

As Introduced

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

S. B. No. 383

Senator Coley

Cosponsors: Senators Seitz, Jordan, Hite

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A B I L L

To amend sections 2305.07, 4112.01, 4112.02, 4112.04, 1
4112.05, 4112.08, and 4112.99, to amend, for the 2
purpose of adopting new section numbers as 3
indicated in parentheses, sections 4112.051 4
(4112.054) and 4112.052 (4112.055), to enact new 5
sections 4112.051, 4112.052, and 4112.14 and 6
sections 2305.071 and 4112.053, and to repeal 7
section 4112.14 of the Revised Code to modify Ohio 8
civil rights laws related to employment and the 9
statute of limitations for other specified claims 10
against an employer. 11

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

Section 1. That sections 2305.07, 4112.01, 4112.02, 4112.04, 12
4112.05, 4112.08, and 4112.99 be amended, sections 4112.051 13
(4112.054) and 4112.052 (4112.055) be amended for the purpose of 14
adopting new section numbers as indicated in parentheses, and new 15
sections 4112.051, 4112.052, and 4112.14 and sections 2305.071 and 16
4112.053 of the Revised Code be enacted to read as follows: 17

Sec. 2305.07. Except as provided in sections 126.301 ~~and~~, 18
1302.98, and 2305.071 of the Revised Code, an action upon a 19

contract not in writing, express or implied, or upon a liability 20
created by statute other than a forfeiture or penalty, shall be 21
brought within six years after the cause thereof accrued. 22

Sec. 2305.071. (A) A civil action against an employer 23
alleging a claim of promissory estoppel, breach of an implied 24
contract, or intentional infliction of emotional distress shall be 25
commenced within one year after the cause accrued. 26

(B) Nothing in this section shall be interpreted as 27
prohibiting or limiting an employee's use of evidence of 28
promissory estoppel, breach of an implied contract, or intentional 29
infliction of emotional distress on the part of the employer as an 30
affirmative defense against an action brought by an employer 31
against the employee. 32

(C) As used in this section, "employer" has the same meaning 33
as in section 4112.01 of the Revised Code. 34

Sec. 4112.01. (A) As used in this chapter: 35

(1) "Person" includes one or more individuals, partnerships, 36
associations, organizations, corporations, legal representatives, 37
trustees, trustees in bankruptcy, receivers, and other organized 38
groups of persons. "Person" also includes, but is not limited to, 39
any owner, lessor, assignor, builder, manager, broker, 40
salesperson, appraiser, agent, employee, lending institution, and 41
the state and all political subdivisions, authorities, agencies, 42
boards, and commissions of the state. 43

(2) "Employer" ~~includes~~ means the state, any political 44
subdivision of the state, ~~any or a~~ or a person employing four or more 45
persons within the state, ~~and any person acting directly or~~ 46
~~indirectly in the interest of an employer~~ for each working day in 47
each of twenty or more calendar weeks in the current or preceding 48
calendar year. 49

(3) "Employee" means an individual employed by any employer 50
but does not include any individual employed in the domestic 51
service of any person. 52

(4) "Labor organization" includes any organization that 53
exists, in whole or in part, for the purpose of collective 54
bargaining or of dealing with employers concerning grievances, 55
terms or conditions of employment, or other mutual aid or 56
protection in relation to employment. 57

(5) "Employment agency" includes any person regularly 58
undertaking, with or without compensation, to procure 59
opportunities to work or to procure, recruit, refer, or place 60
employees. 61

(6) "Commission" means the Ohio civil rights commission 62
created by section 4112.03 of the Revised Code. 63

(7) "Discriminate" includes segregate or separate. 64

(8) "Unlawful discriminatory practice" means any act 65
prohibited by section 4112.02, 4112.021, or 4112.022 of the 66
Revised Code. 67

(9) "Place of public accommodation" means any inn, 68
restaurant, eating house, barbershop, public conveyance by air, 69
land, or water, theater, store, other place for the sale of 70
merchandise, or any other place of public accommodation or 71
amusement of which the accommodations, advantages, facilities, or 72
privileges are available to the public. 73

(10) "Housing accommodations" includes any building or 74
structure, or portion of a building or structure, that is used or 75
occupied or is intended, arranged, or designed to be used or 76
occupied as the home residence, dwelling, dwelling unit, or 77
sleeping place of one or more individuals, groups, or families 78
whether or not living independently of each other; and any vacant 79
land offered for sale or lease. "Housing accommodations" also 80

includes any housing accommodations held or offered for sale or 81
rent by a real estate broker, salesperson, or agent, by any other 82
person pursuant to authorization of the owner, by the owner, or by 83
the owner's legal representative. 84

(11) "Restrictive covenant" means any specification limiting 85
the transfer, rental, lease, or other use of any housing 86
accommodations because of race, color, religion, sex, military 87
status, familial status, national origin, disability, or ancestry, 88
or any limitation based upon affiliation with or approval by any 89
person, directly or indirectly, employing race, color, religion, 90
sex, military status, familial status, national origin, 91
disability, or ancestry as a condition of affiliation or approval. 92

(12) "Burial lot" means any lot for the burial of deceased 93
persons within any public burial ground or cemetery, including, 94
but not limited to, cemeteries owned and operated by municipal 95
corporations, townships, or companies or associations incorporated 96
for cemetery purposes. 97

(13) "Disability" means a physical or mental impairment that 98
substantially limits one or more major life activities, including 99
the functions of caring for one's self, performing manual tasks, 100
walking, seeing, hearing, speaking, breathing, learning, and 101
working; a record of a physical or mental impairment; or being 102
regarded as having a physical or mental impairment. 103

(14) Except as otherwise provided in section 4112.021 of the 104
Revised Code, "age" means ~~at least~~ an individual aged forty ~~years~~ 105
~~old~~ or older. 106

(15) "Familial status" means either of the following: 107

(a) One or more individuals who are under eighteen years of 108
age and who are domiciled with a parent or guardian having legal 109
custody of the individual or domiciled, with the written 110
permission of the parent or guardian having legal custody, with a 111

designee of the parent or guardian;	112
(b) Any person who is pregnant or in the process of securing	113
legal custody of any individual who is under eighteen years of	114
age.	115
(16)(a) Except as provided in division (A)(16)(b) of this	116
section, "physical or mental impairment" includes any of the	117
following:	118
(i) Any physiological disorder or condition, cosmetic	119
disfigurement, or anatomical loss affecting one or more of the	120
following body systems: neurological; musculoskeletal; special	121
sense organs; respiratory, including speech organs;	122
cardiovascular; reproductive; digestive; genito-urinary; hemic and	123
lymphatic; skin; and endocrine;	124
(ii) Any mental or psychological disorder, including, but not	125
limited to, mental retardation, organic brain syndrome, emotional	126
or mental illness, and specific learning disabilities;	127
(iii) Diseases and conditions, including, but not limited to,	128
orthopedic, visual, speech, and hearing impairments, cerebral	129
palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis,	130
cancer, heart disease, diabetes, human immunodeficiency virus	131
infection, mental retardation, emotional illness, drug addiction,	132
and alcoholism.	133
(b) "Physical or mental impairment" does not include any of	134
the following:	135
(i) Homosexuality and bisexuality;	136
(ii) Transvestism, transsexualism, pedophilia, exhibitionism,	137
voyeurism, gender identity disorders not resulting from physical	138
impairments, or other sexual behavior disorders;	139
(iii) Compulsive gambling, kleptomania, or pyromania;	140
(iv) Psychoactive substance use disorders resulting from the	141

current illegal use of a controlled substance or the current use of alcoholic beverages.

(17) "Dwelling unit" means a single unit of residence for a family of one or more persons.

(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.

(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.

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

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

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

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

(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;

(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.

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

(a) An unlawful discriminatory practice that is prohibited by

division (A), (B), (C), (D), (E), or (F) of section 4112.02 of the 172
Revised Code; 173

(b) An unlawful discriminatory practice that is prohibited by 174
division (I) or (J) of section 4112.02 of the Revised Code that is 175
related to an unlawful discriminatory practice prohibited by 176
division (A), (B), (C), (D), (E), or (F) of that section. 177

(B) For the purposes of divisions (A) to (F) of section 178
4112.02 of the Revised Code, the terms "because of sex" and "on 179
the basis of sex" include, but are not limited to, because of or 180
on the basis of pregnancy, any illness arising out of and 181
occurring during the course of a pregnancy, childbirth, or related 182
medical conditions. Women affected by pregnancy, childbirth, or 183
related medical conditions shall be treated the same for all 184
employment-related purposes, including receipt of benefits under 185
fringe benefit programs, as other persons not so affected but 186
similar in their ability or inability to work, and nothing in 187
division (B) of section 4111.17 of the Revised Code shall be 188
interpreted to permit otherwise. This division shall not be 189
construed to require an employer to pay for health insurance 190
benefits for abortion, except where the life of the mother would 191
be endangered if the fetus were carried to term or except where 192
medical complications have arisen from the abortion, provided that 193
nothing in this division precludes an employer from providing 194
abortion benefits or otherwise affects bargaining agreements in 195
regard to abortion. 196

Sec. 4112.02. It shall be an unlawful discriminatory 197
practice: 198

(A) For any employer, except a religious organization making 199
employment decisions regarding individuals working in a 200
ministerial capacity, because of the race, color, religion, sex, 201
military status, national origin, disability, age, or ancestry of 202

any person, to discharge without just cause, to refuse to hire, or 203
otherwise to discriminate against that person with respect to 204
hire, tenure, terms, conditions, or privileges of employment, or 205
any matter directly or indirectly related to employment. 206

(B) For an employment agency or personnel placement service, 207
because of race, color, religion, sex, military status, national 208
origin, disability, age, or ancestry, to do any of the following: 209

(1) Refuse or fail to accept, register, classify properly, or 210
refer for employment, or otherwise discriminate against any 211
person; 212

(2) Comply with a request from an employer for referral of 213
applicants for employment if the request directly or indirectly 214
indicates that the employer fails to comply with the provisions of 215
sections 4112.01 to 4112.07 of the Revised Code. 216

(C) For any labor organization to do any of the following: 217

(1) Limit or classify its membership on the basis of race, 218
color, religion, sex, military status, national origin, 219
disability, age, or ancestry; 220

(2) Discriminate against, limit the employment opportunities 221
of, or otherwise adversely affect the employment status, wages, 222
hours, or employment conditions of any person as an employee 223
because of race, color, religion, sex, military status, national 224
origin, disability, age, or ancestry. 225

(D) For any employer, labor organization, or joint 226
labor-management committee controlling apprentice training 227
programs to discriminate against any person because of race, 228
color, religion, sex, military status, national origin, 229
disability, or ancestry in admission to, or employment in, any 230
program established to provide apprentice training. 231

(E) Except where based on a bona fide occupational 232

qualification certified in advance by the commission, for any 233
employer, employment agency, personnel placement service, or labor 234
organization, prior to employment or admission to membership, to 235
do any of the following: 236

(1) Elicit or attempt to elicit any information concerning 237
the race, color, religion, sex, military status, national origin, 238
disability, age, or ancestry of an applicant for employment or 239
membership; 240

(2) Make or keep a record of the race, color, religion, sex, 241
military status, national origin, disability, age, or ancestry of 242
any applicant for employment or membership; 243

(3) Use any form of application for employment, or personnel 244
or membership blank, seeking to elicit information regarding race, 245
color, religion, sex, military status, national origin, 246
disability, age, or ancestry; but an employer holding a contract 247
containing a nondiscrimination clause with the government of the 248
United States, or any department or agency of that government, may 249
require an employee or applicant for employment to furnish 250
documentary proof of United States citizenship and may retain that 251
proof in the employer's personnel records and may use photographic 252
or fingerprint identification for security purposes; 253

(4) Print or publish or cause to be printed or published any 254
notice or advertisement relating to employment or membership 255
indicating any preference, limitation, specification, or 256
discrimination, based upon race, color, religion, sex, military 257
status, national origin, disability, age, or ancestry; 258

(5) Announce or follow a policy of denying or limiting, 259
through a quota system or otherwise, employment or membership 260
opportunities of any group because of the race, color, religion, 261
sex, military status, national origin, disability, age, or 262
ancestry of that group; 263

(6) Utilize in the recruitment or hiring of persons any 264
employment agency, personnel placement service, training school or 265
center, labor organization, or any other employee-referring source 266
known to discriminate against persons because of their race, 267
color, religion, sex, military status, national origin, 268
disability, age, or ancestry. 269

(F) For any person seeking employment to publish or cause to 270
be published any advertisement that specifies or in any manner 271
indicates that person's race, color, religion, sex, military 272
status, national origin, disability, age, or ancestry, or 273
expresses a limitation or preference as to the race, color, 274
religion, sex, military status, national origin, disability, age, 275
or ancestry of any prospective employer. 276

(G) For any proprietor or any employee, keeper, or manager of 277
a place of public accommodation to deny to any person, except for 278
reasons applicable alike to all persons regardless of race, color, 279
religion, sex, military status, national origin, disability, age, 280
or ancestry, the full enjoyment of the accommodations, advantages, 281
facilities, or privileges of the place of public accommodation. 282

(H) For any person to do any of the following: 283

(1) Refuse to sell, transfer, assign, rent, lease, sublease, 284
or finance housing accommodations, refuse to negotiate for the 285
sale or rental of housing accommodations, or otherwise deny or 286
make unavailable housing accommodations because of race, color, 287
religion, sex, military status, familial status, ancestry, 288
disability, or national origin; 289

(2) Represent to any person that housing accommodations are 290
not available for inspection, sale, or rental, when in fact they 291
are available, because of race, color, religion, sex, military 292
status, familial status, ancestry, disability, or national origin; 293

(3) Discriminate against any person in the making or 294

purchasing of loans or the provision of other financial assistance 295
for the acquisition, construction, rehabilitation, repair, or 296
maintenance of housing accommodations, or any person in the making 297
or purchasing of loans or the provision of other financial 298
assistance that is secured by residential real estate, because of 299
race, color, religion, sex, military status, familial status, 300
ancestry, disability, or national origin or because of the racial 301
composition of the neighborhood in which the housing 302
accommodations are located, provided that the person, whether an 303
individual, corporation, or association of any type, lends money 304
as one of the principal aspects or incident to the person's 305
principal business and not only as a part of the purchase price of 306
an owner-occupied residence the person is selling nor merely 307
casually or occasionally to a relative or friend; 308

(4) Discriminate against any person in the terms or 309
conditions of selling, transferring, assigning, renting, leasing, 310
or subleasing any housing accommodations or in furnishing 311
facilities, services, or privileges in connection with the 312
ownership, occupancy, or use of any housing accommodations, 313
including the sale of fire, extended coverage, or homeowners 314
insurance, because of race, color, religion, sex, military status, 315
familial status, ancestry, disability, or national origin or 316
because of the racial composition of the neighborhood in which the 317
housing accommodations are located; 318

(5) Discriminate against any person in the terms or 319
conditions of any loan of money, whether or not secured by 320
mortgage or otherwise, for the acquisition, construction, 321
rehabilitation, repair, or maintenance of housing accommodations 322
because of race, color, religion, sex, military status, familial 323
status, ancestry, disability, or national origin or because of the 324
racial composition of the neighborhood in which the housing 325
accommodations are located; 326

(6) Refuse to consider without prejudice the combined income 327
of both husband and wife for the purpose of extending mortgage 328
credit to a married couple or either member of a married couple; 329

(7) Print, publish, or circulate any statement or 330
advertisement, or make or cause to be made any statement or 331
advertisement, relating to the sale, transfer, assignment, rental, 332
lease, sublease, or acquisition of any housing accommodations, or 333
relating to the loan of money, whether or not secured by mortgage 334
or otherwise, for the acquisition, construction, rehabilitation, 335
repair, or maintenance of housing accommodations, that indicates 336
any preference, limitation, specification, or discrimination based 337
upon race, color, religion, sex, military status, familial status, 338
ancestry, disability, or national origin, or an intention to make 339
any such preference, limitation, specification, or discrimination; 340

(8) Except as otherwise provided in division (H)(8) or (17) 341
of this section, make any inquiry, elicit any information, make or 342
keep any record, or use any form of application containing 343
questions or entries concerning race, color, religion, sex, 344
military status, familial status, ancestry, disability, or 345
national origin in connection with the sale or lease of any 346
housing accommodations or the loan of any money, whether or not 347
secured by mortgage or otherwise, for the acquisition, 348
construction, rehabilitation, repair, or maintenance of housing 349
accommodations. Any person may make inquiries, and make and keep 350
records, concerning race, color, religion, sex, military status, 351
familial status, ancestry, disability, or national origin for the 352
purpose of monitoring compliance with this chapter. 353

(9) Include in any transfer, rental, or lease of housing 354
accommodations any restrictive covenant, or honor or exercise, or 355
attempt to honor or exercise, any restrictive covenant; 356

(10) Induce or solicit, or attempt to induce or solicit, a 357
housing accommodations listing, sale, or transaction by 358

representing that a change has occurred or may occur with respect 359
to the racial, religious, sexual, military status, familial 360
status, or ethnic composition of the block, neighborhood, or other 361
area in which the housing accommodations are located, or induce or 362
solicit, or attempt to induce or solicit, a housing accommodations 363
listing, sale, or transaction by representing that the presence or 364
anticipated presence of persons of any race, color, religion, sex, 365
military status, familial status, ancestry, disability, or 366
national origin, in the block, neighborhood, or other area will or 367
may have results including, but not limited to, the following: 368

(a) The lowering of property values; 369

(b) A change in the racial, religious, sexual, military 370
status, familial status, or ethnic composition of the block, 371
neighborhood, or other area; 372

(c) An increase in criminal or antisocial behavior in the 373
block, neighborhood, or other area; 374

(d) A decline in the quality of the schools serving the 375
block, neighborhood, or other area. 376

(11) Deny any person access to or membership or participation 377
in any multiple-listing service, real estate brokers' 378
organization, or other service, organization, or facility relating 379
to the business of selling or renting housing accommodations, or 380
discriminate against any person in the terms or conditions of that 381
access, membership, or participation, on account of race, color, 382
religion, sex, military status, familial status, national origin, 383
disability, or ancestry; 384

(12) Coerce, intimidate, threaten, or interfere with any 385
person in the exercise or enjoyment of, or on account of that 386
person's having exercised or enjoyed or having aided or encouraged 387
any other person in the exercise or enjoyment of, any right 388
granted or protected by division (H) of this section; 389

(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;

(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;

(15) Discriminate in the sale or rental of, or otherwise make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:

(a) The buyer or renter;

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

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

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

(a) That person;

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

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

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

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

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

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

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

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

(18)(a) Refuse to permit, at the expense of a person with a disability, reasonable modifications of existing housing accommodations that are occupied or to be occupied by the person with a disability, if the modifications may be necessary to afford the person with a disability full enjoyment of the housing

accommodations. This division does not preclude a landlord of 451
housing accommodations that are rented or to be rented to a 452
disabled tenant from conditioning permission for a proposed 453
modification upon the disabled tenant's doing one or more of the 454
following: 455

(i) Providing a reasonable description of the proposed 456
modification and reasonable assurances that the proposed 457
modification will be made in a workerlike manner and that any 458
required building permits will be obtained prior to the 459
commencement of the proposed modification; 460

(ii) Agreeing to restore at the end of the tenancy the 461
interior of the housing accommodations to the condition they were 462
in prior to the proposed modification, but subject to reasonable 463
wear and tear during the period of occupancy, if it is reasonable 464
for the landlord to condition permission for the proposed 465
modification upon the agreement; 466

(iii) Paying into an interest-bearing escrow account that is 467
in the landlord's name, over a reasonable period of time, a 468
reasonable amount of money not to exceed the projected costs at 469
the end of the tenancy of the restoration of the interior of the 470
housing accommodations to the condition they were in prior to the 471
proposed modification, but subject to reasonable wear and tear 472
during the period of occupancy, if the landlord finds the account 473
reasonably necessary to ensure the availability of funds for the 474
restoration work. The interest earned in connection with an escrow 475
account described in this division shall accrue to the benefit of 476
the disabled tenant who makes payments into the account. 477

(b) A landlord shall not condition permission for a proposed 478
modification upon a disabled tenant's payment of a security 479
deposit that exceeds the customarily required security deposit of 480
all tenants of the particular housing accommodations. 481

(19) Refuse to make reasonable accommodations in rules, 482
policies, practices, or services when necessary to afford a person 483
with a disability equal opportunity to use and enjoy a dwelling 484
unit, including associated public and common use areas; 485

(20) Fail to comply with the standards and rules adopted 486
under division (A) of section 3781.111 of the Revised Code; 487

(21) Discriminate against any person in the selling, 488
brokering, or appraising of real property because of race, color, 489
religion, sex, military status, familial status, ancestry, 490
disability, or national origin; 491

(22) Fail to design and construct covered multifamily 492
dwellings for first occupancy on or after June 30, 1992, in 493
accordance with the following conditions: 494

(a) The dwellings shall have at least one building entrance 495
on an accessible route, unless it is impractical to do so because 496
of the terrain or unusual characteristics of the site. 497

(b) With respect to dwellings that have a building entrance 498
on an accessible route, all of the following apply: 499

(i) The public use areas and common use areas of the 500
dwellings shall be readily accessible to and usable by persons 501
with a disability. 502

(ii) All the doors designed to allow passage into and within 503
all premises shall be sufficiently wide to allow passage by 504
persons with a disability who are in wheelchairs. 505

(iii) All premises within covered multifamily dwelling units 506
shall contain an accessible route into and through the dwelling; 507
all light switches, electrical outlets, thermostats, and other 508
environmental controls within such units shall be in accessible 509
locations; the bathroom walls within such units shall contain 510
reinforcements to allow later installation of grab bars; and the 511

kitchens and bathrooms within such units shall be designed and 512
constructed in a manner that enables an individual in a wheelchair 513
to maneuver about such rooms. 514

For purposes of division (H)(22) of this section, "covered 515
multifamily dwellings" means buildings consisting of four or more 516
units if such buildings have one or more elevators and ground 517
floor units in other buildings consisting of four or more units. 518

(I) For any person to discriminate in any manner against any 519
other person because that person has opposed any unlawful 520
discriminatory practice defined in this section or because that 521
person has made a charge, testified, assisted, or participated in 522
any manner in any investigation, proceeding, or hearing under 523
sections 4112.01 to 4112.07 of the Revised Code. 524

(J) For any person to aid, abet, incite, compel, or coerce 525
the doing of any act declared by this section to be an unlawful 526
discriminatory practice, to obstruct or prevent any person from 527
complying with this chapter or any order issued under it, or to 528
attempt directly or indirectly to commit any act declared by this 529
section to be an unlawful discriminatory practice. 530

(K)(1) Nothing in division (H) of this section shall bar any 531
religious or denominational institution or organization, or any 532
nonprofit charitable or educational organization that is operated, 533
supervised, or controlled by or in connection with a religious 534
organization, from limiting the sale, rental, or occupancy of 535
housing accommodations that it owns or operates for other than a 536
commercial purpose to persons of the same religion, or from giving 537
preference in the sale, rental, or occupancy of such housing 538
accommodations to persons of the same religion, unless membership 539
in the religion is restricted on account of race, color, or 540
national origin. 541

(2) Nothing in division (H) of this section shall bar any 542

bona fide private or fraternal organization that, incidental to 543
its primary purpose, owns or operates lodgings for other than a 544
commercial purpose, from limiting the rental or occupancy of the 545
lodgings to its members or from giving preference to its members. 546

(3) Nothing in division (H) of this section limits the 547
applicability of any reasonable local, state, or federal 548
restrictions regarding the maximum number of occupants permitted 549
to occupy housing accommodations. Nothing in that division 550
prohibits the owners or managers of housing accommodations from 551
implementing reasonable occupancy standards based on the number 552
and size of sleeping areas or bedrooms and the overall size of a 553
dwelling unit, provided that the standards are not implemented to 554
circumvent the purposes of this chapter and are formulated, 555
implemented, and interpreted in a manner consistent with this 556
chapter and any applicable local, state, or federal restrictions 557
regarding the maximum number of occupants permitted to occupy 558
housing accommodations. 559

(4) Nothing in division (H) of this section requires that 560
housing accommodations be made available to an individual whose 561
tenancy would constitute a direct threat to the health or safety 562
of other individuals or whose tenancy would result in substantial 563
physical damage to the property of others. 564

(5) Nothing in division (H) of this section pertaining to 565
discrimination on the basis of familial status shall be construed 566
to apply to any of the following: 567

(a) Housing accommodations provided under any state or 568
federal program that have been determined under the "Fair Housing 569
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 570
amended, to be specifically designed and operated to assist 571
elderly persons; 572

(b) Housing accommodations intended for and solely occupied 573

by persons who are sixty-two years of age or older; 574

(c) Housing accommodations intended and operated for 575
occupancy by at least one person who is fifty-five years of age or 576
older per unit, as determined under the "Fair Housing Amendments 577
Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as amended. 578

(L) Nothing in divisions (A) to (E) of this section shall be 579
construed to require a person with a disability to be employed or 580
trained under circumstances that would significantly increase the 581
occupational hazards affecting either the person with a 582
disability, other employees, the general public, or the facilities 583
in which the work is to be performed, or to require the employment 584
or training of a person with a disability in a job that requires 585
the person with a disability routinely to undertake any task, the 586
performance of which is substantially and inherently impaired by 587
the person's disability. 588

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

(N) ~~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 606
Code and from filing a charge with the commission under section 607
4112.05 of the Revised Code. 608~~

~~(O) With regard to age, it shall not be an unlawful 609
discriminatory practice and it shall not constitute a violation of 610
division (A) of section 4112.14 of the Revised Code for any 611
employer, employment agency, joint labor-management committee 612
controlling apprenticeship training programs, or labor 613
organization to do any of the following: 614~~

(1) Establish bona fide employment qualifications reasonably 615
related to the particular business or occupation that may include 616
standards for skill, aptitude, physical capability, intelligence, 617
education, maturation, and experience; 618

(2) Observe the terms of a bona fide seniority system or any 619
bona fide employee benefit plan, including, but not limited to, a 620
retirement, pension, or insurance plan, that is not a subterfuge 621
to evade the purposes of this section. However, no such employee 622
benefit plan shall excuse the failure to hire any individual, and 623
no such seniority system or employee benefit plan shall require or 624
permit the involuntary retirement of any individual, because of 625
the individual's age except as provided for in the "Age 626
Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 627
29 U.S.C.A. 623, as amended by the "Age Discrimination in 628
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 629
623, as amended. 630

(3) Retire an employee who has attained sixty-five years of 631
age who, for the two-year period immediately before retirement, is 632
employed in a bona fide executive or a high policymaking position, 633
if the employee is entitled to an immediate nonforfeitable annual 634
retirement benefit from a pension, profit-sharing, savings, or 635
deferred compensation plan, or any combination of those plans, of 636

the employer of the employee, which equals, in the aggregate, at 637
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)(O)~~ 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)~~(P)(1)(a) Except as provided in division ~~(Q)~~(P)(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)~~(P)(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. 699
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(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: 702
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(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)~~(P)(1)(b)(i) or (ii) of this section no longer is engaging in the illegal use of any controlled substance; 706
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(b) Prohibiting the illegal use of controlled substances and the use of alcohol at the workplace by all employees; 712
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(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; 714
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(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; 717
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(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; 720
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(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, 728
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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)~~(P) 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. 4112.04. (A) The commission shall do all of the 741
following: 742

(1) Establish and maintain a principal office in the city of 743
Columbus and any other offices within the state that it considers 744
necessary; 745

(2) Appoint an executive director who shall serve at the 746
pleasure of the commission and be its principal administrative 747
officer. The executive director shall be paid a salary fixed 748
pursuant to Chapter 124. of the Revised Code. 749

(3) Appoint hearing examiners and other employees and agents 750
who it considers necessary and prescribe their duties subject to 751
Chapter 124. of the Revised Code; 752

(4) Adopt, promulgate, amend, and rescind rules to effectuate 753
the provisions of this chapter and the policies and practice of 754
the commission in connection with this chapter; 755

(5) Formulate policies to effectuate the purposes of this 756
chapter and make recommendations to agencies and officers of the 757
state or political subdivisions to effectuate the policies; 758

(6) Receive, investigate, and pass upon written charges made 759

under oath of unlawful discriminatory practices; 760

(7) Make periodic surveys of the existence and effect of 761
discrimination because of race, color, religion, sex, military 762
status, familial status, national origin, disability, age, or 763
ancestry on the enjoyment of civil rights by persons within the 764
state; 765

(8) Report, from time to time, but not less than once a year, 766
to the general assembly and the governor, describing in detail the 767
investigations, proceedings, and hearings it has conducted and 768
their outcome, the decisions it has rendered, and the other work 769
performed by it, which report shall include a copy of any surveys 770
prepared pursuant to division (A)(7) of this section and shall 771
include the recommendations of the commission as to legislative or 772
other remedial action; 773

(9) Prepare a comprehensive educational program, in 774
cooperation with the department of education, for the students of 775
the public schools of this state and for all other residents of 776
this state that is designed to eliminate prejudice on the basis of 777
race, color, religion, sex, military status, familial status, 778
national origin, disability, age, or ancestry in this state, to 779
further good will among those groups, and to emphasize the origin 780
of prejudice against those groups, its harmful effects, and its 781
incompatibility with American principles of equality and fair 782
play; 783

(10) Receive progress reports from agencies, 784
instrumentalities, institutions, boards, commissions, and other 785
entities of this state or any of its political subdivisions and 786
their agencies, instrumentalities, institutions, boards, 787
commissions, and other entities regarding affirmative action 788
programs for the employment of persons against whom discrimination 789
is prohibited by this chapter, or regarding any affirmative 790
housing accommodations programs developed to eliminate or reduce 791

an imbalance of race, color, religion, sex, military status, 792
familial status, national origin, disability, or ancestry. All 793
agencies, instrumentalities, institutions, boards, commissions, 794
and other entities of this state or its political subdivisions, 795
and all political subdivisions, that have undertaken affirmative 796
action programs pursuant to a conciliation agreement with the 797
commission, an executive order of the governor, any federal 798
statute or rule, or an executive order of the president of the 799
United States shall file progress reports with the commission 800
annually on or before the first day of November. The commission 801
shall analyze and evaluate the progress reports and report its 802
findings annually to the general assembly on or before the 803
thirtieth day of January of the year immediately following the 804
receipt of the reports. 805

(11) Notify an individual who files a charge with the 806
commission regarding the individual's rights relative to unlawful 807
discriminatory practices relating to employment, that in 808
accordance with division (C) of section 4112.051 of the Revised 809
Code, the individual is barred from bringing a civil action under 810
this chapter with respect to the practices complained of in the 811
charge filed with the commission. 812

(B) The commission may do any of the following: 813

(1) Meet and function at any place within the state; 814

(2) Initiate and undertake on its own motion investigations 815
of problems of employment or housing accommodations 816
discrimination; 817

(3) Hold hearings, subpoena witnesses, compel their 818
attendance, administer oaths, take the testimony of any person 819
under oath, require the production for examination of any books 820
and papers relating to any matter under investigation or in 821
question before the commission, and make rules as to the issuance 822

of subpoenas by individual commissioners. 823

(a) In conducting a hearing or investigation, the commission 824
shall have access at all reasonable times to premises, records, 825
documents, individuals, and other evidence or possible sources of 826
evidence and may examine, record, and copy the premises, records, 827
documents, and other evidence or possible sources of evidence and 828
take and record the testimony or statements of the individuals as 829
reasonably necessary for the furtherance of the hearing or 830
investigation. In investigations, the commission shall comply with 831
the fourth amendment to the United States Constitution relating to 832
unreasonable searches and seizures. The commission or a member of 833
the commission may issue subpoenas to compel access to or the 834
production of premises, records, documents, and other evidence or 835
possible sources of evidence or the appearance of individuals, and 836
may issue interrogatories to a respondent, to the same extent and 837
subject to the same limitations as would apply if the subpoenas or 838
interrogatories were issued or served in aid of a civil action in 839
a court of common pleas. 840

(b) Upon written application by a party to a hearing under 841
division (B) of section 4112.05 or division (G) of section 842
4112.051 of the Revised Code, the commission shall issue subpoenas 843
in its name to the same extent and subject to the same limitations 844
as subpoenas issued by the commission. Subpoenas issued at the 845
request of a party shall show on their face the name and address 846
of the party and shall state that they were issued at the party's 847
request. 848

(c) Witnesses summoned by subpoena of the commission are 849
entitled to the witness and mileage fees provided for under 850
section 119.094 of the Revised Code. 851

(d) Within five days after service of a subpoena upon any 852
person, the person may petition the commission to revoke or modify 853
the subpoena. The commission shall grant the petition if it finds 854

that the subpoena requires an appearance or attendance at an 855
unreasonable time or place, that it requires production of 856
evidence that does not relate to any matter before the commission, 857
that it does not describe with sufficient particularity the 858
evidence to be produced, that compliance would be unduly onerous, 859
or for other good reason. 860

(e) In case of contumacy or refusal to obey a subpoena, the 861
commission or person at whose request it was issued may petition 862
for its enforcement in the court of common pleas in the county in 863
which the person to whom the subpoena was addressed resides, was 864
served, or transacts business. 865

(4) Create local or statewide advisory agencies and 866
conciliation councils to aid in effectuating the purposes of this 867
chapter. The commission may itself, or it may empower these 868
agencies and councils to, do either or both of the following: 869

(a) Study the problems of discrimination in all or specific 870
fields of human relationships when based on race, color, religion, 871
sex, military status, familial status, national origin, 872
disability, age, or ancestry; 873

(b) Foster through community effort, or otherwise, good will 874
among the groups and elements of the population of the state. 875

The agencies and councils may make recommendations to the 876
commission for the development of policies and procedures in 877
general. They shall be composed of representative citizens who 878
shall serve without pay, except that reimbursement for actual and 879
necessary traveling expenses shall be made to citizens who serve 880
on a statewide agency or council. 881

(5) Issue any publications and the results of investigations 882
and research that in its judgment will tend to promote good will 883
and minimize or eliminate discrimination because of race, color, 884
religion, sex, military status, familial status, national origin, 885

disability, age, or ancestry. 886

Sec. 4112.05. (A) ~~The~~ With the exception of unlawful 887
discriminatory practices relating to employment, the 888
commission, 889
as provided in this section, shall prevent any person from 889
engaging in unlawful discriminatory practices, provided that, 890
before instituting the formal hearing authorized by division (B) 891
of this section, it shall attempt, by informal methods of 892
conference, conciliation, and persuasion, to induce compliance 893
with this chapter. 894

(B)(1) Any person may file a charge with the commission 895
alleging that another person has engaged or is engaging in an 896
unlawful discriminatory practice. In the case of a charge alleging 897
an unlawful discriminatory practice described in division ~~(A)~~, 898
~~(B)~~, ~~(C)~~, ~~(D)~~, ~~(E)~~, ~~(F)~~, (G), (I), or (J) of section 4112.02 or in 899
section 4112.021 or 4112.022 of the Revised Code, the charge shall 900
be in writing and under oath and shall be filed with the 901
commission within six months after the alleged unlawful 902
discriminatory practice was committed. In the case of a charge 903
alleging an unlawful discriminatory practice described in division 904
(H) of section 4112.02 of the Revised Code, the charge shall be in 905
writing and under oath and shall be filed with the commission 906
within one year after the alleged unlawful discriminatory practice 907
was committed. 908

(2) Upon receiving a charge, the commission may initiate a 909
preliminary investigation to determine whether it is probable that 910
an unlawful discriminatory practice has been or is being engaged 911
in. The commission also may conduct, upon its own initiative and 912
independent of the filing of any charges, a preliminary 913
investigation relating to any of the unlawful discriminatory 914
practices described in division (A), (B), (C), (D), (E), (F), (I), 915
or (J) of section 4112.02 or in section 4112.021 or 4112.022 of 916

the Revised Code. Prior to a ~~notification of a complainant under~~ 917
~~division (B)(4) of this section or prior to~~ the commencement of 918
informal methods of conference, conciliation, and persuasion ~~under~~ 919
~~that division~~, the members of the commission and the officers and 920
employees of the commission shall not make public in any manner 921
and shall retain as confidential all information that was obtained 922
as a result of or that otherwise pertains to a preliminary 923
investigation other than one described in division (B)(3) of this 924
section. 925

(3)(a) Unless it is impracticable to do so and subject to its 926
authority under division (B)(3)(d) of this section, the commission 927
shall complete a preliminary investigation of a charge filed 928
pursuant to division (B)(1) of this section that alleges an 929
unlawful discriminatory practice described in division (H) of 930
section 4112.02 of the Revised Code, and shall take one of the 931
following actions, within one hundred days after the filing of the 932
charge: 933

(i) Notify the complainant and the respondent that it is not 934
probable that an unlawful discriminatory practice described in 935
division (H) of section 4112.02 of the Revised Code has been or is 936
being engaged in and that the commission will not issue a 937
complaint in the matter; 938

(ii) Initiate a complaint and schedule it for informal 939
methods of conference, conciliation, and persuasion; 940

(iii) Initiate a complaint and refer it to the attorney 941
general with a recommendation to seek a temporary or permanent 942
injunction or a temporary restraining order. If this action is 943
taken, the attorney general shall apply, as expeditiously as 944
possible after receipt of the complaint, to the court of common 945
pleas of the county in which the unlawful discriminatory practice 946
allegedly occurred for the appropriate injunction or order, and 947
the court shall hear and determine the application as 948

expeditiously as possible. 949

(b) If it is not practicable to comply with the requirements 950
of division (B)(3)(a) of this section within the one-hundred-day 951
period described in that division, the commission shall notify the 952
complainant and the respondent in writing of the reasons for the 953
noncompliance. 954

(c) Prior to the issuance of a complaint under division 955
(B)(3)(a)(ii) or (iii) of this section or prior to a notification 956
of the complainant and the respondent under division (B)(3)(a)(i) 957
of this section, the members of the commission and the officers 958
and employees of the commission shall not make public in any 959
manner and shall retain as confidential all information that was 960
obtained as a result of or that otherwise pertains to a 961
preliminary investigation of a charge filed pursuant to division 962
(B)(1) of this section that alleges an unlawful discriminatory 963
practice described in division (H) of section ~~4112.05~~ 4112.02 of 964
the Revised Code. 965

(d) Notwithstanding the types of action described in 966
divisions (B)(3)(a)(ii) and (iii) of this section, prior to the 967
issuance of a complaint or the referral of a complaint to the 968
attorney general and prior to endeavoring to eliminate an unlawful 969
discriminatory practice described in division (H) of section 970
4112.02 of the Revised Code by informal methods of conference, 971
conciliation, and persuasion, the commission may seek a temporary 972
or permanent injunction or a temporary restraining order in the 973
court of common pleas of the county in which the unlawful 974
discriminatory practice allegedly occurred. 975

(4) If the commission determines after a preliminary 976
investigation other than one concerning an alleged unlawful 977
discriminatory practice relating to employment or one described in 978
division (B)(3) of this section that it is not probable that an 979
unlawful discriminatory practice has been or is being engaged in, 980

it shall notify any complainant under division (B)(1) of this 981
section that it has so determined and that it will not issue a 982
complaint in the matter. If the commission determines after a 983
preliminary investigation other than the one concerning an alleged 984
unlawful discriminatory practice relating to employment or one 985
described in division (B)(3) of this section that it is probable 986
that an unlawful discriminatory practice has been or is being 987
engaged in, it shall endeavor to eliminate the practice by 988
informal methods of conference, conciliation, and persuasion. 989

(5) Nothing said or done during informal methods of 990
conference, conciliation, and persuasion under this section shall 991
be disclosed by any member of the commission or its staff or be 992
used as evidence in any subsequent hearing or other proceeding. 993
If, after a preliminary investigation and the use of informal 994
methods of conference, conciliation, and persuasion under this 995
section, the commission is satisfied that any unlawful 996
discriminatory practice will be eliminated, it may treat the 997
charge involved as being conciliated and enter that disposition on 998
the records of the commission. If the commission fails to effect 999
the elimination of an unlawful discriminatory practice by informal 1000
methods of conference, conciliation, and persuasion under this 1001
section and to obtain voluntary compliance with this chapter, the 1002
commission shall issue and cause to be served upon any person, 1003
including the respondent against whom a complainant has filed a 1004
charge pursuant to division (B)(1) of this section, a complaint 1005
stating the charges involved and containing a notice of an 1006
opportunity for a hearing before the commission, a member of the 1007
commission, or a hearing examiner at a place that is stated in the 1008
notice and that is located within the county in which the alleged 1009
unlawful discriminatory practice has occurred or is occurring or 1010
in which the respondent resides or transacts business. The hearing 1011
shall be held not less than thirty days after the service of the 1012
complaint upon the complainant, the aggrieved persons other than 1013

the complainant on whose behalf the complaint is issued, and the 1014
respondent, unless the complainant, an aggrieved person, or the 1015
respondent elects to proceed under division (A)(2) of section 1016
~~4112.051~~ 4112.054 of the Revised Code when that division is 1017
applicable. If a complaint pertains to an alleged unlawful 1018
discriminatory practice described in division (H) of section 1019
4112.02 of the Revised Code, the complaint shall notify the 1020
complainant, an aggrieved person, and the respondent of the right 1021
of the complainant, an aggrieved person, or the respondent to 1022
elect to proceed with the administrative hearing process under 1023
this section or to proceed under division (A)(2) of section 1024
~~4112.051~~ 4112.054 of the Revised Code. 1025

(6) The attorney general shall represent the commission at 1026
any hearing held pursuant to division (B)(5) of this section and 1027
shall present the evidence in support of the complaint. 1028

(7) Any complaint issued pursuant to division (B)(5) of this 1029
section after the filing of a charge under division (B)(1) of this 1030
section shall be so issued within one year after the complainant 1031
filed the charge with respect to an alleged unlawful 1032
discriminatory practice. 1033

(C) Any complaint issued pursuant to division (B) of this 1034
section may be amended by the commission, a member of the 1035
commission, or the hearing examiner conducting a hearing under 1036
division (B) of this section, at any time prior to or during the 1037
hearing. The respondent has the right to file an answer or an 1038
amended answer to the original and amended complaints and to 1039
appear at the hearing in person, by attorney, or otherwise to 1040
examine and cross-examine witnesses. 1041

(D) The complainant shall be a party to a hearing under 1042
division (B) of this section, and any person who is an 1043
indispensable party to a complete determination or settlement of a 1044
question involved in the hearing shall be joined. Any aggrieved 1045

person who has or claims an interest in the subject of the hearing 1046
and in obtaining or preventing relief against the unlawful 1047
discriminatory practices complained of shall be permitted to 1048
appear only for the presentation of oral or written arguments, to 1049
present evidence, perform direct and cross-examination, and be 1050
represented by counsel. The commission shall adopt rules, in 1051
accordance with Chapter 119. of the Revised Code governing the 1052
authority granted under this division. 1053

(E) In any hearing under division (B) of this section, the 1054
commission, a member of the commission, or the hearing examiner 1055
shall not be bound by the Rules of Evidence but, in ascertaining 1056
the practices followed by the respondent, shall take into account 1057
all reliable, probative, and substantial statistical or other 1058
evidence produced at the hearing that may tend to prove the 1059
existence of a predetermined pattern of employment or membership, 1060
provided that nothing contained in this section shall be construed 1061
to authorize or require any person to observe the proportion that 1062
persons of any race, color, religion, sex, military status, 1063
familial status, national origin, disability, age, or ancestry 1064
bear to the total population or in accordance with any criterion 1065
other than the individual qualifications of the applicant. 1066

(F) The testimony taken at a hearing under division (B) of 1067
this section shall be under oath and shall be reduced to writing 1068
and filed with the commission. Thereafter, in its discretion, the 1069
commission, upon the service of a notice upon the complainant and 1070
the respondent that indicates an opportunity to be present, may 1071
take further testimony or hear argument. 1072

(G)(1) If, upon all reliable, probative, and substantial 1073
evidence presented at a hearing under division (B) of this 1074
section, the commission determines that the respondent has engaged 1075
in, or is engaging in, any unlawful discriminatory practice, 1076
whether against the complainant or others, the commission shall 1077

state its findings of fact and conclusions of law and shall issue 1078
and, subject to the provisions of Chapter 119. of the Revised 1079
Code, cause to be served on the respondent an order requiring the 1080
respondent to cease and desist from the unlawful discriminatory 1081
practice, requiring the respondent to take any further affirmative 1082
or other action that will effectuate the purposes of this chapter, 1083
including, but not limited to, hiring, reinstatement, or upgrading 1084
of employees with or without back pay, or admission or restoration 1085
to union membership, and requiring the respondent to report to the 1086
commission the manner of compliance. If the commission directs 1087
payment of back pay, it shall make allowance for interim earnings. 1088
If it finds a violation of division (H) of section 4112.02 of the 1089
Revised Code, the commission additionally shall require the 1090
respondent to pay actual damages and reasonable attorney's fees, 1091
and may award to the complainant punitive damages as follows: 1092

(a) If division (G)(1)(b) or (c) of this section does not 1093
apply, punitive damages in an amount not to exceed ten thousand 1094
dollars; 1095

(b) If division (G)(1)(c) of this section does not apply and 1096
if the respondent has been determined by a final order of the 1097
commission or by a final judgment of a court to have committed one 1098
violation of division (H) of section 4112.02 of the Revised Code 1099
during the five-year period immediately preceding the date on 1100
which a complaint was issued pursuant to division (B) of this 1101
section, punitive damages in an amount not to exceed twenty-five 1102
thousand dollars; 1103

(c) If the respondent has been determined by a final order of 1104
the commission or by a final judgment of a court to have committed 1105
two or more violations of division (H) of section 4112.02 of the 1106
Revised Code during the seven-year period immediately preceding 1107
the date on which a complaint was issued pursuant to division (B) 1108
of this section, punitive damages in an amount not to exceed fifty 1109

thousand dollars. 1110

(2) Upon the submission of reports of compliance, the 1111
commission may issue a declaratory order stating that the 1112
respondent has ceased to engage in particular unlawful 1113
discriminatory practices. 1114

(H) If the commission finds that no probable cause exists for 1115
crediting charges of unlawful discriminatory practices or if, upon 1116
all the evidence presented at a hearing under division (B) of this 1117
section on a charge, the commission finds that a respondent has 1118
not engaged in any unlawful discriminatory practice against the 1119
complainant or others, it shall state its findings of fact and 1120
shall issue and cause to be served on the complainant an order 1121
dismissing the complaint as to the respondent. A copy of the order 1122
shall be delivered in all cases to the attorney general and any 1123
other public officers whom the commission considers proper. 1124

(I) Until the time period for appeal set forth in division 1125
(H) of section 4112.06 of the Revised Code expires, the 1126
commission, subject to the provisions of Chapter 119. of the 1127
Revised Code, at any time, upon reasonable notice, and in the 1128
manner it considers proper, may modify or set aside, in whole or 1129
in part, any finding or order made by it under this section. 1130

Sec. 4112.051. (A) As used in this section: 1131

(1) "Complainant" means a person who files a charge under 1132
this section. 1133

(2) "Respondent" means an employer that is the subject of a 1134
charge filed under this section. 1135

(3) "Discriminatory practice" means a discriminatory practice 1136
relating to employment. 1137

(B) Any person who believes that a person has been the 1138
subject of an unlawful discriminatory practice relating to 1139

employment may file a charge with the commission alleging that an 1140
employer, employment agency, personnel placement service, or labor 1141
organization has engaged or is engaging in such a practice. Such a 1142
charge shall be in writing, under oath, and shall be filed with 1143
the commission within three hundred sixty-five days after the 1144
alleged unlawful discriminatory practice was committed. The 1145
commission may also conduct, upon its own initiative and 1146
independent of the filing of any charge, a preliminary 1147
investigation relating to any alleged unlawful discriminatory 1148
practice relating to employment. 1149

(C) A person who files a charge with the commission under 1150
this section shall not institute a civil action pursuant to 1151
section 4112.052 of the Revised Code with respect to the 1152
allegations and practices set forth in the charge filed. 1153

(D) Upon receiving a charge under this section, the 1154
commission may initiate a preliminary investigation to determine 1155
whether it is probable that an alleged unlawful discriminatory 1156
practice relating to employment has occurred or is occurring. 1157

(E) If, after a preliminary investigation, the commission 1158
determines that it is not probable that an unlawful discriminatory 1159
practice relating to employment has occurred or is occurring, then 1160
the commission shall notify the complainant of its determination 1161
and that it will not issue a complaint in the matter. Members of 1162
the commission, as well as its officers and employees, shall 1163
retain as confidential all information that was obtained as a 1164
result of or that relates to such a preliminary investigation. The 1165
commission may share such information with the commission's legal 1166
counsel. The confidentiality requirement shall not apply after the 1167
commission determines from a preliminary investigation that there 1168
is probable cause that an unlawful discriminatory practice has or 1169
is occurring. 1170

(F)(1) If, after a preliminary investigation, the commission 1171

determines that it is probable that an unlawful discriminatory practice has occurred or is occurring, the commission may invite the complainant and respondent to engage in mediation. 1172
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(2)(a) If the parties agree to mediation, the commission shall attempt to mediate and resolve the dispute. 1175
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(b) If the parties are able to resolve the dispute through mediation, the commission shall treat the charge as being resolved and enter that disposition on the records of the commission. 1177
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(3)(a) If the parties do not agree to mediation, then the commission shall endeavor to eliminate the alleged unlawful discriminatory practice by informal methods of conference, conciliation, and persuasion. 1180
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(b) If, after the use of the informal methods of conference, conciliation, and persuasion, the commission is satisfied that the unlawful discriminatory practice in question will be eliminated, it may treat the charge as being conciliated and enter that disposition on the records of the commission. 1184
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(4) None of the proceedings in either mediation or the informal methods of conference, conciliation, or persuasion shall be disclosed by any member of the commission or its staff or be used as evidence in any subsequent hearing or other proceeding. 1189
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(G) If the commission fails to effect the elimination of the alleged unlawful discriminatory practice and is unable to obtain voluntary compliance with this chapter through those methods outlined in division (F) of this section, the commission shall issue a complaint to the respondent, the complainant, and any indispensable party. 1193
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(1) The complaint shall state the charges involved and shall contain a notice of a hearing before the commission, a member of the commission, or a hearing examiner, as well as the hearing's location. Any such hearing shall be held in the county in which 1199
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the alleged unlawful discriminatory practice occurred or is 1203
occurring or in which the respondent transacts business, and shall 1204
be held not less than thirty days after service of the complaint. 1205

(2) The attorney general shall represent the commission at 1206
any such hearing and shall present the evidence in support of the 1207
complaint. 1208

(3) Any such complaint may be amended by the commission, a 1209
member of the commission, or the commission's legal counsel at any 1210
time prior to the hearing if the respondent is given sufficient 1211
and reasonable notice. The respondent shall have the right to file 1212
an answer or an amended answer to the original, and any amended, 1213
complaints. 1214

(4) The respondent shall have the right to appear at the 1215
hearing in person, by attorney, or otherwise to examine and 1216
cross-examine witnesses. 1217

(5) The complainant shall be a party to a hearing under this 1218
section. Any person who is an indispensable party to a complete 1219
determination or settlement of the complaint central to the 1220
hearing shall be joined. 1221

(6) For any hearing initiated under this section, the 1222
commission, a member of the commission, or a hearing officer, is 1223
not bound by the rules of evidence, but shall take into account 1224
all reliable, probative, and substantial statistical or other 1225
evidence produced at the hearing that may prove the existence of a 1226
predetermined pattern of employment or membership. 1227

(7)(a) The testimony provided during a hearing under this 1228
section shall be under oath and shall be transcribed in writing 1229
and filed with the commission. 1230

(b) The commission, at its discretion, may hear further 1231
testimony or argument after the initial hearing if notice, that 1232
indicates an opportunity to be present, is provided to the 1233

complainant and the respondent. 1234

(H) If, after a hearing carried out under division (G) of 1235
this section, the commission determines that the respondent has 1236
engaged in, or is engaging in, any unlawful discriminatory 1237
practice, whether against the complainant or others adversely 1238
affected by the allegations in the complaint, the commission shall 1239
state its findings of fact and conclusions of law and shall issue 1240
and cause to be served to the respondent, subject to the 1241
provisions of Chapter 119. of the Revised Code, an order to cease 1242
and desist from the unlawful discriminatory practice. 1243

(1) The order shall require the respondent to take 1244
affirmative or other action necessary to effectuate the purposes 1245
of this chapter, including hiring, reinstating, or promoting the 1246
complainant or others adversely affected by the unlawful 1247
discriminatory practice and shall require the respondent to report 1248
to the commission the manner of compliance. 1249

(2)(a) The order may require back pay or admission or 1250
restoration to union membership. 1251

(b) If the order requires back pay, the commission shall take 1252
into account earnings collected during the resolution of the 1253
complaint. 1254

(3) Upon receipt of the report of compliance required under 1255
this division, the commission may issue a declaratory order 1256
stating that the respondent has ceased to engage in the unlawful 1257
discriminatory practices that were the subject of the complaint. 1258

(I) If, after a hearing carried out under division (G) of 1259
this section, the commission finds that a respondent has not 1260
engaged in any unlawful discriminatory practice against the 1261
complainant or others, it shall issue an order stating its 1262
findings of fact and dismissing the complaint to the complainant, 1263
respondent, and any other affected party. A copy of the order 1264

shall also be delivered to the attorney general and any other 1265
public officer the commission considers appropriate. 1266

(J) The commission, according to Chapter 119. of the Revised 1267
Code, upon reasonable notice to the respondent and claimant and in 1268
the manner it considers proper, may modify or set aside, in whole 1269
or in part, any finding or order made under this section until the 1270
time period for appeal set forth in section 4112.06 of the Revised 1271
Code has passed. 1272

(K) The commission shall adopt rules, in accordance with 1273
Chapter 119. of the Revised Code, to carry out this section. 1274

(L) Nothing in this section shall be construed to authorize 1275
or require any person to observe in hiring the proportion that 1276
persons of any race, color, religion, sex, military status, 1277
familial status, national origin, disability, age, or ancestry 1278
bear to the total population or in accordance with any other 1279
criteria than the qualifications of applicants. 1280

Sec. 4112.052. A person alleging an unlawful discriminatory 1281
practice relating to employment in violation of section 4112.02 of 1282
the Revised Code may institute a civil action in a court of 1283
competent jurisdiction. 1284

(A) Such a civil action shall be filed within three hundred 1285
sixty-five days after the alleged unlawful discriminatory practice 1286
was committed. 1287

(B) A person instituting a civil action under this section is 1288
prohibited from concurrently, or subsequently, filing a charge 1289
with the Ohio civil rights commission, pursuant to section 1290
4112.051 of the Revised Code, alleging the same violation that is 1291
the subject of the civil action. 1292

(C) A cause of action, and any other remedies available under 1293
this chapter, for an unlawful discriminatory practice relating to 1294

employment based on age shall not be allowed in situations in 1295
which a discharged employee has available the opportunity to 1296
arbitrate the discharge or a discharge has been arbitrated and has 1297
been found to be for just cause. 1298

(D) A civil action based on 42 U.S.C. 1981a, 42 U.S.C. 1983, 1299
and 42 U.S.C. 1985 shall be brought within two years after the 1300
cause of action accrues. The period of limitations set forth in 1301
this division does not apply to causes of action based on 42 1302
U.S.C. 1981 as amended by the "Civil Rights Act of 1991," Pub. L. 1303
No. 102-166. 1304

Sec. 4112.053. (A) An employer may raise an affirmative 1305
defense to liability resulting from an unlawful discriminatory 1306
practice relating to employment in a charge filed pursuant to 1307
section 4112.051 of the Revised Code or a civil action filed 1308
pursuant to section 4112.052 of the Revised Code, if the employer 1309
proves both of the following by a preponderance of the evidence: 1310

(1) The employer exercised reasonable care to prevent or 1311
promptly correct the unlawful discriminatory practice or harassing 1312
behavior. The employer may satisfy this element of the affirmative 1313
defense with proof that the employer has promulgated an 1314
applicable, reasonable anti-discrimination or anti-harassment 1315
policy that includes a complaint procedure, provided that the 1316
employer does all of the following: 1317

(a) Publishes and distributes the policy to its employees and 1318
managers; 1319

(b) Informs employees about the prohibited conduct and 1320
complaint procedure; 1321

(c) Publishes and enforces a reasonable policy prohibiting 1322
retaliation for reporting, participating in investigations, or 1323
opposing harassment or discrimination; 1324

(d) Acts upon internal complaints concerning discrimination, harassment, or hostile work environments in a prompt and reasonable manner; 1325
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(e) Enables an employee alleging discrimination, harassment, or a hostile work environment to pursue a complaint through individuals that are not the individual or individuals that are alleged to have committed such violations. 1328
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(2) The employee alleging the unlawful discriminatory practice relating to employment unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. The employer may satisfy this element of the affirmative defense with proof that the employee failed to do either of the following: 1332
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(a) Take advantage of or abide by preventive or corrective opportunities provided by the employer; 1338
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(b) Utilize a complaint procedure provided by the employer. 1340

(B) The requirement of division (A)(2) of this section shall be considered to not have been met if an employee alleging discrimination related to employment can demonstrate that use of the preventive or corrective opportunities provided would have been futile. 1341
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(C) The affirmative defense set forth in this section shall not be available to an employer where the alleged unlawful discriminatory practice resulted in an adverse, tangible employment action against the employee. 1346
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(D) As used in this section, "adverse, tangible employment action" means an action resulting in material economic detriment such as failure to hire or promote, firing, or demotion. 1350
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Sec. ~~4112.051~~ 4112.054. (A)(1) Aggrieved persons may enforce 1353
the rights granted by division (H) of section 4112.02 of the 1354

Revised Code by filing a civil action in the court of common pleas 1355
of the county in which the alleged unlawful discriminatory 1356
practice occurred within one year after it allegedly occurred. 1357
Upon application by an aggrieved person, upon a proper showing, 1358
and under circumstances that it considers just, a court of common 1359
pleas may appoint an attorney for the aggrieved person and 1360
authorize the commencement of a civil action under this division 1361
without the payment of costs. 1362

Each party to a civil action under this division has the 1363
right to a jury trial of the action. To assert the right, a party 1364
shall demand a jury trial in the manner prescribed in the Rules of 1365
Civil Procedure. If a party demands a jury trial in that manner, 1366
the civil action shall be tried to a jury. 1367

(2)(a) If a complaint is issued by the commission under 1368
division (B)(5) of section 4112.05 of the Revised Code for one or 1369
more alleged unlawful discriminatory practices described in 1370
division (H) of section 4112.02 of the Revised Code, the 1371
complainant, any aggrieved person on whose behalf the complaint is 1372
issued, or the respondent may elect, following receipt of the 1373
relevant notice described in division (B)(5) of section 4112.05 of 1374
the Revised Code, to proceed with the administrative hearing 1375
process under that section or to have the alleged unlawful 1376
discriminatory practices covered by the complaint addressed in a 1377
civil action commenced in accordance with divisions (A)(1) and 1378
(2)(b) of this section. An election to have the alleged unlawful 1379
discriminatory practices so addressed shall be made in a writing 1380
that is sent by certified mail, return receipt requested, to the 1381
commission, to the civil rights section of the office of the 1382
attorney general, and to the other parties to the pending 1383
administrative process within thirty days after the electing 1384
complainant, aggrieved person, or respondent received the relevant 1385
notice described in division (B)(5) of section 4112.05 of the 1386

Revised Code. 1387

(b) Upon receipt of a timely mailed election to have the 1388
alleged unlawful discriminatory practices addressed in a civil 1389
action, the commission shall authorize the office of the attorney 1390
general to commence and maintain the civil action in the court of 1391
common pleas of the county in which the alleged unlawful 1392
discriminatory practices occurred. Notwithstanding the period of 1393
limitations specified in division (A)(1) of this section, the 1394
office of the attorney general shall commence the civil action 1395
within thirty days after the receipt of the commission's 1396
authorization to commence the civil action. 1397

(c) Upon commencement of the civil action in accordance with 1398
division (A)(2)(b) of this section, the commission shall prepare 1399
an order dismissing the complaint in the pending administrative 1400
matter and serve a copy of the order upon the complainant, each 1401
aggrieved person on whose behalf the complaint was issued, and the 1402
respondent. 1403

(d) If an election to have the alleged unlawful 1404
discriminatory practices addressed in a civil action is not filed 1405
in accordance with division (A)(2)(a) of this section, the 1406
commission shall continue with the administrative hearing process 1407
described in section 4112.05 of the Revised Code. 1408

(e) With respect to the issues to be determined in a civil 1409
action commenced in accordance with division (A)(2)(b) of this 1410
section, any aggrieved person may intervene as a matter of right 1411
in that civil action. 1412

(B) If the court or the jury in a civil action under this 1413
section finds that a violation of division (H) of section 4112.02 1414
of the Revised Code is about to occur, the court may order any 1415
affirmative action it considers appropriate, including a permanent 1416
or temporary injunction or temporary restraining order. 1417

(C) Any sale, encumbrance, or rental consummated prior to the 1418
issuance of any court order under the authority of this section 1419
and involving a bona fide purchaser, encumbrancer, or tenant 1420
without actual notice of the existence of a charge under division 1421
(H) of section 4112.02 of the Revised Code or a civil action under 1422
this section is not affected by the court order. 1423

(D) If the court or the jury in a civil action under this 1424
section finds that a violation of division (H) of section 4112.02 1425
of the Revised Code has occurred, the court shall award to the 1426
plaintiff or to the complainant or aggrieved person on whose 1427
behalf the office of the attorney general commenced or maintained 1428
the civil action, whichever is applicable, actual damages, 1429
reasonable attorney's fees, court costs incurred in the 1430
prosecution of the action, expert witness fees, and other 1431
litigation expenses, and may grant other relief that it considers 1432
appropriate, including a permanent or temporary injunction, a 1433
temporary restraining order, or other order and punitive damages. 1434

(E) Any civil action brought under this section shall be 1435
heard and determined as expeditiously as possible. 1436

(F) The court in a civil action under this section shall 1437
notify the commission of any finding pertaining to discriminatory 1438
housing practices within fifteen days after the entry of the 1439
finding. 1440

Sec. ~~4112.052~~ 4112.055. Whenever the Ohio civil rights 1441
commission has reasonable cause to believe that any person or 1442
persons are engaged in a pattern or practice of resistance to a 1443
person or persons' full enjoyment of the rights granted by 1444
division (H) of section 4112.02 of the Revised Code, or that any 1445
group of persons has been denied any of the rights granted by that 1446
division and the denial raises an issue of public importance, the 1447
commission may refer the matter to the attorney general for 1448

commencement of a civil action in a court of common pleas. The 1449
attorney general may seek any preventive relief considered 1450
necessary to ensure the full enjoyment of the rights granted by 1451
that division, including a permanent or temporary injunction or 1452
temporary restraining order. 1453

Sec. 4112.08. (A) This chapter shall be construed liberally 1454
for the accomplishment of its purposes, and any law inconsistent 1455
with any provision of this chapter shall not apply. Nothing 1456
contained in this chapter shall be considered to repeal any of the 1457
provisions of any law of this state relating to discrimination 1458
because of race, color, religion, sex, military status, familial 1459
status, disability, national origin, age, or ancestry, ~~except that~~ 1460
~~any person filing a charge under division (B)(1) of section~~ 1461
~~4112.05 of the Revised Code, with respect to the unlawful~~ 1462
~~discriminatory practices complained of, is barred from instituting~~ 1463
~~a civil action under section 4112.14 or division (N) of section~~ 1464
~~4112.02 of the Revised Code.~~ 1465

However, no person has a cause of action or claim based on 1466
unlawful discriminatory practices relating to employment against a 1467
supervisor, manager, or other employee of an employer unless that 1468
supervisor, manager, or other employee is the employer. Nothing in 1469
this division abrogates statutory claims outside this chapter or 1470
any claims of liability that exist against an individual at common 1471
law. 1472

(B) The procedures and remedies for unlawful discriminatory 1473
practices relating to employment in this chapter are the sole and 1474
exclusive procedures and remedies available to a person who 1475
alleges such discrimination. Causes of action based on public 1476
policies embodied in this chapter for unlawful discriminatory 1477
practices relating to employment, or in state, federal, or local 1478
fair employment laws are barred. 1479

(C) Nothing in this chapter shall be interpreted as altering, amending, or abrogating the procedures, rights, and remedies in Chapters 5903. and 5906. of the Revised Code. 1480
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Sec. 4112.14. The sum of the amount of damages awarded for noneconomic losses, as defined under section 2315.18 of the Revised Code, and the amount of punitive damages awarded to each complaining party in a civil action based on an unlawful discriminatory practice relating to employment shall not exceed the following amounts: 1483
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(A) If the defendant employs four to one hundred employees in each of twenty or more calendar weeks in the current or preceding calendar year, fifty thousand dollars; 1489
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(B) If the defendant employs one hundred one to two hundred employees in each of twenty or more calendar weeks in the current or preceding calendar year, one hundred thousand dollars; 1492
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(C) If the defendant employs two hundred one to five hundred employees in each of twenty or more calendar weeks in the current or preceding calendar year, two hundred thousand dollars; 1495
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(D) If the defendant employs more than five hundred employees in each of twenty or more calendar weeks in the current or preceding calendar year, three hundred thousand dollars. 1498
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Sec. 4112.99. ~~Whoever~~ Subject to sections 4112.052, 4112.054, and 4112.14 of the Revised Code, whoever violates this chapter is subject to a civil action for damages, injunctive relief, or any other appropriate relief. 1501
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Section 2. That existing sections 2305.07, 4112.01, 4112.02, 4112.04, 4112.05, 4112.051, 4112.052, 4112.08, and 4112.99 and section 4112.14 of the Revised Code are hereby repealed. 1505
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Section 3. The General Assembly, in amending section 4112.01 1508
and division (A) of section 4112.08 of the Revised Code pursuant 1509
to this act, hereby declares its intent to supersede the effect of 1510
the holding of the Ohio Supreme Court in *Genaro v. Central* 1511
Transport, Inc., 84 Ohio St. 3d 293 (1999) and to follow the 1512
holding in *Wathen v. General Electric Co.*, 115 F.3d 400 (1997) 1513
regarding the definition of "employer" for purposes of Chapter 1514
4112. of the Revised Code. The General Assembly further declares 1515
its intent that individual supervisors, managers, or employees not 1516
be held liable under Chapter 4112. of the Revised Code for 1517
unlawful discriminatory practices relating to employment. The 1518
General Assembly does not intend this act to abrogate the 1519
imposition at common law of vicarious liability on employers for 1520
the unlawful discriminatory practices of their employees or agents 1521
or to abrogate any other statutory claims that exist outside of 1522
Chapter 4112. of the Revised Code or claims existing at common law 1523
that may be made against an individual. 1524

The General Assembly, in amending division (A) of section 1525
4112.02 of the Revised Code pursuant to this act, hereby declares 1526
its intent to follow the holding of the United State Supreme Court 1527
in *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 1528
132 S. Ct. 694 (2012). 1529

The General Assembly declares its intent in enacting new 1530
section 4112.14 of the Revised Code pursuant to this act that the 1531
amount of noneconomic and punitive damages awarded in civil 1532
actions alleging unlawful discriminatory practices relating to 1533
employment be capped based on the size of the employer set forth 1534
in the "Civil Rights Act of 1991," 42 U.S.C. 1981a(b)(3). 1535

It is the intent of the General Assembly that common law 1536
claims for wrongful discharge are not available for actions 1537
maintainable under Chapter 4112. of the Revised Code and that the 1538

procedures and remedies set forth in Chapter 4112. of the Revised 1539
Code are the sole and exclusive procedures and remedies available 1540
under state law for claims of unlawful discriminatory practice 1541
relating to employment that are governed by that chapter. The 1542
General Assembly declares its intent in amending division (B) of 1543
section 4112.08 of the Revised Code to conform to, and not to 1544
overturn, the holding of the Ohio Supreme Court in *Collins v.* 1545
Rizkana, 73 Ohio St. 3d 65, 73 (1995). 1546

The General Assembly declares its intent in enacting section 1547
4112.053 of the Revised Code pursuant to this act that employers 1548
will be encouraged to implement meaningful anti-discrimination 1549
policies and foster a work environment that is fair and tolerant. 1550
The General Assembly further declares its intent that human 1551
resource professionals should have the first opportunity to 1552
resolve personnel complaints and rectify detrimental workplace 1553
behavior before such issues result in costly litigation. 1554

Section 4. Section 4112.04 of the Revised Code is presented 1555
in this act as a composite of the section as amended by both Am. 1556
Sub. H.B. 525 of the 127th General Assembly and Am. Sub. H.B. 1 of 1557
the 128th General Assembly. The General Assembly, applying the 1558
principle stated in division (B) of section 1.52 of the Revised 1559
Code that amendments are to be harmonized if reasonably capable of 1560
simultaneous operation, finds that the composite is the resulting 1561
version of the section in effect prior to the effective date of 1562
the section as presented in this act. 1563