



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

Paul Luzzi

Sub. H.B. 2

132nd General Assembly
(H. Economic Development, Commerce, and Labor)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (L_132_0195-2)	Sub. Version (L_132_0195-9)
Notice of right to sue for Ohio Civil Rights Commission	No provision.	<p>Allows a person who files a charge with the Ohio Civil Rights Commission (OCRC) to request, in writing, that the OCRC cease its investigation of the charge and issue a notice of right to sue to the person. Prohibits the person from refiling the charge. <i>(R.C. 4112.051(D)(2).)</i></p> <p>Prohibits the OCRC from granting a request for a notice of right to sue until at least 60 days after a person filed a charge with the OCRC. Allows the OCRC to immediately grant the request if it is made more than 60 days after the charge is filed. <i>(R.C. 4112.051(N).)</i></p> <p>Requires, if the OCRC determines from a preliminary investigation that it is not probable that an unlawful discriminatory practice relating to</p>

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		<p>employment has occurred or is occurring, the OCRC to include a notice of right to sue in the notice that the OCRC will not issue a complaint (R.C. 4112.051(E)).</p> <p>Permits the OCRC to continue offering assistance to a person after issuing a notice of right to sue (R.C. 4112.051(M)).</p> <p>Defines a "notice of right to sue" as a notice sent by the OCRC stating that a person who filed a charge with the OCRC may bring a lawsuit for employment discrimination related to the charge (R.C. 4112.01(A)(25)).</p>
Exhaustion requirement	<p>Allows a person to file a lawsuit alleging employment discrimination without first filing a charge with the OCRC.</p> <p>Prohibits a person from filing a lawsuit alleging employment discrimination if the person brought a lawsuit under a different section of the Ohio Civil Rights Law that was based, in whole or in part, on the same allegations and practices as in the current lawsuit. (R.C. 4112.052(A), 4112.053, 4112.14(D), and 4112.99.)</p> <p>Requires the OCRC to notify a person who files a charge alleging employment discrimination that the person is prohibited from filing a lawsuit based on the alleged discrimination if the person has filed a charge, and that the statute of limitations are tolled during the pendency of the charge (R.C. 4112.04).</p>	<p>Prohibits, subject to two exceptions described below, a person from filing an employment discrimination lawsuit unless the person has filed a charge with the OCRC and one of the following applies:</p> <ul style="list-style-type: none"> • The person has received a notice of right to sue from the OCRC; • The person has requested a notice of right to sue from the OCRC, and the OCRC fails to issue the notice of right to sue within 45 days after the date that the OCRC may grant the request; • The OCRC, after a preliminary investigation, informs the person that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the person elects to file a lawsuit and notifies the commission of that fact (R.C. 4112.051(F)(1) and 4112.052(B)(1)).



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		<p>Allows a person to file an employment discrimination lawsuit without requesting a notice of right to sue from the OCRC and without a finding of probable cause by the OCRC if one of the following exceptions applies:</p> <ul style="list-style-type: none"> • The person seeks only injunctive relief; • The person filed a charge with both the OCRC and the federal Equal Employment Opportunity Commission (EEOC) based on the same facts, and the person has received a notice from the EEOC that states the person may file a lawsuit based on the EEOC charge (<i>R.C. 4112.052(B)(2)</i>). <p>Allows a plaintiff seeking only injunctive relief to amend the complaint to include damages, but prohibits the amendment from relating back to the time the complaint was filed unless one of the following applies:</p> <ul style="list-style-type: none"> • The person receives a notice of right to sue from the OCRC; • The person has requested a notice of right to sue from the OCRC, and the OCRC fails to issue the notice of right to sue within 45 days after the date that the OCRC may grant the request; • The OCRC, after a preliminary investigation, informs the person that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the person elects to file a lawsuit and notifies the commission of that fact (<i>R.C. 4112.052(B)(3)</i>).

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		Requires the OCRC to notify a person who files a charge alleging employment discrimination that the person is prohibited from filing a lawsuit based on the alleged discrimination until the requirements described above are satisfied or an exception applies (<i>R.C. 4112.04</i>).
Retaliation, aiding, and abetting	Prohibits a person from filing a lawsuit or a charge with the OCRC alleging that an individual who is not an employer retaliated against the person for exercising legal protections against unlawful discriminatory practices relating to employment or aided and abetted an unlawful discriminatory practice relating to employment (<i>R.C. 4112.051(C) and 4112.08(A)</i>).	Permits a person to file a charge with the OCRC alleging that such an individual retaliated against the person for exercising legal protections against unlawful discriminatory practices relating to employment or aided and abetted an unlawful discriminatory practice relating to employment (<i>R.C. 4112.051(C)(1)(b), by reference to 4112.01(A)(24)(b), with conforming changes in 4112.05 and 4112.08(A)</i>). Permits a person to file a lawsuit alleging that such an individual retaliated against the person for exercising legal protections against unlawful discriminatory practices relating to employment or aided and abetted an unlawful discriminatory practice relating to employment, provided the person has satisfied the exhaustion requirement above or an exception applies (<i>R.C. 4112.052(B)(4)</i>).
General lawsuits alleging employment discrimination	Prohibits a person from pursuing a general lawsuit alleging a violation of the Ohio Civil Rights Law based on employment discrimination if the person previously brought a lawsuit under a section of the Law specific to employment discrimination (<i>R.C. 4112.053, 4112.14, and 4112.99</i>).	Prohibits a person from pursuing a general lawsuit alleging a violation of the Ohio Civil Rights Law based on employment discrimination (<i>R.C. 4112.99, with conforming changes throughout the bill</i>).

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Definition of employer	Limits the application of the Ohio Civil Rights Law by removing from the definition of employer "any person acting directly or indirectly in the interest of an employer," and thus removes direct supervisor liability (R.C. 4112.01(A)(2)).	Removes supervisor liability, but adds to the definition an agent of the state, political subdivision, or person (R.C. 4112.01(A)(2)).
Statute of limitations for employment discrimination claims	<p>Requires, if a person pursues a claim with the OCRC, that the person file a charge within 365 days after an alleged unlawful discriminatory practice relating to employment occurred (R.C. 4112.051(C)).</p> <p>Requires, if a person pursues a lawsuit, that the person file a lawsuit within 365 days after the alleged employment discrimination occurred or within 60 days after a charge filed with the OCRC that is based on the same allegations and practices is no longer pending, whichever is longer (R.C. 4112.052(B), 4112.14(E), and 4112.99(C)).</p> <p>Tolls, except under certain circumstances, the statute of limitations for filing a lawsuit while a charge filed with the OCRC based on the same allegations is pending (R.C. 4112.053(C)).</p>	<p>Requires a person to file a charge with the OCRC within two years after an alleged unlawful discriminatory practice relating to employment occurred (R.C. 4112.051(C)(2)).</p> <p>Requires, if a person pursues a lawsuit after exhaustion of OCRC procedures, that the person file a lawsuit within two years after the alleged employment discrimination occurred (R.C. 4112.052(C) and 4112.14(E)).</p> <p>Tolls the statute of limitations for filing an employment discrimination lawsuit for 60 days after the filing of a charge with the OCRC based on the same allegations (R.C. 4112.052(C) and 4112.14(E)).</p>
OCRC actions after issuing a complaint	No provision.	<p>Permits the OCRC, after issuing a complaint, to take any of the following actions:</p> <ul style="list-style-type: none"> • On the request of the complainant that the OCRC receives not later than 30 days before the date of the hearing, dismiss the complaint; • Eliminate the alleged unlawful discriminatory practice relating to employment through

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		conference, conciliation, and persuasion, or by alternative dispute resolution; <ul style="list-style-type: none"> • Continue with the hearing process (<i>R.C. 4112.051(G)(1)</i>).
Intervention in lawsuit	No provision.	Permits the OCRC to intervene in a lawsuit alleging an unlawful discriminatory practice relating to employment if the OCRC determines that the case is of public importance (<i>R.C. 4112.052(E)</i>).
Aggrieved persons	<p>Permits an aggrieved person who is not a named complainant in a charge alleging an unlawful discriminatory practice related to employment filed with the OCRC, but who claims an interest in the charge, to appear at an OCRC hearing for the presentation of arguments, to present evidence, to examine witnesses, and to be represented by counsel. Requires the OCRC to adopt rules governing this authority.</p> <p>Adds to the continuing law definition of "aggrieved person," which currently applies to housing claims, both of the following:</p> <ul style="list-style-type: none"> • Any person who claims to have been injured by an unlawful discriminatory practice relating to employment; • Any person who believes that the person will be injured by an unlawful discriminatory practice relating to employment. (<i>R.C. 4112.01(A)(23) and 4112.051(G).</i>) 	Maintains current law.

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Housing discrimination	Prohibits a person from pursuing a general lawsuit alleging a violation of the Ohio Civil Rights Law based on housing discrimination if the person previously brought a lawsuit specific to housing (<i>R.C. 4112.055 and 4112.99</i>).	No provision.
Common law lawsuits	Makes the procedures and remedies for unlawful discriminatory practices relating to employment in the Ohio Civil Rights Law the sole and exclusive remedies available to a person who alleges that discrimination (<i>R.C. 4112.08(B)</i>).	Limits this provision to discrimination that is actionable under the Ohio Civil Rights Law (<i>R.C. 4112.08(B)</i>).

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