



GOVERNOR MIKE DEWINE
OHIO CIVIL RIGHTS COMMISSION

CHAIR
LORI BARRERAS

COMMISSIONERS
JUAN CESPEDES
WILLIAM W. PATMON, III
DR. CAROLYN PETERS
MADHU SINGH

EXECUTIVE DIRECTOR
G. MICHAEL PAYTON

**Before the House Civil Justice
Interested Party Testimony of Ohio Civil Rights Commission
House Bill 221
June 18, 2019**

Mary Turocy, Director of Public Affairs and Civic Engagement

Chairman Hambley, Vice-Chair Patton, Ranking Member Brown and members of the Ohio House Civil Justice Committee, on behalf of the Ohio Civil Rights Commission (OCRC), I thank you for inviting us to testify on House Bill (HB) 221, which directs the Commission to establish and maintain a system to receive anonymous complaints of wage discrimination and review complaints received through that system.

As you know, the Ohio Civil Rights Commission is Ohio's primary enforcer of the state laws against discrimination. OCRC receives and investigates charges of discrimination in employment, places of public accommodation, housing, credit, and disability in higher education on the bases of race, color, religion, sex, national origin, disability, age, ancestry, military status or familial status in housing. Wage discrimination is under the Commission's jurisdiction and OCRC routinely handles wage discrimination cases. OCRC also currently receives anonymous complaints on occasion. The Commission currently handles these complaints on a case-by-case basis, balancing the agency's mission to eradicate discrimination against its role as a neutral law enforcement agency.

When this bill's language was initially introduced in the 131st General Assembly, the Commission reached out to Rhode Island, which had recently enacted a similar program through their Department of Labor and Training. The Commission was curious to see how another state chose to handle the challenge of determining how to review anonymous complaints in a way that was fair to both the accuser and accused and accommodated the scarce resources of government

entities. The Rhode Island Department of Labor and Training indicated that they track and review all anonymous complaints received, but they do not launch a full investigation unless the details of the allegation meets certain minimum informational criteria. As a result, they have collected much information and have provided some short-term assistance to complainants but have only investigated a very small number of cases.

Should HB 221 pass, the Ohio Civil Rights Commission anticipates establishing a similar method of reviewing all anonymous complaints and maintaining material information for future use but launching few full investigations. Like Rhode Island, the Commission would create minimum criteria of information that must be included in the complaint in order to self-initiate an investigation. Information from anonymous complaints falling short of those minimum criteria could potentially be used to inform a charge received traditionally, via signed affidavit. For example, if OCRC was investigating a charge of discrimination at a business and had recently received an anonymous complaint indicating a specific supervisor had a history of orchestrating discriminatory wage disparity, the investigator may look more closely into that supervisor's role in decision-making on the pending case. As with all evidence, source credibility would be a factor in determining how to use the information.

To be clear, should HB 221 pass, OCRC would have no designs to launch a full self-initiated charge and investigation of all anonymous complaints. Such a practice could create a means by which OCRC could be used as a tool to harass employers with impunity. Likewise, it would be an unwise use of the state's resources to launch an investigation without a clear direction in which to pursue an allegation. Since few anonymous complaints are likely to result in full investigations, the Commission does not anticipate that the agency's case load would increase significantly from this bill.

OCRC appreciates that the directives in HB 221 are broad and that the bill provides the Commission with the room to determine what our state's minimum informational criteria would be. Moreover, the Commission appreciates that the bill would permit the agency to establish its own review process based on what is most appropriate.