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Chairman Young, Vice-Chair DeVitis, Ranking Member Lepore-Hagan and members of the Ohio Economic Development, Commerce and Labor Committee, on behalf of the Ohio Civil Rights Commission (OCRC), I thank you for allowing the agency this opportunity to share our thoughts on the most recent substitute bill of House Bill 2. OCRC would like to thank the sponsor, the Ohio Chamber of Commerce, Fred Gittes, and the Ohio Employment Lawyers Association for their willingness to hear our concerns about this legislation. As you know, we had very serious concerns with previous versions of the bill, but we believe the language has improved substantially. We appreciate the patience with which the sponsor has engaged this process and we believe this version of the bill represents a significant change from the As Introduced version and provides an opportunity to improve Ohio public policy, specifically through the adoption of administrative exhaustion.

For us, the most important provision of the newest substitute bill is its adoption of administrative exhaustion for OCRC. This sub-bill utilizes the approach of requiring complainants to first file with OCRC, similar to the process by which federal law requires complainants to file with the EEOC before filing a separate federal action. Requiring complainants to first file with the OCRC will give all parties the option of engaging in OCRC's free alternative dispute resolution programs. All charges will also have the opportunity to go through our more cost-efficient investigative and administrative process. While all charges will

have to be filed with OCRC initially, complainants and their attorneys would still have an option to elect to file a private civil action by requesting a “Notice of Right to Sue” from OCRC.

Crucially, an exhaustion requirement would also allow the state to measure the problem of employment discrimination in our state through superior data collection. OCRC is tasked with studying the problem of discrimination in our state but it is impossible to truly do so when there is no way to know the number and type of cases directly filed as private civil actions. Under current law, there is no collection of data on the number and nature of civil rights cases moving through the courts of common pleas. Exhaustion will give OCRC the tools to keep records of all case filings, even if they subsequently move to private court. Moreover, OCRC will potentially be able to use data and charge filings to track and identify trends, issues, and concerns relating to discrimination.

Because of the current absence of data on cases going straight to the courts of common pleas, we have no way of knowing how many additional cases will be filed when this legislation takes effect. However, barring unexpected cuts in the upcoming budget period, OCRC expects to have the resources and funding to take on these additional employment cases. We are prepared to tackle the challenge of accommodating this new requirement. Moreover, we will continue to try to resolve as many appropriate cases as possible through our very successful voluntary mediation program. In State Fiscal Year 2016 our mediation program had a success rate of 79% and an average case closure time of 33.5 days, decreasing the cost and burden for all parties.

I thank you for the opportunity to provide testimony today. I will be happy to take any questions you may have.