

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 374**

**Senator Tavares**

**Cosponsors: Senators Turner, Skindell, Brown, Kearney**

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**A B I L L**

To amend sections 4112.01, 4112.02, 4112.05, 4112.08, 1  
4112.14, 4112.15, and 4112.99 of the Revised Code 2  
to restrict a person's ability to require, 3  
solicit, mail, and publicly display social 4  
security numbers. 5

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

**Section 1.** That sections 4112.01, 4112.02, 4112.05, 4112.08, 6  
4112.14, 4112.15, and 4112.99 of the Revised Code be amended to 7  
read as follows: 8

**Sec. 4112.01.** (A) As used in this chapter: 9

(1) "Person" includes one or more individuals, partnerships, 10  
associations, organizations, corporations, legal representatives, 11  
trustees, trustees in bankruptcy, receivers, and other organized 12  
groups of persons. "Person" also includes, but is not limited to, 13  
any owner, lessor, assignor, builder, manager, broker, 14  
salesperson, appraiser, agent, employee, lending institution, and 15  
the state and all political subdivisions, authorities, agencies, 16  
boards, and commissions of the state. 17

(2) "Employer" includes the state, any political subdivision 18  
of the state, any person employing four or more persons within the 19

state, and any person acting directly or indirectly in the 20  
interest of an employer. 21

(3) "Employee" means an individual employed by any employer 22  
but does not include any individual employed in the domestic 23  
service of any person. 24

(4) "Labor organization" includes any organization that 25  
exists, in whole or in part, for the purpose of collective 26  
bargaining or of dealing with employers concerning grievances, 27  
terms or conditions of employment, or other mutual aid or 28  
protection in relation to employment. 29

(5) "Employment agency" includes any person regularly 30  
undertaking, with or without compensation, to procure 31  
opportunities to work or to procure, recruit, refer, or place 32  
employees. 33

(6) "Commission" means the Ohio civil rights commission 34  
created by section 4112.03 of the Revised Code. 35

(7) "Discriminate" includes segregate or separate. 36

(8) "Unlawful discriminatory practice" means any act 37  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 38  
Revised Code. 39

(9) "Place of public accommodation" means any inn, 40  
restaurant, eating house, barbershop, public conveyance by air, 41  
land, or water, theater, store, other place for the sale of 42  
merchandise, or any other place of public accommodation or 43  
amusement of which the accommodations, advantages, facilities, or 44  
privileges are available to the public. 45

(10) "Housing accommodations" includes any building or 46  
structure, or portion of a building or structure, that is used or 47  
occupied or is intended, arranged, or designed to be used or 48  
occupied as the home residence, dwelling, dwelling unit, or 49

sleeping place of one or more individuals, groups, or families 50  
whether or not living independently of each other; and any vacant 51  
land offered for sale or lease. "Housing accommodations" also 52  
includes any housing accommodations held or offered for sale or 53  
rent by a real estate broker, salesperson, or agent, by any other 54  
person pursuant to authorization of the owner, by the owner, or by 55  
the owner's legal representative. 56

(11) "Restrictive covenant" means any specification limiting 57  
the transfer, rental, lease, or other use of any housing 58  
accommodations because of race, color, religion, sex, military 59  
status, familial status, national origin, disability, or ancestry, 60  
or any limitation based upon affiliation with or approval by any 61  
person, directly or indirectly, employing race, color, religion, 62  
sex, military status, familial status, national origin, 63  
disability, or ancestry as a condition of affiliation or approval. 64

(12) "Burial lot" means any lot for the burial of deceased 65  
persons within any public burial ground or cemetery, including, 66  
but not limited to, cemeteries owned and operated by municipal 67  
corporations, townships, or companies or associations incorporated 68  
for cemetery purposes. 69

(13) "Disability" means a physical or mental impairment that 70  
substantially limits one or more major life activities, including 71  
the functions of caring for one's self, performing manual tasks, 72  
walking, seeing, hearing, speaking, breathing, learning, and 73  
working; a record of a physical or mental impairment; or being 74  
regarded as having a physical or mental impairment. 75

(14) Except as otherwise provided in section 4112.021 of the 76  
Revised Code, "age" means at least forty years old. 77

(15) "Familial status" means either of the following: 78

(a) One or more individuals who are under eighteen years of 79  
age and who are domiciled with a parent or guardian having legal 80

custody of the individual or domiciled, with the written 81  
permission of the parent or guardian having legal custody, with a 82  
designee of the parent or guardian; 83

(b) Any person who is pregnant or in the process of securing 84  
legal custody of any individual who is under eighteen years of 85  
age. 86

(16)(a) Except as provided in division (A)(16)(b) of this 87  
section, "physical or mental impairment" includes any of the 88  
following: 89

(i) Any physiological disorder or condition, cosmetic 90  
disfigurement, or anatomical loss affecting one or more of the 91  
following body systems: neurological; musculoskeletal; special 92  
sense organs; respiratory, including speech organs; 93  
cardiovascular; reproductive; digestive; genito-urinary; hemic and 94  
lymphatic; skin; and endocrine; 95

(ii) Any mental or psychological disorder, including, but not 96  
limited to, mental retardation, organic brain syndrome, emotional 97  
or mental illness, and specific learning disabilities; 98

(iii) Diseases and conditions, including, but not limited to, 99  
orthopedic, visual, speech, and hearing impairments, cerebral 100  
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, 101  
cancer, heart disease, diabetes, human immunodeficiency virus 102  
infection, mental retardation, emotional illness, drug addiction, 103  
and alcoholism. 104

(b) "Physical or mental impairment" does not include any of 105  
the following: 106

(i) Homosexuality and bisexuality; 107

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, 108  
voyeurism, gender identity disorders not resulting from physical 109  
impairments, or other sexual behavior disorders; 110

(iii) Compulsive gambling, kleptomania, or pyromania;	111
(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages.	112 113 114
(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.	115 116
(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings.	117 118 119 120 121 122
(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public.	123 124 125
(20) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	126 127
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	128 129
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	130 131 132
(23) "Aggrieved person" includes both of the following:	133
(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;	134 135 136
(b) Any person who believes that the person will be injured by, any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.	137 138 139
<u>(24) "Social security number" means three or more consecutive</u>	140

digits of a social security number. 141

(25) "Public record" has the same meaning as in section 142  
149.43 of the Revised Code. 143

(B) For the purposes of divisions (A) to (F) of section 144  
4112.02 of the Revised Code, the terms "because of sex" and "on 145  
the basis of sex" include, but are not limited to, because of or 146  
on the basis of pregnancy, any illness arising out of and 147  
occurring during the course of a pregnancy, childbirth, or related 148  
medical conditions. Women affected by pregnancy, childbirth, or 149  
related medical conditions shall be treated the same for all 150  
employment-related purposes, including receipt of benefits under 151  
fringe benefit programs, as other persons not so affected but 152  
similar in their ability or inability to work, and nothing in 153  
division (B) of section 4111.17 of the Revised Code shall be 154  
interpreted to permit otherwise. This division shall not be 155  
construed to require an employer to pay for health insurance 156  
benefits for abortion, except where the life of the mother would 157  
be endangered if the fetus were carried to term or except where 158  
medical complications have arisen from the abortion, provided that 159  
nothing in this division precludes an employer from providing 160  
abortion benefits or otherwise affects bargaining agreements in 161  
regard to abortion. 162

**Sec. 4112.02.** It shall be an unlawful discriminatory 163  
practice: 164

(A) For any employer, because of the race, color, religion, 165  
sex, military status, national origin, disability, age, or 166  
ancestry of any person, to discharge without just cause, to refuse 167  
to hire, or otherwise to discriminate against that person with 168  
respect to hire, tenure, terms, conditions, or privileges of 169  
employment, or any matter directly or indirectly related to 170  
employment. 171

(B) For an employment agency or personnel placement service, 172  
because of race, color, religion, sex, military status, national 173  
origin, disability, age, or ancestry, to do any of the following: 174

(1) Refuse or fail to accept, register, classify properly, or 175  
refer for employment, or otherwise discriminate against any 176  
person; 177

(2) Comply with a request from an employer for referral of 178  
applicants for employment if the request directly or indirectly 179  
indicates that the employer fails to comply with the provisions of 180  
sections 4112.01 to 4112.07 of the Revised Code. 181

(C) For any labor organization to do any of the following: 182

(1) Limit or classify its membership on the basis of race, 183  
color, religion, sex, military status, national origin, 184  
disability, age, or ancestry; 185

(2) Discriminate against, limit the employment opportunities 186  
of, or otherwise adversely affect the employment status, wages, 187  
hours, or employment conditions of any person as an employee 188  
because of race, color, religion, sex, military status, national 189  
origin, disability, age, or ancestry. 190

(D) For any employer, labor organization, or joint 191  
labor-management committee controlling apprentice training 192  
programs to discriminate against any person because of race, 193  
color, religion, sex, military status, national origin, 194  
disability, or ancestry in admission to, or employment in, any 195  
program established to provide apprentice training. 196

(E) Except where based on a bona fide occupational 197  
qualification certified in advance by the commission, for any 198  
employer, employment agency, personnel placement service, or labor 199  
organization, prior to employment or admission to membership, to 200  
do any of the following: 201

(1) Elicit or attempt to elicit any information concerning 202  
the race, color, religion, sex, military status, national origin, 203  
disability, age, or ancestry of an applicant for employment or 204  
membership; 205

(2) Make or keep a record of the race, color, religion, sex, 206  
military status, national origin, disability, age, or ancestry of 207  
any applicant for employment or membership; 208

(3) Use any form of application for employment, or personnel 209  
or membership blank, seeking to elicit information regarding race, 210  
color, religion, sex, military status, national origin, 211  
disability, age, or ancestry; but an employer holding a contract 212  
containing a nondiscrimination clause with the government of the 213  
United States, or any department or agency of that government, may 214  
require an employee or applicant for employment to furnish 215  
documentary proof of United States citizenship and may retain that 216  
proof in the employer's personnel records and may use photographic 217  
or fingerprint identification for security purposes; 218

(4) Print or publish or cause to be printed or published any 219  
notice or advertisement relating to employment or membership 220  
indicating any preference, limitation, specification, or 221  
discrimination, based upon race, color, religion, sex, military 222  
status, national origin, disability, age, or ancestry; 223

(5) Announce or follow a policy of denying or limiting, 224  
through a quota system or otherwise, employment or membership 225  
opportunities of any group because of the race, color, religion, 226  
sex, military status, national origin, disability, age, or 227  
ancestry of that group; 228

(6) Utilize in the recruitment or hiring of persons any 229  
employment agency, personnel placement service, training school or 230  
center, labor organization, or any other employee-referring source 231  
known to discriminate against persons because of their race, 232



color, religion, sex, military status, national origin, 233  
disability, age, or ancestry. 234

(F) For any person seeking employment to publish or cause to 235  
be published any advertisement that specifies or in any manner 236  
indicates that person's race, color, religion, sex, military 237  
status, national origin, disability, age, or ancestry, or 238  
expresses a limitation or preference as to the race, color, 239  
religion, sex, military status, national origin, disability, age, 240  
or ancestry of any prospective employer. 241

(G) For any proprietor or any employee, keeper, or manager of 242  
a place of public accommodation to deny to any person, except for 243  
reasons applicable alike to all persons regardless of race, color, 244  
religion, sex, military status, national origin, disability, age, 245  
or ancestry, the full enjoyment of the accommodations, advantages, 246  
facilities, or privileges of the place of public accommodation. 247

(H) For any person to do any of the following: 248

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 249  
or finance housing accommodations, refuse to negotiate for the 250  
sale or rental of housing accommodations, or otherwise deny or 251  
make unavailable housing accommodations because of race, color, 252  
religion, sex, military status, familial status, ancestry, 253  
disability, or national origin; 254

(2) Represent to any person that housing accommodations are 255  
not available for inspection, sale, or rental, when in fact they 256  
are available, because of race, color, religion, sex, military 257  
status, familial status, ancestry, disability, or national origin; 258

(3) Discriminate against any person in the making or 259  
purchasing of loans or the provision of other financial assistance 260  
for the acquisition, construction, rehabilitation, repair, or 261  
maintenance of housing accommodations, or any person in the making 262  
or purchasing of loans or the provision of other financial 263

assistance that is secured by residential real estate, because of 264  
race, color, religion, sex, military status, familial status, 265  
ancestry, disability, or national origin or because of the racial 266  
composition of the neighborhood in which the housing 267  
accommodations are located, provided that the person, whether an 268  
individual, corporation, or association of any type, lends money 269  
as one of the principal aspects or incident to the person's 270  
principal business and not only as a part of the purchase price of 271  
an owner-occupied residence the person is selling nor merely 272  
casually or occasionally to a relative or friend; 273

(4) Discriminate against any person in the terms or 274  
conditions of selling, transferring, assigning, renting, leasing, 275  
or subleasing any housing accommodations or in furnishing 276  
facilities, services, or privileges in connection with the 277  
ownership, occupancy, or use of any housing accommodations, 278  
including the sale of fire, extended coverage, or homeowners 279  
insurance, because of race, color, religion, sex, military status, 280  
familial status, ancestry, disability, or national origin or 281  
because of the racial composition of the neighborhood in which the 282  
housing accommodations are located; 283

(5) Discriminate against any person in the terms or 284  
conditions of any loan of money, whether or not secured by 285  
mortgage or otherwise, for the acquisition, construction, 286  
rehabilitation, repair, or maintenance of housing accommodations 287  
because of race, color, religion, sex, military status, familial 288  
status, ancestry, disability, or national origin or because of the 289  
racial composition of the neighborhood in which the housing 290  
accommodations are located; 291

(6) Refuse to consider without prejudice the combined income 292  
of both husband and wife for the purpose of extending mortgage 293  
credit to a married couple or either member of a married couple; 294

(7) Print, publish, or circulate any statement or 295

advertisement, or make or cause to be made any statement or 296  
advertisement, relating to the sale, transfer, assignment, rental, 297  
lease, sublease, or acquisition of any housing accommodations, or 298  
relating to the loan of money, whether or not secured by mortgage 299  
or otherwise, for the acquisition, construction, rehabilitation, 300  
repair, or maintenance of housing accommodations, that indicates 301  
any preference, limitation, specification, or discrimination based 302  
upon race, color, religion, sex, military status, familial status, 303  
ancestry, disability, or national origin, or an intention to make 304  
any such preference, limitation, specification, or discrimination; 305

(8) Except as otherwise provided in division (H)(8) or (17) 306  
of this section, make any inquiry, elicit any information, make or 307  
keep any record, or use any form of application containing 308  
questions or entries concerning race, color, religion, sex, 309  
military status, familial status, ancestry, disability, or 310  
national origin in connection with the sale or lease of any 311  
housing accommodations or the loan of any money, whether or not 312  
secured by mortgage or otherwise, for the acquisition, 313  
construction, rehabilitation, repair, or maintenance of housing 314  
accommodations. Any person may make inquiries, and make and keep 315  
records, concerning race, color, religion, sex, military status, 316  
familial status, ancestry, disability, or national origin for the 317  
purpose of monitoring compliance with this chapter. 318

(9) Include in any transfer, rental, or lease of housing 319  
accommodations any restrictive covenant, or honor or exercise, or 320  
attempt to honor or exercise, any restrictive covenant; 321

(10) Induce or solicit, or attempt to induce or solicit, a 322  
housing accommodations listing, sale, or transaction by 323  
representing that a change has occurred or may occur with respect 324  
to the racial, religious, sexual, military status, familial 325  
status, or ethnic composition of the block, neighborhood, or other 326  
area in which the housing accommodations are located, or induce or 327

solicit, or attempt to induce or solicit, a housing accommodations 328  
listing, sale, or transaction by representing that the presence or 329  
anticipated presence of persons of any race, color, religion, sex, 330  
military status, familial status, ancestry, disability, or 331  
national origin, in the block, neighborhood, or other area will or 332  
may have results including, but not limited to, the following: 333

(a) The lowering of property values; 334

(b) A change in the racial, religious, sexual, military 335  
status, familial status, or ethnic composition of the block, 336  
neighborhood, or other area; 337

(c) An increase in criminal or antisocial behavior in the 338  
block, neighborhood, or other area; 339

(d) A decline in the quality of the schools serving the 340  
block, neighborhood, or other area. 341

(11) Deny any person access to or membership or participation 342  
in any multiple-listing service, real estate brokers' 343  
organization, or other service, organization, or facility relating 344  
to the business of selling or renting housing accommodations, or 345  
discriminate against any person in the terms or conditions of that 346  
access, membership, or participation, on account of race, color, 347  
religion, sex, military status, familial status, national origin, 348  
disability, or ancestry; 349

(12) Coerce, intimidate, threaten, or interfere with any 350  
person in the exercise or enjoyment of, or on account of that 351  
person's having exercised or enjoyed or having aided or encouraged 352  
any other person in the exercise or enjoyment of, any right 353  
granted or protected by division (H) of this section; 354

(13) Discourage or attempt to discourage the purchase by a 355  
prospective purchaser of housing accommodations, by representing 356  
that any block, neighborhood, or other area has undergone or might 357  
undergo a change with respect to its religious, racial, sexual, 358

military status, familial status, or ethnic composition;	359
(14) Refuse to sell, transfer, assign, rent, lease, sublease,	360
or finance, or otherwise deny or withhold, a burial lot from any	361
person because of the race, color, sex, military status, familial	362
status, age, ancestry, disability, or national origin of any	363
prospective owner or user of the lot;	364
(15) Discriminate in the sale or rental of, or otherwise make	365
unavailable or deny, housing accommodations to any buyer or renter	366
because of a disability of any of the following:	367
(a) The buyer or renter;	368
(b) A person residing in or intending to reside in the	369
housing accommodations after they are sold, rented, or made	370
available;	371
(c) Any individual associated with the person described in	372
division (H)(15)(b) of this section.	373
(16) Discriminate in the terms, conditions, or privileges of	374
the sale or rental of housing accommodations to any person or in	375
the provision of services or facilities to any person in	376
connection with the housing accommodations because of a disability	377
of any of the following:	378
(a) That person;	379
(b) A person residing in or intending to reside in the	380
housing accommodations after they are sold, rented, or made	381
available;	382
(c) Any individual associated with the person described in	383
division (H)(16)(b) of this section.	384
(17) Except as otherwise provided in division (H)(17) of this	385
section, make an inquiry to determine whether an applicant for the	386
sale or rental of housing accommodations, a person residing in or	387
intending to reside in the housing accommodations after they are	388

sold, rented, or made available, or any individual associated with 389  
that person has a disability, or make an inquiry to determine the 390  
nature or severity of a disability of the applicant or such a 391  
person or individual. The following inquiries may be made of all 392  
applicants for the sale or rental of housing accommodations, 393  
regardless of whether they have disabilities: 394

(a) An inquiry into an applicant's ability to meet the 395  
requirements of ownership or tenancy; 396

(b) An inquiry to determine whether an applicant is qualified 397  
for housing accommodations available only to persons with 398  
disabilities or persons with a particular type of disability; 399

(c) An inquiry to determine whether an applicant is qualified 400  
for a priority available to persons with disabilities or persons 401  
with a particular type of disability; 402

(d) An inquiry to determine whether an applicant currently 403  
uses a controlled substance in violation of section 2925.11 of the 404  
Revised Code or a substantively comparable municipal ordinance; 405

(e) An inquiry to determine whether an applicant at any time 406  
has been convicted of or pleaded guilty to any offense, an element 407  
of which is the illegal sale, offer to sell, cultivation, 408  
manufacture, other production, shipment, transportation, delivery, 409  
or other distribution of a controlled substance. 410

(18)(a) Refuse to permit, at the expense of a person with a 411  
disability, reasonable modifications of existing housing 412  
accommodations that are occupied or to be occupied by the person 413  
with a disability, if the modifications may be necessary to afford 414  
the person with a disability full enjoyment of the housing 415  
accommodations. This division does not preclude a landlord of 416  
housing accommodations that are rented or to be rented to a 417  
disabled tenant from conditioning permission for a proposed 418  
modification upon the disabled tenant's doing one or more of the 419

following: 420

(i) Providing a reasonable description of the proposed 421  
modification and reasonable assurances that the proposed 422  
modification will be made in a workerlike manner and that any 423  
required building permits will be obtained prior to the 424  
commencement of the proposed modification; 425

(ii) Agreeing to restore at the end of the tenancy the 426  
interior of the housing accommodations to the condition they were 427  
in prior to the proposed modification, but subject to reasonable 428  
wear and tear during the period of occupancy, if it is reasonable 429  
for the landlord to condition permission for the proposed 430  
modification upon the agreement; 431

(iii) Paying into an interest-bearing escrow account that is 432  
in the landlord's name, over a reasonable period of time, a 433  
reasonable amount of money not to exceed the projected costs at 434  
the end of the tenancy of the restoration of the interior of the 435  
housing accommodations to the condition they were in prior to the 436  
proposed modification, but subject to reasonable wear and tear 437  
during the period of occupancy, if the landlord finds the account 438  
reasonably necessary to ensure the availability of funds for the 439  
restoration work. The interest earned in connection with an escrow 440  
account described in this division shall accrue to the benefit of 441  
the disabled tenant who makes payments into the account. 442

(b) A landlord shall not condition permission for a proposed 443  
modification upon a disabled tenant's payment of a security 444  
deposit that exceeds the customarily required security deposit of 445  
all tenants of the particular housing accommodations. 446

(19) Refuse to make reasonable accommodations in rules, 447  
policies, practices, or services when necessary to afford a person 448  
with a disability equal opportunity to use and enjoy a dwelling 449  
unit, including associated public and common use areas; 450

(20) Fail to comply with the standards and rules adopted 451  
under division (A) of section 3781.111 of the Revised Code; 452

(21) Discriminate against any person in the selling, 453  
brokering, or appraising of real property because of race, color, 454  
religion, sex, military status, familial status, ancestry, 455  
disability, or national origin; 456

(22) Fail to design and construct covered multifamily 457  
dwellings for first occupancy on or after June 30, 1992, in 458  
accordance with the following conditions: 459

(a) The dwellings shall have at least one building entrance 460  
on an accessible route, unless it is impractical to do so because 461  
of the terrain or unusual characteristics of the site. 462

(b) With respect to dwellings that have a building entrance 463  
on an accessible route, all of the following apply: 464

(i) The public use areas and common use areas of the 465  
dwellings shall be readily accessible to and usable by persons 466  
with a disability. 467

(ii) All the doors designed to allow passage into and within 468  
all premises shall be sufficiently wide to allow passage by 469  
persons with a disability who are in wheelchairs. 470

(iii) All premises within covered multifamily dwelling units 471  
shall contain an accessible route into and through the dwelling; 472  
all light switches, electrical outlets, thermostats, and other 473  
environmental controls within such units shall be in accessible 474  
locations; the bathroom walls within such units shall contain 475  
reinforcements to allow later installation of grab bars; and the 476  
kitchens and bathrooms within such units shall be designed and 477  
constructed in a manner that enables an individual in a wheelchair 478  
to maneuver about such rooms. 479

For purposes of division (H)(22) of this section, "covered 480



multifamily dwellings" means buildings consisting of four or more 481  
units if such buildings have one or more elevators and ground 482  
floor units in other buildings consisting of four or more units. 483

(I) For any person to discriminate in any manner against any 484  
other person because that person has opposed any unlawful 485  
discriminatory practice defined in this section or because that 486  
person has made a charge, testified, assisted, or participated in 487  
any manner in any investigation, proceeding, or hearing under 488  
sections 4112.01 to 4112.07 of the Revised Code. 489

(J) For any person to aid, abet, incite, compel, or coerce 490  
the doing of any act declared by this section to be an unlawful 491  
discriminatory practice, to obstruct or prevent any person from 492  
complying with this chapter or any order issued under it, or to 493  
attempt directly or indirectly to commit any act declared by this 494  
section to be an unlawful discriminatory practice. 495

(K)(1) For any person to do any of the following with the 496  
social security number of an individual residing in this state: 497

(a) Place the social security number on any card, tag, badge, 498  
or other device issued or used for identification or membership, 499  
for the purpose of providing access to products or services, or 500  
any other card, tag, badge, or device issued to an individual. As 501  
used in division (K)(1)(a) of this section, "place" includes 502  
printing, embedding, encoding within a magnetic strip or on a 503  
chip, and any other means of affixing the social security number 504  
on a card, tag, badge, or other device. 505

(b) Solicit or require the use of the social security number 506  
as a password for computerized service, telephone customer 507  
service, or a web site, or require that an individual provide the 508  
individual's social security number as a condition to access 509  
goods, services, or a web site; 510

(c) Solicit or require an individual to transmit the 511

individual's social security number over the internet, unless the 512  
connection is secure or the social security number is encrypted; 513

(d) Print an individual's social security number on mailing 514  
material that does not require an envelope or in any other manner 515  
that makes a social security number visible without the envelope 516  
being opened; 517

(e) Publicly display, or otherwise make available to the 518  
public, including by sale to the public, the social security 519  
number of another individual. 520

(2) Nothing in division (K) of this section prohibits a 521  
person from including the person's own social security number, or 522  
the social security number of the individual's minor child, on 523  
materials sent through the mail. Division (K) of this section does 524  
not apply to the mailing of a public record that contains a social 525  
security number. Division (K) of this section does not prevent the 526  
collection, use, or release of a social security number as 527  
required by state or federal law or the use of a social security 528  
number for internal verification or administrative purposes. 529

(L)(1) Nothing in division (H) of this section shall bar any 530  
religious or denominational institution or organization, or any 531  
nonprofit charitable or educational organization that is operated, 532  
supervised, or controlled by or in connection with a religious 533  
organization, from limiting the sale, rental, or occupancy of 534  
housing accommodations that it owns or operates for other than a 535  
commercial purpose to persons of the same religion, or from giving 536  
preference in the sale, rental, or occupancy of such housing 537  
accommodations to persons of the same religion, unless membership 538  
in the religion is restricted on account of race, color, or 539  
national origin. 540

(2) Nothing in division (H) of this section shall bar any 541  
bona fide private or fraternal organization that, incidental to 542

its primary purpose, owns or operates lodgings for other than a 543  
commercial purpose, from limiting the rental or occupancy of the 544  
lodgings to its members or from giving preference to its members. 545

(3) Nothing in division (H) of this section limits the 546  
applicability of any reasonable local, state, or federal 547  
restrictions regarding the maximum number of occupants permitted 548  
to occupy housing accommodations. Nothing in that division 549  
prohibits the owners or managers of housing accommodations from 550  
implementing reasonable occupancy standards based on the number 551  
and size of sleeping areas or bedrooms and the overall size of a 552  
dwelling unit, provided that the standards are not implemented to 553  
circumvent the purposes of this chapter and are formulated, 554  
implemented, and interpreted in a manner consistent with this 555  
chapter and any applicable local, state, or federal restrictions 556  
regarding the maximum number of occupants permitted to occupy 557  
housing accommodations. 558

(4) Nothing in division (H) of this section requires that 559  
housing accommodations be made available to an individual whose 560  
tenancy would constitute a direct threat to the health or safety 561  
of other individuals or whose tenancy would result in substantial 562  
physical damage to the property of others. 563

(5) Nothing in division (H) of this section pertaining to 564  
discrimination on the basis of familial status shall be construed 565  
to apply to any of the following: 566

(a) Housing accommodations provided under any state or 567  
federal program that have been determined under the "Fair Housing 568  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 569  
amended, to be specifically designed and operated to assist 570  
elderly persons; 571

(b) Housing accommodations intended for and solely occupied 572  
by persons who are sixty-two years of age or older; 573

(c) Housing accommodations intended and operated for 574  
occupancy by at least one person who is fifty-five years of age or 575  
older per unit, as determined under the "Fair Housing Amendments 576  
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 577

~~(L)~~(M) Nothing in divisions (A) to (E) of this section shall 578  
be construed to require a person with a disability to be employed 579  
or trained under circumstances that would significantly increase 580  
the occupational hazards affecting either the person with a 581  
disability, other employees, the general public, or the facilities 582  
in which the work is to be performed, or to require the employment 583  
or training of a person with a disability in a job that requires 584  
the person with a disability routinely to undertake any task, the 585  
performance of which is substantially and inherently impaired by 586  
the person's disability. 587

~~(M)~~(N) Nothing in divisions (H)(1) to (18) of this section 588  
shall be construed to require any person selling or renting 589  
property to modify the property in any way or to exercise a higher 590  
degree of care for a person with a disability, to relieve any 591  
person with a disability of any obligation generally imposed on 592  
all persons regardless of disability in a written lease, rental 593  
agreement, or contract of purchase or sale, or to forbid 594  
distinctions based on the inability to fulfill the terms and 595  
conditions, including financial obligations, of the lease, 596  
agreement, or contract. 597

~~(N)~~(O) An aggrieved individual may enforce the individual's 598  
rights relative to discrimination on the basis of age as provided 599  
for in this section by instituting a civil action, within one 600  
hundred eighty days after the alleged unlawful discriminatory 601  
practice occurred, in any court with jurisdiction for any legal or 602  
equitable relief that will effectuate the individual's rights. 603

A person who files a civil action under this division is 604  
barred, with respect to the practices complained of, from 605

instituting a civil action under section 4112.14 of the Revised Code and from filing a charge with the commission under section 4112.05 of the Revised Code.

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

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

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equals, in the aggregate, at

least forty-four thousand dollars, in accordance with the 638  
conditions of the "Age Discrimination in Employment Act Amendment 639  
of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age 640  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 641  
3342, 29 U.S.C.A. 631, as amended; 642

(4) Observe the terms of any bona fide apprenticeship program 643  
if the program is registered with the Ohio apprenticeship council 644  
pursuant to sections 4139.01 to 4139.06 of the Revised Code and is 645  
approved by the federal committee on apprenticeship of the United 646  
States department of labor. 647

~~(P)~~(Q) Nothing in this chapter prohibiting age discrimination 648  
and nothing in division (A) of section 4112.14 of the Revised Code 649  
shall be construed to prohibit the following: 650

(1) The designation of uniform age the attainment of which is 651  
necessary for public employees to receive pension or other 652  
retirement benefits pursuant to Chapter 145., 742., 3307., 3309., 653  
or 5505. of the Revised Code; 654

(2) The mandatory retirement of uniformed patrol officers of 655  
the state highway patrol as provided in section 5505.16 of the 656  
Revised Code; 657

(3) The maximum age requirements for appointment as a patrol 658  
officer in the state highway patrol established by section 5503.01 659  
of the Revised Code; 660

(4) The maximum age requirements established for original 661  
appointment to a police department or fire department in sections 662  
124.41 and 124.42 of the Revised Code; 663

(5) Any maximum age not in conflict with federal law that may 664  
be established by a municipal charter, municipal ordinance, or 665  
resolution of a board of township trustees for original 666  
appointment as a police officer or firefighter; 667

(6) Any mandatory retirement provision not in conflict with 668  
federal law of a municipal charter, municipal ordinance, or 669  
resolution of a board of township trustees pertaining to police 670  
officers and firefighters; 671

(7) Until January 1, 1994, the mandatory retirement of any 672  
employee who has attained seventy years of age and who is serving 673  
under a contract of unlimited tenure, or similar arrangement 674  
providing for unlimited tenure, at an institution of higher 675  
education as defined in the "Education Amendments of 1980," 94 676  
Stat. 1503, 20 U.S.C.A. 1141(a). 677

~~(Q)~~(R)(1)(a) Except as provided in division ~~(Q)~~(R)(1)(b) of 678  
this section, for purposes of divisions (A) to (E) of this 679  
section, a disability does not include any physiological disorder 680  
or condition, mental or psychological disorder, or disease or 681  
condition caused by an illegal use of any controlled substance by 682  
an employee, applicant, or other person, if an employer, 683  
employment agency, personnel placement service, labor 684  
organization, or joint labor-management committee acts on the 685  
basis of that illegal use. 686

(b) Division ~~(Q)~~(R)(1)(a) of this section does not apply to 687  
an employee, applicant, or other person who satisfies any of the 688  
following: 689

(i) The employee, applicant, or other person has successfully 690  
completed a supervised drug rehabilitation program and no longer 691  
is engaging in the illegal use of any controlled substance, or the 692  
employee, applicant, or other person otherwise successfully has 693  
been rehabilitated and no longer is engaging in that illegal use. 694

(ii) The employee, applicant, or other person is 695  
participating in a supervised drug rehabilitation program and no 696  
longer is engaging in the illegal use of any controlled substance. 697

(iii) The employee, applicant, or other person is erroneously 698

regarded as engaging in the illegal use of any controlled substance, but the employee, applicant, or other person is not engaging in that illegal use.

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

(a) Adopting or administering reasonable policies or procedures, including, but not limited to, testing for the illegal use of any controlled substance, that are designed to ensure that an individual described in division ~~(Q)~~(R)(1)(b)(i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance;

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

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

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

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

(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101,



as amended, including, but not limited to, requiring employees to 730  
comply with any applicable federal standards. 731

(3) For purposes of this chapter, a test to determine the 732  
illegal use of any controlled substance does not include a medical 733  
examination. 734

(4) Division ~~(Q)~~(R) of this section does not encourage, 735  
prohibit, or authorize, and shall not be construed as encouraging, 736  
prohibiting, or authorizing, the conduct of testing for the 737  
illegal use of any controlled substance by employees, applicants, 738  
or other persons, or the making of employment decisions based on 739  
the results of that type of testing. 740

**Sec. 4112.05.** (A) The commission, as provided in this 741  
section, shall prevent any person from engaging in unlawful 742  
discriminatory practices, provided that, before instituting the 743  
formal hearing authorized by division (B) of this section, it 744  
shall attempt, by informal methods of conference, conciliation, 745  
and persuasion, to induce compliance with this chapter. 746

(B)(1) Any person may file a charge with the commission 747  
alleging that another person has engaged or is engaging in an 748  
unlawful discriminatory practice. In the case of a charge alleging 749  
an unlawful discriminatory practice described in division (A), 750  
(B), (C), (D), (E), (F), (G), (I), ~~or~~ (J), or (K) of section 751  
4112.02 or in section 4112.021 or 4112.022 of the Revised Code, 752  
the charge shall be in writing and under oath and shall be filed 753  
with the commission within six months after the alleged unlawful 754  
discriminatory practice was committed. In the case of a charge 755  
alleging an unlawful discriminatory practice described in division 756  
(H) of section 4112.02 of the Revised Code, the charge shall be in 757  
writing and under oath and shall be filed with the commission 758  
within one year after the alleged unlawful discriminatory practice 759  
was committed. 760

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

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

(i) Notify the complainant and the respondent that it is not probable that an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code has been or is being engaged in and that the commission will not issue a complaint in the matter;

(ii) Initiate a complaint and schedule it for informal methods of conference, conciliation, and persuasion;

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

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

(c) Prior to the issuance of a complaint under division (B)(3)(a)(ii) or (iii) of this section or prior to a notification of the complainant and the respondent under division (B)(3)(a)(i) of this section, the members of the commission and the officers and employees of the commission shall not make public in any manner and shall retain as confidential all information that was obtained as a result of or that otherwise pertains to a preliminary investigation of a charge filed pursuant to division (B)(1) of this section that alleges an unlawful discriminatory practice described in division (H) of section 4112.05 of the Revised Code.

(d) Notwithstanding the types of action described in divisions (B)(3)(a)(ii) and (iii) of this section, prior to the issuance of a complaint or the referral of a complaint to the attorney general and prior to endeavoring to eliminate an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code by informal methods of conference, conciliation, and persuasion, the commission may seek a temporary

or permanent injunction or a temporary restraining order in the 825  
court of common pleas of the county in which the unlawful 826  
discriminatory practice allegedly occurred. 827

(4) If the commission determines after a preliminary 828  
investigation other than one described in division (B)(3) of this 829  
section that it is not probable that an unlawful discriminatory 830  
practice has been or is being engaged in, it shall notify any 831  
complainant under division (B)(1) of this section that it has so 832  
determined and that it will not issue a complaint in the matter. 833  
If the commission determines after a preliminary investigation 834  
other than the one described in division (B)(3) of this section 835  
that it is probable that an unlawful discriminatory practice has 836  
been or is being engaged in, it shall endeavor to eliminate the 837  
practice by informal methods of conference, conciliation, and 838  
persuasion. 839

(5) Nothing said or done during informal methods of 840  
conference, conciliation, and persuasion under this section shall 841  
be disclosed by any member of the commission or its staff or be 842  
used as evidence in any subsequent hearing or other proceeding. 843  
If, after a preliminary investigation and the use of informal 844  
methods of conference, conciliation, and persuasion under this 845  
section, the commission is satisfied that any unlawful 846  
discriminatory practice will be eliminated, it may treat the 847  
charge involved as being conciliated and enter that disposition on 848  
the records of the commission. If the commission fails to effect 849  
the elimination of an unlawful discriminatory practice by informal 850  
methods of conference, conciliation, and persuasion under this 851  
section and to obtain voluntary compliance with this chapter, the 852  
commission shall issue and cause to be served upon any person, 853  
including the respondent against whom a complainant has filed a 854  
charge pursuant to division (B)(1) of this section, a complaint 855  
stating the charges involved and containing a notice of an 856

opportunity for a hearing before the commission, a member of the 857  
commission, or a hearing examiner at a place that is stated in the 858  
notice and that is located within the county in which the alleged 859  
unlawful discriminatory practice has occurred or is occurring or 860  
in which the respondent resides or transacts business. The hearing 861  
shall be held not less than thirty days after the service of the 862  
complaint upon the complainant, the aggrieved persons other than 863  
the complainant on whose behalf the complaint is issued, and the 864  
respondent, unless the complainant, an aggrieved person, or the 865  
respondent elects to proceed under division (A)(2) of section 866  
4112.051 of the Revised Code when that division is applicable. If 867  
a complaint pertains to an alleged unlawful discriminatory 868  
practice described in division (H) of section 4112.02 of the 869  
Revised Code, the complaint shall notify the complainant, an 870  
aggrieved person, and the respondent of the right of the 871  
complainant, an aggrieved person, or the respondent to elect to 872  
proceed with the administrative hearing process under this section 873  
or to proceed under division (A)(2) of section 4112.051 of the 874  
Revised Code. 875

(6) The attorney general shall represent the commission at 876  
any hearing held pursuant to division (B)(5) of this section and 877  
shall present the evidence in support of the complaint. 878

(7) Any complaint issued pursuant to division (B)(5) of this 879  
section after the filing of a charge under division (B)(1) of this 880  
section shall be so issued within one year after the complainant 881  
filed the charge with respect to an alleged unlawful 882  
discriminatory practice. 883

(C) Any complaint issued pursuant to division (B) of this 884  
section may be amended by the commission, a member of the 885  
commission, or the hearing examiner conducting a hearing under 886  
division (B) of this section, at any time prior to or during the 887  
hearing. The respondent has the right to file an answer or an 888

amended answer to the original and amended complaints and to 889  
appear at the hearing in person, by attorney, or otherwise to 890  
examine and cross-examine witnesses. 891

(D) The complainant shall be a party to a hearing under 892  
division (B) of this section, and any person who is an 893  
indispensable party to a complete determination or settlement of a 894  
question involved in the hearing shall be joined. Any aggrieved 895  
person who has or claims an interest in the subject of the hearing 896  
and in obtaining or preventing relief against the unlawful 897  
discriminatory practices complained of shall be permitted to 898  
appear only for the presentation of oral or written arguments, to 899  
present evidence, perform direct and cross-examination, and be 900  
represented by counsel. The commission shall adopt rules, in 901  
accordance with Chapter 119. of the Revised Code governing the 902  
authority granted under this division. 903

(E) In any hearing under division (B) of this section, the 904  
commission, a member of the commission, or the hearing examiner 905  
shall not be bound by the Rules of Evidence but, in ascertaining 906  
the practices followed by the respondent, shall take into account 907  
all reliable, probative, and substantial statistical or other 908  
evidence produced at the hearing that may tend to prove the 909  
existence of a predetermined pattern of employment or membership, 910  
provided that nothing contained in this section shall be construed 911  
to authorize or require any person to observe the proportion that 912  
persons of any race, color, religion, sex, military status, 913  
familial status, national origin, disability, age, or ancestry 914  
bear to the total population or in accordance with any criterion 915  
other than the individual qualifications of the applicant. 916

(F) The testimony taken at a hearing under division (B) of 917  
this section shall be under oath and shall be reduced to writing 918  
and filed with the commission. Thereafter, in its discretion, the 919  
commission, upon the service of a notice upon the complainant and 920

the respondent that indicates an opportunity to be present, may 921  
take further testimony or hear argument. 922

(G)(1) If, upon all reliable, probative, and substantial 923  
evidence presented at a hearing under division (B) of this 924  
section, the commission determines that the respondent has engaged 925  
in, or is engaging in, any unlawful discriminatory practice, 926  
whether against the complainant or others, the commission shall 927  
state its findings of fact and conclusions of law and shall issue 928  
and, subject to the provisions of Chapter 119. of the Revised 929  
Code, cause to be served on the respondent an order requiring the 930  
respondent to cease and desist from the unlawful discriminatory 931  
practice, requiring the respondent to take any further affirmative 932  
or other action that will effectuate the purposes of this chapter, 933  
including, but not limited to, hiring, reinstatement, or upgrading 934  
of employees with or without back pay, or admission or restoration 935  
to union membership, and requiring the respondent to report to the 936  
commission the manner of compliance. If the commission directs 937  
payment of back pay, it shall make allowance for interim earnings. 938  
If it finds a violation of division (K) of section 4112.02 of the 939  
Revised Code, the commission additionally shall require the 940  
respondent to pay the fine required under division (B) of section 941  
4112.99 of the Revised Code. If it finds a violation of division 942  
(H) of section 4112.02 of the Revised Code, the commission 943  
additionally shall require the respondent to pay actual damages 944  
and reasonable attorney's fees, and may award to the complainant 945  
punitive damages as follows: 946

(a) If division (G)(1)(b) or (c) of this section does not 947  
apply, punitive damages in an amount not to exceed ten thousand 948  
dollars; 949

(b) If division (G)(1)(c) of this section does not apply and 950  
if the respondent has been determined by a final order of the 951  
commission or by a final judgment of a court to have committed one 952

violation of division (H) of section 4112.02 of the Revised Code 953  
during the five-year period immediately preceding the date on 954  
which a complaint was issued pursuant to division (B) of this 955  
section, punitive damages in an amount not to exceed twenty-five 956  
thousand dollars; 957

(c) If the respondent has been determined by a final order of 958  
the commission or by a final judgment of a court to have committed 959  
two or more violations of division (H) of section 4112.02 of the 960  
Revised Code during the seven-year period immediately preceding 961  
the date on which a complaint was issued pursuant to division (B) 962  
of this section, punitive damages in an amount not to exceed fifty 963  
thousand dollars. 964

(2) Upon the submission of reports of compliance, the 965  
commission may issue a declaratory order stating that the 966  
respondent has ceased to engage in particular unlawful 967  
discriminatory practices. 968

(H) If the commission finds that no probable cause exists for 969  
crediting charges of unlawful discriminatory practices or if, upon 970  
all the evidence presented at a hearing under division (B) of this 971  
section on a charge, the commission finds that a respondent has 972  
not engaged in any unlawful discriminatory practice against the 973  
complainant or others, it shall state its findings of fact and 974  
shall issue and cause to be served on the complainant an order 975  
dismissing the complaint as to the respondent. A copy of the order 976  
shall be delivered in all cases to the attorney general and any 977  
other public officers whom the commission considers proper. 978

(I) Until the time period for appeal set forth in division 979  
(H) of section 4112.06 of the Revised Code expires, the 980  
commission, subject to the provisions of Chapter 119. of the 981  
Revised Code, at any time, upon reasonable notice, and in the 982  
manner it considers proper, may modify or set aside, in whole or 983  
in part, any finding or order made by it under this section. 984



**Sec. 4112.08.** This chapter shall be construed liberally for 985  
the accomplishment of its purposes, and any law inconsistent with 986  
any provision of this chapter shall not apply. Nothing contained 987  
in this chapter shall be considered to repeal any of the 988  
provisions of any law of this state relating to discrimination 989  
because of race, color, religion, sex, military status, familial 990  
status, disability, national origin, age, or ancestry, except that 991  
any person filing a charge under division (B)(1) of section 992  
4112.05 of the Revised Code, with respect to the unlawful 993  
discriminatory practices complained of, is barred from instituting 994  
a civil action under section 4112.14 or division ~~(N)~~(O) of section 995  
4112.02 of the Revised Code. 996

**Sec. 4112.14.** (A) No employer shall discriminate in any job 997  
opening against any applicant or discharge without just cause any 998  
employee aged forty or older who is physically able to perform the 999  
duties and otherwise meets the established requirements of the job 1000  
and laws pertaining to the relationship between employer and 1001  
employee. 1002

(B) Any person aged forty or older who is discriminated 1003  
against in any job opening or discharged without just cause by an 1004  
employer in violation of division (A) of this section may 1005  
institute a civil action against the employer in a court of 1006  
competent jurisdiction. If the court finds that an employer has 1007  
discriminated on the basis of age, the court shall order an 1008  
appropriate remedy which shall include reimbursement to the 1009  
applicant or employee for the costs, including reasonable 1010  
attorney's fees, of the action, or to reinstate the employee in 1011  
the employee's former position with compensation for lost wages 1012  
and any lost fringe benefits from the date of the illegal 1013  
discharge and to reimburse the employee for the costs, including 1014  
reasonable attorney's fees, of the action. The remedies available 1015

under this section are coexistent with remedies available pursuant 1016  
to sections 4112.01 to 4112.11 of the Revised Code; except that 1017  
any person instituting a civil action under this section is, with 1018  
respect to the practices complained of, thereby barred from 1019  
instituting a civil action under division ~~(N)~~(O) of section 1020  
4112.02 of the Revised Code or from filing a charge with the Ohio 1021  
civil rights commission under section 4112.05 of the Revised Code. 1022

(C) The cause of action described in division (B) of this 1023  
section and any remedies available pursuant to sections 4112.01 to 1024  
4112.11 of the Revised Code shall not be available in the case of 1025  
discharges where the employee has available to the employee the 1026  
opportunity to arbitrate the discharge or where a discharge has 1027  
been arbitrated and has been found to be for just cause. 1028

**Sec. 4112.15.** There is hereby created in the state treasury 1029  
the civil rights commission general reimbursement fund, which 1030  
shall be used to pay operating costs of the commission. All 1031  
amounts received by the commission, and all amounts awarded by a 1032  
court to the commission, for attorney's fees, court costs, expert 1033  
witness fees, and other litigation expenses shall be paid into the 1034  
state treasury to the credit of the fund. All amounts received by 1035  
the commission for copies of commission documents and for other 1036  
goods and services furnished by the commission shall be paid into 1037  
the state treasury to the credit of the fund. All the collected 1038  
finances charged under division (B) of section 4112.99 of the Revised 1039  
Code shall be paid into the state treasury to the credit of the 1040  
fund. 1041

**Sec. 4112.99.** (A) Whoever violates this chapter is subject to 1042  
a civil action for damages, injunctive relief, or any other 1043  
appropriate relief. 1044

(B) In addition to any damages and relief that may be 1045

available in division (A) of this section, whoever violates 1046  
division (K) of section 4112.02 of the Revised Code shall be fined 1047  
not more than one thousand dollars for the first violation of that 1048  
division, and not more than two thousand dollars for each 1049  
subsequent violation. 1050

**Section 2.** That existing sections 4112.01, 4112.02, 4112.05, 1051  
4112.08, 4112.14, 4112.15, and 4112.99 of the Revised Code are 1052  
hereby repealed. 1053