 552
connection with the housing accommodations because of a 553
disability of any of the following: 554

(a) That person; 555

(b) A person residing in or intending to reside in the 556
housing accommodations after they are sold, rented, or made 557
available; 558

(c) Any individual associated with the person described in 559
division (H) (16) (b) of this section. 560

(17) Except as otherwise provided in division (H) (17) of 561
this section, make an inquiry to determine whether an applicant 562
for the sale or rental of housing accommodations, a person 563
residing in or intending to reside in the housing accommodations 564
after they are sold, rented, or made available, or any 565
individual associated with that person has a disability, or make 566
an inquiry to determine the nature or severity of a disability 567
of the applicant or such a person or individual. The following 568
inquiries may be made of all applicants for the sale or rental 569

of housing accommodations, regardless of whether they have	570
disabilities:	571
(a) An inquiry into an applicant's ability to meet the	572
requirements of ownership or tenancy;	573
(b) An inquiry to determine whether an applicant is	574
qualified for housing accommodations available only to persons	575
with disabilities or persons with a particular type of	576
disability;	577
(c) An inquiry to determine whether an applicant is	578
qualified for a priority available to persons with disabilities	579
or persons with a particular type of disability;	580
(d) An inquiry to determine whether an applicant currently	581
uses a controlled substance in violation of section 2925.11 of	582
the Revised Code or a substantively comparable municipal	583
ordinance;	584
(e) An inquiry to determine whether an applicant at any	585
time has been convicted of or pleaded guilty to any offense, an	586
element of which is the illegal sale, offer to sell,	587
cultivation, manufacture, other production, shipment,	588
transportation, delivery, or other distribution of a controlled	589
substance.	590
(18) (a) Refuse to permit, at the expense of a person with	591
a disability, reasonable modifications of existing housing	592
accommodations that are occupied or to be occupied by the person	593
with a disability, if the modifications may be necessary to	594
afford the person with a disability full enjoyment of the	595
housing accommodations. This division does not preclude a	596
landlord of housing accommodations that are rented or to be	597
rented to a disabled tenant from conditioning permission for a	598

proposed modification upon the disabled tenant's doing one or 599
more of the following: 600

(i) Providing a reasonable description of the proposed 601
modification and reasonable assurances that the proposed 602
modification will be made in a workerlike manner and that any 603
required building permits will be obtained prior to the 604
commencement of the proposed modification; 605

(ii) Agreeing to restore at the end of the tenancy the 606
interior of the housing accommodations to the condition they 607
were in prior to the proposed modification, but subject to 608
reasonable wear and tear during the period of occupancy, if it 609
is reasonable for the landlord to condition permission for the 610
proposed modification upon the agreement; 611

(iii) Paying into an interest-bearing escrow account that 612
is in the landlord's name, over a reasonable period of time, a 613
reasonable amount of money not to exceed the projected costs at 614
the end of the tenancy of the restoration of the interior of the 615
housing accommodations to the condition they were in prior to 616
the proposed modification, but subject to reasonable wear and 617
tear during the period of occupancy, if the landlord finds the 618
account reasonably necessary to ensure the availability of funds 619
for the restoration work. The interest earned in connection with 620
an escrow account described in this division shall accrue to the 621
benefit of the disabled tenant who makes payments into the 622
account. 623

(b) A landlord shall not condition permission for a 624
proposed modification upon a disabled tenant's payment of a 625
security deposit that exceeds the customarily required security 626
deposit of all tenants of the particular housing accommodations. 627

(19) Refuse to make reasonable accommodations in rules,	628
policies, practices, or services when necessary to afford a	629
person with a disability equal opportunity to use and enjoy a	630
dwelling unit, including associated public and common use areas;	631
(20) Fail to comply with the standards and rules adopted	632
under division (A) of section 3781.111 of the Revised Code;	633
(21) Discriminate against any person in the selling,	634
brokering, or appraising of real property because of race,	635
color, religion, sex, military status, familial status,	636
ancestry, disability, or national origin;	637
(22) Fail to design and construct covered multifamily	638
dwellings for first occupancy on or after June 30, 1992, in	639
accordance with the following conditions:	640
(a) The dwellings shall have at least one building	641
entrance on an accessible route, unless it is impractical to do	642
so because of the terrain or unusual characteristics of the	643
site.	644
(b) With respect to dwellings that have a building	645
entrance on an accessible route, all of the following apply:	646
(i) The public use areas and common use areas of the	647
dwellings shall be readily accessible to and usable by persons	648
with a disability.	649
(ii) All the doors designed to allow passage into and	650
within all premises shall be sufficiently wide to allow passage	651
by persons with a disability who are in wheelchairs.	652
(iii) All premises within covered multifamily dwelling	653
units shall contain an accessible route into and through the	654
dwelling; all light switches, electrical outlets, thermostats,	655

and other environmental controls within such units shall be in 656
accessible locations; the bathroom walls within such units shall 657
contain reinforcements to allow later installation of grab bars; 658
and the kitchens and bathrooms within such units shall be 659
designed and constructed in a manner that enables an individual 660
in a wheelchair to maneuver about such rooms. 661

For purposes of division (H) (22) of this section, "covered 662
multifamily dwellings" means buildings consisting of four or 663
more units if such buildings have one or more elevators and 664
ground floor units in other buildings consisting of four or more 665
units. 666

(I) For any person to discriminate in any manner against 667
any other person because that person has opposed any unlawful 668
discriminatory practice defined in this section or because that 669
person has made a charge, testified, assisted, or participated 670
in any manner in any investigation, proceeding, or hearing under 671
sections 4112.01 to 4112.07 of the Revised Code. 672

(J) For any person to aid, abet, incite, compel, or coerce 673
the doing of any act declared by this section to be an unlawful 674
discriminatory practice, to obstruct or prevent any person from 675
complying with this chapter or any order issued under it, or to 676
attempt directly or indirectly to commit any act declared by 677
this section to be an unlawful discriminatory practice. 678

(K) Nothing in divisions (A) to (E) of this section shall 679
be construed to require a person with a disability to be 680
employed or trained under circumstances that would significantly 681
increase the occupational hazards affecting either the person 682
with a disability, other employees, the general public, or the 683
facilities in which the work is to be performed, or to require 684
the employment or training of a person with a disability in a 685

job that requires the person with a disability routinely to 686
undertake any task, the performance of which is substantially 687
and inherently impaired by the person's disability. 688

~~(L) An aggrieved individual may enforce the individual's 689
rights relative to discrimination on the basis of age as 690
provided for in this section by instituting a civil action, 691
within one hundred eighty days after the alleged unlawful 692
discriminatory practice occurred, in any court with jurisdiction 693
for any legal or equitable relief that will effectuate the 694
individual's rights. 695~~

~~A person who files a civil action under this division is 696
barred, with respect to the practices complained of, from 697
instituting a civil action under section 4112.14 of the Revised 698
Code and from filing a charge with the commission under section 699
4112.05 of the Revised Code. 700~~

~~(M) With regard to age, it shall not be an unlawful 701
discriminatory practice and it shall not constitute a violation 702
of division (A) of section 4112.14 of the Revised Code for any 703
employer, employment agency, joint labor-management committee 704
controlling apprenticeship training programs, or labor 705
organization to do any of the following: 706~~

~~(1) Establish bona fide employment qualifications 707
reasonably related to the particular business or occupation that 708
may include standards for skill, aptitude, physical capability, 709
intelligence, education, maturation, and experience; 710~~

~~(2) Observe the terms of a bona fide seniority system or 711
any bona fide employee benefit plan, including, but not limited 712
to, a retirement, pension, or insurance plan, that is not a 713
subterfuge to evade the purposes of this section. However, no 714~~

such employee benefit plan shall excuse the failure to hire any 715
individual, and no such seniority system or employee benefit 716
plan shall require or permit the involuntary retirement of any 717
individual, because of the individual's age except as provided 718
for in the "Age Discrimination in Employment Act Amendment of 719
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 720
Discrimination in Employment Act Amendments of 1986," 100 Stat. 721
3342, 29 U.S.C.A. 623, as amended. 722

(3) Retire an employee who has attained sixty-five years 723
of age who, for the two-year period immediately before 724
retirement, is employed in a bona fide executive or a high 725
policymaking position, if the employee is entitled to an 726
immediate nonforfeitable annual retirement benefit from a 727
pension, profit-sharing, savings, or deferred compensation plan, 728
or any combination of those plans, of the employer of the 729
employee, which equals, in the aggregate, at least forty-four 730
thousand dollars, in accordance with the conditions of the "Age 731
Discrimination in Employment Act Amendment of 1978," 92 Stat. 732
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 733
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 734
631, as amended; 735

(4) Observe the terms of any bona fide apprenticeship 736
program if the program is registered with the Ohio 737
apprenticeship council pursuant to sections 4139.01 to 4139.06 738
of the Revised Code and is approved by the federal committee on 739
apprenticeship of the United States department of labor. 740

~~(N)~~ ~~(M)~~ Nothing in this chapter prohibiting age 741
discrimination and nothing in division ~~(A)~~ of section ~~4112.14~~ of 742
~~the Revised Code~~ shall be construed to prohibit the following: 743

(1) The designation of uniform age the attainment of which 744

is necessary for public employees to receive pension or other 745
retirement benefits pursuant to Chapter 145., 742., 3307., 746
3309., or 5505. of the Revised Code; 747

(2) The mandatory retirement of uniformed patrol officers 748
of the state highway patrol as provided in section 5505.16 of 749
the Revised Code; 750

(3) The maximum age requirements for appointment as a 751
patrol officer in the state highway patrol established by 752
section 5503.01 of the Revised Code; 753

(4) The maximum age requirements established for original 754
appointment to a police department or fire department in 755
sections 124.41 and 124.42 of the Revised Code; 756

(5) Any maximum age not in conflict with federal law that 757
may be established by a municipal charter, municipal ordinance, 758
or resolution of a board of township trustees for original 759
appointment as a police officer or firefighter; 760

(6) Any mandatory retirement provision not in conflict 761
with federal law of a municipal charter, municipal ordinance, or 762
resolution of a board of township trustees pertaining to police 763
officers and firefighters; 764

(7) Until January 1, 1994, the mandatory retirement of any 765
employee who has attained seventy years of age and who is 766
serving under a contract of unlimited tenure, or similar 767
arrangement providing for unlimited tenure, at an institution of 768
higher education as defined in the "Education Amendments of 769
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 770

~~(N)~~(1) (a) Except as provided in division ~~(N)~~(1) (b) 771
of this section, for purposes of divisions (A) to (E) of this 772
section, a disability does not include any physiological 773

disorder or condition, mental or psychological disorder, or 774
disease or condition caused by an illegal use of any controlled 775
substance by an employee, applicant, or other person, if an 776
employer, employment agency, personnel placement service, labor 777
organization, or joint labor-management committee acts on the 778
basis of that illegal use. 779

(b) Division ~~(O)~~(N)(1)(a) of this section does not apply 780
to an employee, applicant, or other person who satisfies any of 781
the following: 782

(i) The employee, applicant, or other person has 783
successfully completed a supervised drug rehabilitation program 784
and no longer is engaging in the illegal use of any controlled 785
substance, or the employee, applicant, or other person otherwise 786
successfully has been rehabilitated and no longer is engaging in 787
that illegal use. 788

(ii) The employee, applicant, or other person is 789
participating in a supervised drug rehabilitation program and no 790
longer is engaging in the illegal use of any controlled 791
substance. 792

(iii) The employee, applicant, or other person is 793
erroneously regarded as engaging in the illegal use of any 794
controlled substance, but the employee, applicant, or other 795
person is not engaging in that illegal use. 796

(2) Divisions (A) to (E) of this section do not prohibit 797
an employer, employment agency, personnel placement service, 798
labor organization, or joint labor-management committee from 799
doing any of the following: 800

(a) Adopting or administering reasonable policies or 801
procedures, including, but not limited to, testing for the 802

illegal use of any controlled substance, that are designed to 803
ensure that an individual described in division ~~(O)~~(N) (1) (b) (i) 804
or (ii) of this section no longer is engaging in the illegal use 805
of any controlled substance; 806

(b) Prohibiting the illegal use of controlled substances 807
and the use of alcohol at the workplace by all employees; 808

(c) Requiring that employees not be under the influence of 809
alcohol or not be engaged in the illegal use of any controlled 810
substance at the workplace; 811

(d) Requiring that employees behave in conformance with 812
the requirements established under "The Drug-Free Workplace Act 813
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 814

(e) Holding an employee who engages in the illegal use of 815
any controlled substance or who is an alcoholic to the same 816
qualification standards for employment or job performance, and 817
the same behavior, to which the employer, employment agency, 818
personnel placement service, labor organization, or joint labor- 819
management committee holds other employees, even if any 820
unsatisfactory performance or behavior is related to an 821
employee's illegal use of a controlled substance or alcoholism; 822

(f) Exercising other authority recognized in the 823
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 824
U.S.C.A. 12101, as amended, including, but not limited to, 825
requiring employees to comply with any applicable federal 826
standards. 827

(3) For purposes of this chapter, a test to determine the 828
illegal use of any controlled substance does not include a 829
medical examination. 830

(4) Division ~~(O)~~(N) of this section does not encourage, 831

prohibit, or authorize, and shall not be construed as 832
encouraging, prohibiting, or authorizing, the conduct of testing 833
for the illegal use of any controlled substance by employees, 834
applicants, or other persons, or the making of employment 835
decisions based on the results of that type of testing. 836

~~(P)~~(O) This section does not apply to a religious 837
corporation, association, educational institution, or society 838
with respect to the employment of an individual of a particular 839
religion to perform work connected with the carrying on by that 840
religious corporation, association, educational institution, or 841
society of its activities. 842

The unlawful discriminatory practices defined in this 843
section do not make it unlawful for a person or an appointing 844
authority administering an examination under section 124.23 of 845
the Revised Code to obtain information about an applicant's 846
military status for the purpose of determining if the applicant 847
is eligible for the additional credit that is available under 848
that section. 849

Sec. 4112.04. (A) The commission shall do all of the 850
following: 851

(1) Establish and maintain a principal office in the city 852
of Columbus and any other offices within the state that it 853
considers necessary; 854

(2) Appoint an executive director who shall serve at the 855
pleasure of the commission and be its principal administrative 856
officer. The executive director shall be paid a salary fixed 857
pursuant to Chapter 124. of the Revised Code. 858

(3) Appoint hearing examiners and other employees and 859
agents who it considers necessary and prescribe their duties 860

subject to Chapter 124. of the Revised Code; 861

(4) Adopt, promulgate, amend, and rescind rules to 862
effectuate the provisions of this chapter and the policies and 863
practice of the commission in connection with this chapter; 864

(5) Formulate policies to effectuate the purposes of this 865
chapter and make recommendations to agencies and officers of the 866
state or political subdivisions to effectuate the policies; 867

(6) Receive, investigate, and pass upon written charges 868
made under oath of unlawful discriminatory practices; 869

(7) Make periodic surveys of the existence and effect of 870
discrimination because of race, color, religion, sex, military 871
status, familial status, national origin, disability, age, or 872
ancestry on the enjoyment of civil rights by persons within the 873
state; 874

(8) Report, from time to time, but not less than once a 875
year, to the general assembly and the governor, describing in 876
detail the investigations, proceedings, and hearings it has 877
conducted and their outcome, the decisions it has rendered, and 878
the other work performed by it, which report shall include a 879
copy of any surveys prepared pursuant to division (A) (7) of this 880
section and shall include the recommendations of the commission 881
as to legislative or other remedial action; 882

(9) Prepare a comprehensive educational program, in 883
cooperation with the department of education, for the students 884
of the public schools of this state and for all other residents 885
of this state that is designed to eliminate prejudice on the 886
basis of race, color, religion, sex, military status, familial 887
status, national origin, disability, age, or ancestry in this 888
state, to further good will among those groups, and to emphasize 889

the origin of prejudice against those groups, its harmful 890
effects, and its incompatibility with American principles of 891
equality and fair play; 892

(10) Receive progress reports from agencies, 893
instrumentalities, institutions, boards, commissions, and other 894
entities of this state or any of its political subdivisions and 895
their agencies, instrumentalities, institutions, boards, 896
commissions, and other entities regarding affirmative action 897
programs for the employment of persons against whom 898
discrimination is prohibited by this chapter, or regarding any 899
affirmative housing accommodations programs developed to 900
eliminate or reduce an imbalance of race, color, religion, sex, 901
military status, familial status, national origin, disability, 902
or ancestry. All agencies, instrumentalities, institutions, 903
boards, commissions, and other entities of this state or its 904
political subdivisions, and all political subdivisions, that 905
have undertaken affirmative action programs pursuant to a 906
conciliation agreement with the commission, an executive order 907
of the governor, any federal statute or rule, or an executive 908
order of the president of the United States shall file progress 909
reports with the commission annually on or before the first day 910
of November. The commission shall analyze and evaluate the 911
progress reports and report its findings annually to the general 912
assembly on or before the thirtieth day of January of the year 913
immediately following the receipt of the reports. 914

(11) Notify a person who files a charge pursuant to 915
section 4112.051 of the Revised Code of both of the following: 916

(a) That, under section 4112.053 of the Revised Code, the 917
person is prohibited from bringing a civil action under section 918
4112.052 or 4112.99 of the Revised Code if the person filed a 919

charge under section 4112.051 of the Revised Code that is 920
pending and is based, in whole or in part, on the same 921
allegations and practices; 922

(b) That the statute of limitations for bringing a civil 923
action under section 4112.052 or 4112.99 of the Revised Code 924
that is based, in whole or in part, on the same allegations and 925
practices as a charge filed under section 4112.051 of the 926
Revised Code is tolled pursuant to section 4112.053 of the 927
Revised Code. 928

(B) The commission may do any of the following: 929

(1) Meet and function at any place within the state; 930

(2) Initiate and undertake on its own motion 931
investigations of problems of employment or housing 932
accommodations discrimination; 933

(3) Hold hearings, subpoena witnesses, compel their 934
attendance, administer oaths, take the testimony of any person 935
under oath, require the production for examination of any books 936
and papers relating to any matter under investigation or in 937
question before the commission, and make rules as to the 938
issuance of subpoenas by individual commissioners. 939

(a) In conducting a hearing or investigation, the 940
commission shall have access at all reasonable times to 941
premises, records, documents, individuals, and other evidence or 942
possible sources of evidence and may examine, record, and copy 943
the premises, records, documents, and other evidence or possible 944
sources of evidence and take and record the testimony or 945
statements of the individuals as reasonably necessary for the 946
furtherance of the hearing or investigation. In investigations, 947
the commission shall comply with the fourth amendment to the 948

United States Constitution relating to unreasonable searches and 949
seizures. The commission or a member of the commission may issue 950
subpoenas to compel access to or the production of premises, 951
records, documents, and other evidence or possible sources of 952
evidence or the appearance of individuals, and may issue 953
interrogatories to a respondent, to the same extent and subject 954
to the same limitations as would apply if the subpoenas or 955
interrogatories were issued or served in aid of a civil action 956
in a court of common pleas. 957

(b) Upon written application by a party to a hearing under 958
division (B) of section 4112.05 or division (G) of section 959
4112.051 of the Revised Code, the commission shall issue 960
subpoenas in its name to the same extent and subject to the same 961
limitations as subpoenas issued by the commission. Subpoenas 962
issued at the request of a party shall show on their face the 963
name and address of the party and shall state that they were 964
issued at the party's request. 965

(c) Witnesses summoned by subpoena of the commission are 966
entitled to the witness and mileage fees provided for under 967
section 119.094 of the Revised Code. 968

(d) Within five days after service of a subpoena upon any 969
person, the person may petition the commission to revoke or 970
modify the subpoena. The commission shall grant the petition if 971
it finds that the subpoena requires an appearance or attendance 972
at an unreasonable time or place, that it requires production of 973
evidence that does not relate to any matter before the 974
commission, that it does not describe with sufficient 975
particularity the evidence to be produced, that compliance would 976
be unduly onerous, or for other good reason. 977

(e) In case of contumacy or refusal to obey a subpoena, 978

the commission or person at whose request it was issued may 979
petition for its enforcement in the court of common pleas in the 980
county in which the person to whom the subpoena was addressed 981
resides, was served, or transacts business. 982

(4) Create local or statewide advisory agencies and 983
conciliation councils to aid in effectuating the purposes of 984
this chapter. The commission may itself, or it may empower these 985
agencies and councils to, do either or both of the following: 986

(a) Study the problems of discrimination in all or 987
specific fields of human relationships when based on race, 988
color, religion, sex, military status, familial status, national 989
origin, disability, age, or ancestry; 990

(b) Foster through community effort, or otherwise, good 991
will among the groups and elements of the population of the 992
state. 993

The agencies and councils may make recommendations to the 994
commission for the development of policies and procedures in 995
general. They shall be composed of representative citizens who 996
shall serve without pay, except that reimbursement for actual 997
and necessary traveling expenses shall be made to citizens who 998
serve on a statewide agency or council. 999

(5) Issue any publications and the results of 1000
investigations and research that in its judgment will tend to 1001
promote good will and minimize or eliminate discrimination 1002
because of race, color, religion, sex, military status, familial 1003
status, national origin, disability, age, or ancestry. 1004

Sec. 4112.05. (A) (1) The With the exception of unlawful 1005
discriminatory practices relating to employment, the commission, 1006
as provided in this section, shall prevent any person from 1007

engaging in unlawful discriminatory practices. 1008

(2) The commission may at any time attempt to resolve 1009
allegations of unlawful discriminatory practices other than 1010
allegations concerning unlawful discriminatory practices 1011
relating to employment by the use of alternative dispute 1012
resolution, provided that, before instituting the formal hearing 1013
authorized by division (B) of this section, it shall attempt, by 1014
informal methods of conference, conciliation, and persuasion, to 1015
induce compliance with this chapter. 1016

(B) (1) Any person may file a charge with the commission 1017
alleging that another person has engaged or is engaging in an 1018
unlawful discriminatory practice. In the case of a charge 1019
alleging an unlawful discriminatory practice described in 1020
division ~~(A), (B), (C), (D), (E), (F),~~ (G), (I), or (J) of 1021
section 4112.02 or in section 4112.021 or 4112.022 of the 1022
Revised Code, the charge shall be in writing and under oath and 1023
shall be filed with the commission within six months after the 1024
alleged unlawful discriminatory practice was committed. In the 1025
case of a charge alleging an unlawful discriminatory practice 1026
described in division (H) of section 4112.02 of the Revised 1027
Code, the charge shall be in writing and under oath and shall be 1028
filed with the commission within one year after the alleged 1029
unlawful discriminatory practice was committed. 1030

(a) An oath under this ~~chapter~~ section may be made in any 1031
form of affirmation the person deems binding on the person's 1032
conscience. Acceptable forms include, but are not limited to, 1033
declarations made under penalty of perjury. 1034

(b) Any charge timely received, via facsimile, postal 1035
mail, electronic mail, or otherwise, may be signed under oath 1036
after the limitations period for filing set forth under division 1037

(B) (1) of this section and will relate back to the original 1038
filing date. 1039

(2) Upon receiving a charge, the commission may initiate a 1040
preliminary investigation to determine whether it is probable 1041
that an unlawful discriminatory practice has been or is being 1042
engaged in. The commission also may conduct, upon its own 1043
initiative and independent of the filing of any charges, a 1044
preliminary investigation relating to any of the unlawful 1045
discriminatory practices described in division ~~(A), (B), (C),~~ 1046
~~(D), (E), (F),~~ (I), or (J) of section 4112.02 or in section 1047
4112.021 or 4112.022 of the Revised Code. Prior to a 1048
notification of a complainant under division (B) (4) of this 1049
section or prior to the commencement of informal methods of 1050
conference, conciliation, and persuasion, or alternative dispute 1051
resolution, under that division, the members of the commission 1052
and the officers and employees of the commission shall not make 1053
public in any manner and shall retain as confidential all 1054
information that was obtained as a result of or that otherwise 1055
pertains to a preliminary investigation other than one described 1056
in division (B) (3) of this section. 1057

(3) (a) Unless it is impracticable to do so and subject to 1058
its authority under division (B) (3) (d) of this section, the 1059
commission shall complete a preliminary investigation of a 1060
charge filed pursuant to division (B) (1) of this section that 1061
alleges an unlawful discriminatory practice described in 1062
division (H) of section 4112.02 of the Revised Code, and shall 1063
take one of the following actions, within one hundred days after 1064
the filing of the charge: 1065

(i) Notify the complainant and the respondent that it is 1066
not probable that an unlawful discriminatory practice described 1067

in division (H) of section 4112.02 of the Revised Code has been 1068
or is being engaged in and that the commission will not issue a 1069
complaint in the matter; 1070

(ii) Initiate a complaint and schedule it for informal 1071
methods of conference, conciliation, and persuasion, or 1072
alternative dispute resolution; 1073

(iii) Initiate a complaint and refer it to the attorney 1074
general with a recommendation to seek a temporary or permanent 1075
injunction or a temporary restraining order. If this action is 1076
taken, the attorney general shall apply, as expeditiously as 1077
possible after receipt of the complaint, to the court of common 1078
pleas of the county in which the unlawful discriminatory 1079
practice allegedly occurred for the appropriate injunction or 1080
order, and the court shall hear and determine the application as 1081
expeditiously as possible. 1082

(b) If it is not practicable to comply with the 1083
requirements of division (B) (3) (a) of this section within the 1084
one-hundred-day period described in that division, the 1085
commission shall notify the complainant and the respondent in 1086
writing of the reasons for the noncompliance. 1087

(c) Prior to the issuance of a complaint under division 1088
(B) (3) (a) (ii) or (iii) of this section or prior to a 1089
notification of the complainant and the respondent under 1090
division (B) (3) (a) (i) of this section, the members of the 1091
commission and the officers and employees of the commission 1092
shall not make public in any manner and shall retain as 1093
confidential all information that was obtained as a result of or 1094
that otherwise pertains to a preliminary investigation of a 1095
charge filed pursuant to division (B) (1) of this section that 1096
alleges an unlawful discriminatory practice described in 1097

division (H) of section 4112.02 of the Revised Code. 1098

(d) Notwithstanding the types of action described in 1099
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 1100
issuance of a complaint or the referral of a complaint to the 1101
attorney general and prior to endeavoring to eliminate an 1102
unlawful discriminatory practice described in division (H) of 1103
section 4112.02 of the Revised Code by informal methods of 1104
conference, conciliation, and persuasion, or by alternative 1105
dispute resolution, the commission may seek a temporary or 1106
permanent injunction or a temporary restraining order in the 1107
court of common pleas of the county in which the unlawful 1108
discriminatory practice allegedly occurred. 1109

(4) If the commission determines after a preliminary 1110
investigation other than one concerning an alleged unlawful 1111
discriminatory practice relating to employment or one described 1112
in division (B) (3) of this section that it is not probable that 1113
an unlawful discriminatory practice has been or is being engaged 1114
in, it shall notify any complainant under division (B) (1) of 1115
this section that it has so determined and that it will not 1116
issue a complaint in the matter. If the commission determines 1117
after a preliminary investigation other than the one concerning 1118
an alleged unlawful discriminatory practice relating to 1119
employment or one described in division (B) (3) of this section 1120
that it is probable that an unlawful discriminatory practice has 1121
been or is being engaged in, it shall endeavor to eliminate the 1122
practice by informal methods of conference, conciliation, and 1123
persuasion, or by alternative dispute resolution. 1124

(5) Nothing said or done during informal methods of 1125
conference, conciliation, and persuasion, or during alternative 1126
dispute resolution, under this section shall be disclosed by any 1127

member of the commission or its staff or be used as evidence in 1128
any subsequent hearing or other proceeding. If, after a 1129
preliminary investigation and the use of informal methods of 1130
conference, conciliation, and persuasion, or alternative dispute 1131
resolution, under this section, the commission is satisfied that 1132
any unlawful discriminatory practice will be eliminated, it may 1133
treat the charge involved as being conciliated and enter that 1134
disposition on the records of the commission. If the commission 1135
fails to effect the elimination of an unlawful discriminatory 1136
practice by informal methods of conference, conciliation, and 1137
persuasion, or by alternative dispute resolution under this 1138
section and to obtain voluntary compliance with this chapter, 1139
the commission shall issue and cause to be served upon any 1140
person, including the respondent against whom a complainant has 1141
filed a charge pursuant to division (B)(1) of this section, a 1142
complaint stating the charges involved and containing a notice 1143
of an opportunity for a hearing before the commission, a member 1144
of the commission, or a hearing examiner at a place that is 1145
stated in the notice and that is located within the county in 1146
which the alleged unlawful discriminatory practice has occurred 1147
or is occurring or in which the respondent resides or transacts 1148
business. The hearing shall be held not less than thirty days 1149
after the service of the complaint upon the complainant, the 1150
aggrieved persons other than the complainant on whose behalf the 1151
complaint is issued, and the respondent, unless the complainant, 1152
an aggrieved person, or the respondent elects to proceed under 1153
division (A)(2) of section ~~4112.051~~4112.055 of the Revised Code 1154
when that division is applicable. If a complaint pertains to an 1155
alleged unlawful discriminatory practice described in division 1156
(H) of section 4112.02 of the Revised Code, the complaint shall 1157
notify the complainant, an aggrieved person, and the respondent 1158
of the right of the complainant, an aggrieved person, or the 1159

respondent to elect to proceed with the administrative hearing 1160
process under this section or to proceed under division (A) (2) 1161
of section ~~4112.051~~4112.055 of the Revised Code. 1162

(6) The attorney general shall represent the commission at 1163
any hearing held pursuant to division (B) (5) of this section and 1164
shall present the evidence in support of the complaint. 1165

(7) Any complaint issued pursuant to division (B) (5) of 1166
this section after the filing of a charge under division (B) (1) 1167
of this section shall be so issued within one year after the 1168
complainant filed the charge with respect to an alleged unlawful 1169
discriminatory practice. 1170

(C) (1) Any complaint issued pursuant to division (B) of 1171
this section may be amended by the commission, a member of the 1172
commission, or the hearing examiner conducting a hearing under 1173
division (B) of this section. 1174

(a) Except as provided in division (C) (1) (b) of this 1175
section, a complaint issued pursuant to division (B) of this 1176
section may be amended at any time prior to or during the 1177
hearing. 1178

(b) If a complaint issued pursuant to division (B) of this 1179
section alleges an unlawful discriminatory practice described in 1180
division (H) of section 4112.02 of the Revised Code, the 1181
complaint may be amended at any time up to seven days prior to 1182
the hearing and not thereafter. 1183

(2) The respondent has the right to file an answer or an 1184
amended answer to the original and amended complaints and to 1185
appear at the hearing in person, by attorney, or otherwise to 1186
examine and cross-examine witnesses. 1187

(D) The complainant shall be a party to a hearing under 1188

division (B) of this section, and any person who is an 1189
indispensable party to a complete determination or settlement of 1190
a question involved in the hearing shall be joined. Any 1191
aggrieved person who has or claims an interest in the subject of 1192
the hearing and in obtaining or preventing relief against the 1193
unlawful discriminatory practices complained of shall be 1194
permitted to appear only for the presentation of oral or written 1195
arguments, to present evidence, perform direct and cross- 1196
examination, and be represented by counsel. The commission shall 1197
adopt rules, in accordance with Chapter 119. of the Revised Code 1198
governing the authority granted under this division. 1199

(E) In any hearing under division (B) of this section, the 1200
commission, a member of the commission, or the hearing examiner 1201
shall not be bound by the Rules of Evidence but, in ascertaining 1202
the practices followed by the respondent, shall take into 1203
account all reliable, probative, and substantial statistical or 1204
other evidence produced at the hearing that may tend to prove 1205
the existence of a predetermined pattern of employment or 1206
membership, provided that nothing contained in this section 1207
shall be construed to authorize or require any person to observe 1208
the proportion that persons of any race, color, religion, sex, 1209
military status, familial status, national origin, disability, 1210
age, or ancestry bear to the total population or in accordance 1211
with any criterion other than the individual qualifications of 1212
the applicant. 1213

(F) The testimony taken at a hearing under division (B) of 1214
this section shall be under oath and shall be reduced to writing 1215
and filed with the commission. Thereafter, in its discretion, 1216
the commission, upon the service of a notice upon the 1217
complainant and the respondent that indicates an opportunity to 1218
be present, may take further testimony or hear argument. 1219

(G) (1) (a) If, upon all reliable, probative, and 1220
substantial evidence presented at a hearing under division (B) 1221
of this section, the commission determines that the respondent 1222
has engaged in, or is engaging in, any unlawful discriminatory 1223
practice, whether against the complainant or others, the 1224
commission shall state its findings of fact and conclusions of 1225
law and shall issue and, subject to the provisions of Chapter 1226
119. of the Revised Code, cause to be served on the respondent 1227
an order requiring the respondent to do all of the following: 1228

~~(1)~~ (i) Cease and desist from the unlawful discriminatory 1229
practice; 1230

(ii) Take any further affirmative or other action that 1231
will effectuate the purposes of this chapter, including, but not 1232
limited to, hiring, reinstatement, or upgrading of employees 1233
with or without back pay, or admission or restoration to union 1234
membership; 1235

(iii) Report to the commission the manner of compliance. 1236

If the commission directs payment of back pay, it shall 1237
make allowance for interim earnings. 1238

(b) If the commission finds a violation of division (H) of 1239
section 4112.02 of the Revised Code, in addition to the action 1240
described in division (G) (1) (a) of this section, the commission 1241
additionally may require the respondent to undergo 1242
~~recommendation~~ remediation in the form of a class, seminar, or 1243
any other type of remediation approved by the commission, may 1244
require the ~~responded~~ respondent to pay actual damages and 1245
reasonable attorney's fees, and may, to vindicate the public 1246
interest, assess a civil penalty against the respondent as 1247
follows: 1248

(i) If division (G) (1) (b) (ii) or (iii) of this section 1249
does not apply, a civil penalty in an amount not to exceed ten 1250
thousand dollars; 1251

(ii) If division (G) (1) (b) (iii) of this section does not 1252
apply and if the respondent has been determined by a final order 1253
of the commission or by a final judgment of a court to have 1254
committed one violation of division (H) of section 4112.02 of 1255
the Revised Code during the five-year period immediately 1256
preceding the date on which a complaint was issued pursuant to 1257
division (B) of this section, a civil penalty in an amount not 1258
to exceed twenty-five thousand dollars; 1259

(iii) If the respondent has been determined by a final 1260
order of the commission or by a final judgment of a court to 1261
have committed two or more violations of division (H) of section 1262
4112.02 of the Revised Code during the seven-year period 1263
immediately preceding the date on which a complaint was issued 1264
pursuant to division (B) of this section, a civil penalty 1265
damages in an amount not to exceed fifty thousand dollars. 1266

(2) Upon the submission of reports of compliance, the 1267
commission may issue a declaratory order stating that the 1268
respondent has ceased to engage in particular unlawful 1269
discriminatory practices. 1270

(H) If the commission finds that no probable cause exists 1271
for crediting charges of unlawful discriminatory practices or 1272
if, upon all the evidence presented at a hearing under division 1273
(B) of this section on a charge, the commission finds that a 1274
respondent has not engaged in any unlawful discriminatory 1275
practice against the complainant or others, it shall state its 1276
findings of fact and shall issue and cause to be served on the 1277
complainant an order dismissing the complaint as to the 1278

respondent. A copy of the order shall be delivered in all cases 1279
to the attorney general and any other public officers whom the 1280
commission considers proper. 1281

If, upon all the evidence presented at a hearing under 1282
division (B) of this section on a charge, the commission finds 1283
that a respondent has not engaged in any unlawful discriminatory 1284
practice against the complainant or others, it may award to the 1285
respondent reasonable attorney's fees to the extent provided in 1286
5 U.S.C. 504 and accompanying regulations. 1287

(I) Until the time period for appeal set forth in division 1288
(H) of section 4112.06 of the Revised Code expires, the 1289
commission, subject to the provisions of Chapter 119. of the 1290
Revised Code, at any time, upon reasonable notice, and in the 1291
manner it considers proper, may modify or set aside, in whole or 1292
in part, any finding or order made by it under this section. 1293

Sec. 4112.051. (A) As used in this section: 1294

(1) "Complainant" means a person who files a charge under 1295
this section. 1296

(2) "Respondent" means an employer that is the subject of 1297
a charge filed under this section. 1298

(B) The commission, as provided in this section, shall 1299
prevent any person from engaging in unlawful discriminatory 1300
practices relating to employment. The commission may at any time 1301
attempt to resolve allegations of unlawful discriminatory 1302
practices relating to employment by the use of alternative 1303
dispute resolution, provided that, before instituting the formal 1304
hearing authorized by this section, it shall attempt, by 1305
informal methods of conference, conciliation, and persuasion, to 1306
induce compliance with this chapter. 1307

(C) Except as otherwise provided in division (A) of 1308
section 4112.053 of the Revised Code, any person who believes 1309
that a person has been the subject of an unlawful discriminatory 1310
practice relating to employment may file a charge with the 1311
commission alleging that an employer, employment agency, 1312
personnel placement service, or labor organization has engaged 1313
or is engaging in such a practice. Such a charge shall be in 1314
writing, under oath, and shall be filed with the commission 1315
within three hundred sixty-five days after the alleged unlawful 1316
discriminatory practice was committed. 1317

(1) An oath under this section may be made in any form of 1318
affirmation the person considers binding on the person's 1319
conscience. Acceptable forms include, but are not limited to, 1320
declarations made under penalty of perjury. 1321

(2) Any charge timely received, via facsimile, postal 1322
mail, electronic mail, or otherwise, may be signed under oath 1323
after the limitations period for filing set forth under division 1324
(C)(1) of this section and will relate back to the original 1325
filing date. 1326

(D) Upon receiving a charge under this section, the 1327
commission may initiate a preliminary investigation to determine 1328
whether it is probable that an alleged unlawful discriminatory 1329
practice relating to employment has occurred or is occurring. 1330
The commission also may conduct, on its own initiative and 1331
independent of the filing of any charge, a preliminary 1332
investigation relating to any alleged unlawful discriminatory 1333
practice relating to employment. Before a notification of a 1334
complainant under division (E) of this section or before the 1335
commencement of informal methods of conference, conciliation, 1336
and persuasion, or alternative dispute resolution, under 1337

division (F) of this section, the members of the commission and 1338
the officers and employees of the commission shall not make 1339
public in any manner and shall retain as confidential all 1340
information that was obtained as a result of or that otherwise 1341
pertains to a preliminary investigation. 1342

(E) If, after a preliminary investigation, the commission 1343
determines that it is not probable that an unlawful 1344
discriminatory practice relating to employment has occurred or 1345
is occurring, then the commission shall notify the complainant 1346
of its determination and that it will not issue a complaint in 1347
the matter. 1348

(F) (1) If, after a preliminary investigation, the 1349
commission determines that it is probable that an unlawful 1350
discriminatory practice relating to employment has occurred or 1351
is occurring, the commission shall endeavor to eliminate the 1352
alleged unlawful discriminatory practice relating to employment 1353
by informal methods of conference, conciliation, and persuasion, 1354
or by alternative dispute resolution. 1355

(2) If, after the use of the informal methods of 1356
conference, conciliation, and persuasion, or alternative dispute 1357
resolution, the commission is satisfied that the unlawful 1358
discriminatory practice in question will be eliminated, the 1359
commission may treat the charge as being conciliated and enter 1360
that disposition on the records of the commission. 1361

(3) Nothing said or done during informal methods of 1362
conference, conciliation, or persuasion, or during alternative 1363
dispute resolution, under this section shall be disclosed by any 1364
member of the commission or its staff or be used as evidence in 1365
any subsequent hearing or other proceeding. 1366

(G) If the commission fails to effect the elimination of 1367
the alleged unlawful discriminatory practice relating to 1368
employment and is unable to obtain voluntary compliance with 1369
this chapter through informal methods of conference, 1370
conciliation, and persuasion, or by alternative dispute 1371
resolution under this section, the commission shall issue a 1372
complaint to the respondent, the complainant, and any 1373
indispensable party. 1374

(1) The complaint shall state the charges involved and 1375
shall contain a notice of a hearing before the commission, a 1376
member of the commission, or a hearing examiner, as well as the 1377
hearing's location. Any such hearing shall be held in the county 1378
in which the alleged unlawful discriminatory practice occurred 1379
or is occurring or in which the respondent transacts business, 1380
and shall be held not less than thirty days after service of the 1381
complaint. 1382

(2) The attorney general shall represent the commission at 1383
any such hearing and shall present the evidence in support of 1384
the complaint. 1385

(3) Any complaint issued pursuant to this division after 1386
the filing of a charge under this section shall be issued within 1387
one year after the complainant filed the charge with respect to 1388
an alleged unlawful discriminatory practice relating to 1389
employment. 1390

(4) Any such complaint may be amended by the commission, a 1391
member of the commission, or the commission's legal counsel at 1392
any time prior to the hearing if the respondent is given 1393
sufficient and reasonable notice. The respondent shall have the 1394
right to file an answer or an amended answer to the original, 1395
and any amended, complaints. 1396

(5) The respondent shall have the right to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses. 1397
1398
1399

(6) The complainant shall be a party to a hearing under this section. Any person who is an indispensable party to a complete determination or settlement of the complaint central to the hearing shall be joined. 1400
1401
1402
1403

(7) For any hearing initiated under this section, the commission, a member of the commission, or a hearing officer is not bound by the Rules of Evidence, but shall take into account all reliable, probative, and substantial statistical or other evidence produced at the hearing that may prove the existence of a predetermined pattern of employment or membership. 1404
1405
1406
1407
1408
1409

(8) (a) The testimony provided during a hearing under this section shall be under oath and shall be transcribed in writing and filed with the commission. 1410
1411
1412

(b) The commission, at its discretion, may hear further testimony or argument after the initial hearing if notice, that indicates an opportunity to be present, is provided to the complainant and the respondent. 1413
1414
1415
1416

(H) If, after a hearing carried out under division (G) of this section, the commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice relating to employment, whether against the complainant or others adversely affected by the allegations in the complaint, the commission shall state its findings of fact and conclusions of law and shall issue and cause to be served to the respondent, subject to the provisions of Chapter 119. of the Revised Code, an order to cease and desist from the unlawful 1417
1418
1419
1420
1421
1422
1423
1424
1425

discriminatory practice. 1426

(1) The order shall require the respondent to take 1427
affirmative or other action necessary to effectuate the purposes 1428
of this chapter, including hiring, reinstating, or promoting the 1429
complainant or others adversely affected by the unlawful 1430
discriminatory practice and shall require the respondent to 1431
report to the commission the manner of compliance. 1432

(2) (a) The order may require back pay or admission or 1433
restoration to union membership. 1434

(b) If the order requires back pay, the commission shall 1435
take into account earnings collected during the resolution of 1436
the complaint. 1437

(3) Upon receipt of the report of compliance required 1438
under this division, the commission may issue a declaratory 1439
order stating that the respondent has ceased to engage in the 1440
unlawful discriminatory practices that were the subject of the 1441
complaint. 1442

(I) If, after a hearing carried out under division (G) of 1443
this section, the commission finds that a respondent has not 1444
engaged in any unlawful discriminatory practice relating to 1445
employment against the complainant or others, it shall issue an 1446
order stating its findings of fact and dismissing the complaint 1447
to the complainant, respondent, and any other affected party. A 1448
copy of the order shall also be delivered to the attorney 1449
general and any other public officer the commission considers 1450
appropriate. 1451

(J) The commission, according to Chapter 119. of the 1452
Revised Code, upon reasonable notice to the respondent and 1453
claimant and in the manner it considers proper, may modify or 1454

set aside, in whole or in part, any finding or order made under 1455
this section until the time period for appeal set forth in 1456
section 4112.06 of the Revised Code has passed. 1457

(K) The commission shall adopt rules, in accordance with 1458
Chapter 119. of the Revised Code, to carry out this section. 1459

(L) Nothing in this section requires any person to observe 1460
in hiring the proportion that persons of any race, color, 1461
religion, sex, military status, familial status, national 1462
origin, disability, age, or ancestry bear to the total 1463
population or in accordance with any other criteria than the 1464
qualifications of applicants. 1465

Sec. 4112.052. (A) Except as otherwise provided in 1466
division (B) of section 4112.053 and division (B)(2) of section 1467
4112.99 of the Revised Code, a person alleging an unlawful 1468
discriminatory practice relating to employment in violation of 1469
section 4112.02 of the Revised Code may bring a civil action in 1470
a court of competent jurisdiction. 1471

(B) Except as otherwise provided in division (C) of 1472
section 4112.053 of the Revised Code, a civil action brought 1473
under this section shall be filed within three hundred sixty- 1474
five days after the alleged unlawful discriminatory practice was 1475
committed or sixty days after a charge filed under section 1476
4112.051 of the Revised Code that is based, in whole or in part, 1477
on the same allegations and practices is no longer pending, 1478
whichever is longer. 1479

(C) A civil action based on 42 U.S.C. 1981a, 42 U.S.C. 1480
1983, and 42 U.S.C. 1985 shall be brought within two years after 1481
the cause of action accrues. The period of limitations set forth 1482
in this division does not apply to causes of action based on 42 1483

U.S.C. 1981 as amended by the "Civil Rights Act of 1991," Pub. 1484
L. No. 102-166. 1485

Sec. 4112.053. (A) A person is prohibited from filing a 1486
charge under section 4112.051 of the Revised Code if the person 1487
brought a civil action pursuant to section 4112.052 or 4112.99 1488
of the Revised Code that is pending and that is based, in whole 1489
or in part, on the same allegations and practices. 1490

(B) A person is prohibited from bringing a civil action 1491
under section 4112.052 or 4112.99 of the Revised Code if the 1492
person filed a charge under section 4112.051 of the Revised Code 1493
that is pending and that is based, in whole or in part, on the 1494
same allegations and practices. 1495

(C) (1) The statute of limitations for bringing a civil 1496
action under section 4112.052 or 4112.99 of the Revised Code 1497
that alleges, in whole or in part, the same allegations and 1498
practices as a charge filed under section 4112.051 of the 1499
Revised Code is tolled for the period that begins on the date 1500
that the charge is filed and ends on the date of any of the 1501
following events: 1502

(a) The commission notifies the complainant that it will 1503
not issue a complaint in accordance with division (E) of section 1504
4112.051 of the Revised Code. 1505

(b) The commission enters a disposition that the matter 1506
has been resolved in accordance with division (F) of section 1507
4112.051 of the Revised Code. 1508

(c) The commission issues a declaratory order in 1509
accordance with division (H) (3) of section 4112.051 of the 1510
Revised Code. 1511

(d) The commission issues an order dismissing the 1512

complaint in accordance with division (I) of section 4112.051 of 1513
the Revised Code. 1514

(e) The person voluntarily dismisses the charge filed or 1515
complaint issued under section 4112.051 of the Revised Code. 1516

(2) Division (C) (1) of this section does not apply under 1517
either of the following circumstances: 1518

(a) The person voluntarily dismisses the charge filed or 1519
complaint issued under section 4112.051 of the Revised Code more 1520
than thirty days after the date the charge was filed. 1521

(b) The person previously voluntarily dismissed a civil 1522
action brought under this chapter based, in whole or in part, on 1523
the same allegations and practices as the charge. 1524

Sec. 4112.054. (A) As used in this section: 1525

(1) "Tangible employment action" means an action resulting 1526
in material economic detriment such as failure to hire or 1527
promote, firing, or demotion. 1528

(2) "Hostile work environment sexual harassment claim" 1529
means a charge filed pursuant to section 4112.051 of the Revised 1530
Code or a civil action filed pursuant to section 4112.052 or 1531
4112.99 of the Revised Code that alleges an unlawful 1532
discriminatory practice relating to employment because of sex on 1533
the basis of sexually harassing behavior that did not result in 1534
a tangible employment action. 1535

(B) An employer may raise an affirmative defense to 1536
vicarious liability to an employee resulting from a hostile work 1537
environment sexual harassment claim in which the hostile work 1538
environment was created by a supervisor with immediate or 1539
successively higher authority over the employee, if the employer 1540

proves both of the following by a preponderance of the evidence: 1541

(1) The employer exercised reasonable care to prevent or promptly correct any sexually harassing behavior. 1542
1543

(2) The employee alleging the hostile work environment unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. 1544
1545
1546
1547

(C) The affirmative defense set forth in this section is not available to an employer if the supervisor's harassment resulted in a tangible employment action against the employee. 1548
1549
1550

Sec. ~~4112.051~~ 4112.055. (A) (1) ~~Aggrieved~~ Except as 1551
provided in division (B) of section 4112.99 of the Revised Code, 1552
aggrieved persons may enforce the rights granted by division (H) 1553
of section 4112.02 of the Revised Code by filing a civil action 1554
in the court of common pleas of the county in which the alleged 1555
unlawful discriminatory practice occurred within one year after 1556
it allegedly occurred. Upon application by an aggrieved person, 1557
upon a proper showing, and under circumstances that it considers 1558
just, a court of common pleas may appoint an attorney for the 1559
aggrieved person and authorize the commencement of a civil 1560
action under this division without the payment of costs. 1561

Each party to a civil action under this division has the 1562
right to a jury trial of the action. To assert the right, a 1563
party shall demand a jury trial in the manner prescribed in the 1564
Rules of Civil Procedure. If a party demands a jury trial in 1565
that manner, the civil action shall be tried to a jury. 1566

(2) (a) If a complaint is issued by the commission under 1567
division (B) (5) of section 4112.05 of the Revised Code for one 1568
or more alleged unlawful discriminatory practices described in 1569

division (H) of section 4112.02 of the Revised Code, the 1570
complainant, any aggrieved person on whose behalf the complaint 1571
is issued, or the respondent may elect, following receipt of the 1572
relevant notice described in division (B) (5) of section 4112.05 1573
of the Revised Code, to proceed with the administrative hearing 1574
process under that section or to have the alleged unlawful 1575
discriminatory practices covered by the complaint addressed in a 1576
civil action commenced in accordance with divisions (A) (1) and 1577
(2) (b) of this section. An election to have the alleged unlawful 1578
discriminatory practices so addressed shall be made in a writing 1579
that is sent by certified mail, return receipt requested, to the 1580
commission, to the civil rights section of the office of the 1581
attorney general, and to the other parties to the pending 1582
administrative process within thirty days after the electing 1583
complainant, aggrieved person, or respondent received the 1584
relevant notice described in division (B) (5) of section 4112.05 1585
of the Revised Code. 1586

(b) Upon receipt of a timely mailed election to have the 1587
alleged unlawful discriminatory practices addressed in a civil 1588
action, the commission shall authorize the office of the 1589
attorney general to commence and maintain the civil action in 1590
the court of common pleas of the county in which the alleged 1591
unlawful discriminatory practices occurred. Notwithstanding the 1592
period of limitations specified in division (A) (1) of this 1593
section, the office of the attorney general shall commence the 1594
civil action within thirty days after the receipt of the 1595
commission's authorization to commence the civil action. 1596

(c) Upon commencement of the civil action in accordance 1597
with division (A) (2) (b) of this section, the commission shall 1598
prepare an order dismissing the complaint in the pending 1599
administrative matter and serve a copy of the order upon the 1600

complainant, each aggrieved person on whose behalf the complaint 1601
was issued, and the respondent. 1602

(d) If an election to have the alleged unlawful 1603
discriminatory practices addressed in a civil action is not 1604
filed in accordance with division (A) (2) (a) of this section, the 1605
commission shall continue with the administrative hearing 1606
process described in section 4112.05 of the Revised Code. 1607

(e) With respect to the issues to be determined in a civil 1608
action commenced in accordance with division (A) (2) (b) of this 1609
section, any aggrieved person may intervene as a matter of right 1610
in that civil action. 1611

(B) If the court or the jury in a civil action under this 1612
section finds that a violation of division (H) of section 1613
4112.02 of the Revised Code is about to occur, the court may 1614
order any affirmative action it considers appropriate, including 1615
a permanent or temporary injunction or temporary restraining 1616
order. 1617

(C) Any sale, encumbrance, or rental consummated prior to 1618
the issuance of any court order under the authority of this 1619
section and involving a bona fide purchaser, encumbrancer, or 1620
tenant without actual notice of the existence of a charge under 1621
division (H) of section 4112.02 of the Revised Code or a civil 1622
action under this section is not affected by the court order. 1623

(D) If the court or the jury in a civil action under this 1624
section finds that a violation of division (H) of section 1625
4112.02 of the Revised Code has occurred, the court shall award 1626
to the plaintiff or to the complainant or aggrieved person on 1627
whose behalf the office of the attorney general commenced or 1628
maintained the civil action, whichever is applicable, actual 1629

damages, reasonable attorney's fees, court costs incurred in the 1630
prosecution of the action, expert witness fees, and other 1631
litigation expenses, and may grant other relief that it 1632
considers appropriate, including a permanent or temporary 1633
injunction, a temporary restraining order, or other order and 1634
punitive damages. 1635

(E) Any civil action brought under this section shall be 1636
heard and determined as expeditiously as possible. 1637

(F) The court in a civil action under this section shall 1638
notify the commission of any finding pertaining to 1639
discriminatory housing practices within fifteen days after the 1640
entry of the finding. 1641

Sec. ~~4112.052~~ 4112.056. Whenever the Ohio civil rights 1642
commission has reasonable cause to believe that any person or 1643
persons are engaged in a pattern or practice of resistance to a 1644
person or persons' full enjoyment of the rights granted by 1645
division (H) of section 4112.02 of the Revised Code, or that any 1646
group of persons has been denied any of the rights granted by 1647
that division and the denial raises an issue of public 1648
importance, the commission may refer the matter to the attorney 1649
general for commencement of a civil action in a court of common 1650
pleas. The attorney general may seek any preventive relief 1651
considered necessary to ensure the full enjoyment of the rights 1652
granted by that division, including a permanent or temporary 1653
injunction or temporary restraining order. 1654

Sec. 4112.08. (A) This chapter shall be construed 1655
liberally for the accomplishment of its purposes, and any law 1656
inconsistent with any provision of this chapter shall not apply. 1657
Nothing contained in this chapter shall be considered to repeal 1658
any of the provisions of any law of this state relating to 1659

discrimination because of race, color, religion, sex, military 1660
status, familial status, disability, national origin, age, or 1661
ancestry, ~~except that any person filing a charge under division~~ 1662
~~(B) (1) of section 4112.05 of the Revised Code, with respect to~~ 1663
~~the unlawful discriminatory practices complained of, is barred~~ 1664
~~from instituting a civil action under section 4112.14 or~~ 1665
~~division (L) of section 4112.02 of the Revised Code.~~ 1666

However, no person has a cause of action or claim based on 1667
unlawful discriminatory practices relating to employment against 1668
a supervisor, manager, or other employee of an employer unless 1669
that supervisor, manager, or other employee is the employer. 1670
Nothing in this division abrogates statutory claims outside this 1671
chapter or any claims of liability that exist against an 1672
individual at common law. 1673

(B) The procedures and remedies for unlawful 1674
discriminatory practices relating to employment in this chapter 1675
are the sole and exclusive procedures and remedies available to 1676
a person who alleges such discrimination. 1677

Sec. 4112.99. (A) Whoever violates this chapter is subject 1678
to a civil action for damages, injunctive relief, or any other 1679
appropriate relief. Except as otherwise provided in division (B) 1680
of section 4112.053 of the Revised Code and division (B) (1) of 1681
this section, a person may bring such a civil action in a court 1682
of competent jurisdiction. 1683

(B) (1) A person is prohibited from bringing a civil action 1684
under this section if the person brought a civil action under 1685
section 4112.052 or 4112.055 of the Revised Code that is based, 1686
in whole or in part, on the same allegations and practices. 1687

(2) A person is prohibited from bringing a civil action 1688

under section 4112.052 or 4112.055 of the Revised Code if the 1689
person brought a civil action under this section that is based, 1690
in whole or in part, on the same allegations and practices. 1691

(C) Except as otherwise provided in division (C) of 1692
section 4112.053 of the Revised Code, a civil action brought 1693
under this section shall be filed within three hundred sixty- 1694
five days after the alleged violation was committed or sixty 1695
days after a charge filed under section 4112.051 of the Revised 1696
Code that is based, in whole or in part, on the same allegations 1697
and practices is no longer pending before the civil rights 1698
commission, whichever is longer. 1699

Section 2. That existing sections 2315.18, 4112.01, 1700
4112.02, 4112.04, 4112.05, 4112.051, 4112.052, 4112.08, and 1701
4112.99 and section 4112.14 of the Revised Code are hereby 1702
repealed. 1703

Section 3. The General Assembly, in amending section 1704
4112.01 and division (A) of section 4112.08 of the Revised Code 1705
pursuant to this act, hereby declares its intent to supersede 1706
the effect of the holding of the Ohio Supreme Court in *Genaro* 1707
v. Central Transport, Inc., 84 Ohio St.3d 293 (1999) and to 1708
follow the holding in *Wathen v. General Electric Co.*, 115 F.3d 1709
400 (1997) regarding the definition of "employer" for purposes 1710
of Chapter 4112. of the Revised Code. The General Assembly 1711
further declares its intent that individual supervisors, 1712
managers, or employees not be held liable under Chapter 4112. of 1713
the Revised Code for unlawful discriminatory practices relating 1714
to employment. The General Assembly does not intend this act to 1715
abrogate the imposition at common law of vicarious liability on 1716
employers for the unlawful discriminatory practices of their 1717
employees or agents or to abrogate any other statutory claims 1718

that exist outside of Chapter 4112. of the Revised Code or 1719
claims existing at common law that may be made against an 1720
individual. 1721

It is the intent of the General Assembly that common law 1722
claims for wrongful discharge are not available for actions 1723
maintainable under Chapter 4112. of the Revised Code and that 1724
the procedures and remedies set forth in Chapter 4112. of the 1725
Revised Code are the sole and exclusive procedures and remedies 1726
available under state law for claims of unlawful discriminatory 1727
practice relating to employment that are governed by that 1728
chapter. The General Assembly declares its intent in amending 1729
division (B) of section 4112.08 of the Revised Code to conform 1730
to, and not to overturn, the holding of the Ohio Supreme Court 1731
in *Collins v. Rizkana*, 73 Ohio St.3d 65, 73 (1995). 1732

The General Assembly declares its intent in enacting 1733
section 4112.054 of the Revised Code pursuant to this act that 1734
employers will be encouraged to implement meaningful anti- 1735
discrimination policies and foster a work environment that is 1736
fair and tolerant. The General Assembly further declares its 1737
intent that human resource professionals should have the first 1738
opportunity to resolve personnel complaints and rectify 1739
detrimental workplace behavior before such issues result in 1740
costly litigation. 1741

Section 4. Section 4112.04 of the Revised Code is 1742
presented in this act as a composite of the section as amended 1743
by both Am. Sub. H.B. 525 of the 127th General Assembly and Am. 1744
Sub. H.B. 1 of the 128th General Assembly. The General Assembly, 1745
applying the principle stated in division (B) of section 1.52 of 1746
the Revised Code that amendments are to be harmonized if 1747
reasonably capable of simultaneous operation, finds that the 1748

composite is the resulting version of the section in effect	1749
prior to the effective date of the section as presented in this	1750
act.	1751