

As Introduced

131st General Assembly

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S. B. No. 180

Senator Uecker

Cosponsors: Senators Burke, Eklund, Hottinger, Hite, Gardner, Jordan, Patton

A BILL

To amend sections 4112.01, 4112.02, 4112.05, 1
4112.08, and 4112.14 of the Revised Code to 2
prohibit an employer from discharging or 3
otherwise discriminating against a person who 4
exercises a constitutional or statutory right 5
within the person's private real property or 6
motor vehicle. 7

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

Section 1. That sections 4112.01, 4112.02, 4112.05, 8
4112.08, and 4112.14 of the Revised Code be amended to read as 9
follows: 10

Sec. 4112.01. (A) As used in this chapter: 11

(1) "Person" includes one or more individuals, 12
partnerships, associations, organizations, corporations, legal 13
representatives, trustees, trustees in bankruptcy, receivers, 14
and other organized groups of persons. "Person" also includes, 15
but is not limited to, any owner, lessor, assignor, builder, 16
manager, broker, salesperson, appraiser, agent, employee, 17
lending institution, and the state and all political 18

subdivisions, authorities, agencies, boards, and commissions of 19
the state. 20

(2) "Employer" includes the state, any political 21
subdivision of the state, any person employing four or more 22
persons within the state, and any person acting directly or 23
indirectly in the interest of an employer. 24

(3) "Employee" means an individual employed by any 25
employer but does not include any individual employed in the 26
domestic service of any person. 27

(4) "Labor organization" includes any organization that 28
exists, in whole or in part, for the purpose of collective 29
bargaining or of dealing with employers concerning grievances, 30
terms or conditions of employment, or other mutual aid or 31
protection in relation to employment. 32

(5) "Employment agency" includes any person regularly 33
undertaking, with or without compensation, to procure 34
opportunities to work or to procure, recruit, refer, or place 35
employees. 36

(6) "Commission" means the Ohio civil rights commission 37
created by section 4112.03 of the Revised Code. 38

(7) "Discriminate" includes segregate or separate. 39

(8) "Unlawful discriminatory practice" means any act 40
prohibited by section 4112.02, 4112.021, or 4112.022 of the 41
Revised Code. 42

(9) "Place of public accommodation" means any inn, 43
restaurant, eating house, barbershop, public conveyance by air, 44
land, or water, theater, store, other place for the sale of 45
merchandise, or any other place of public accommodation or 46

amusement of which the accommodations, advantages, facilities, 47
or privileges are available to the public. 48

(10) "Housing accommodations" includes any building or 49
structure, or portion of a building or structure, that is used 50
or occupied or is intended, arranged, or designed to be used or 51
occupied as the home residence, dwelling, dwelling unit, or 52
sleeping place of one or more individuals, groups, or families 53
whether or not living independently of each other; and any 54
vacant land offered for sale or lease. "Housing accommodations" 55
also includes any housing accommodations held or offered for 56
sale or rent by a real estate broker, salesperson, or agent, by 57
any other person pursuant to authorization of the owner, by the 58
owner, or by the owner's legal representative. 59

(11) "Restrictive covenant" means any specification 60
limiting the transfer, rental, lease, or other use of any 61
housing accommodations because of race, color, religion, sex, 62
military status, familial status, national origin, disability, 63
or ancestry, or any limitation based upon affiliation with or 64
approval by any person, directly or indirectly, employing race, 65
color, religion, sex, military status, familial status, national 66
origin, disability, or ancestry as a condition of affiliation or 67
approval. 68

(12) "Burial lot" means any lot for the burial of deceased 69
persons within any public burial ground or cemetery, including, 70
but not limited to, cemeteries owned and operated by municipal 71
corporations, townships, or companies or associations 72
incorporated for cemetery purposes. 73

(13) "Disability" means a physical or mental impairment 74
that substantially limits one or more major life activities, 75
including the functions of caring for one's self, performing 76

manual tasks, walking, seeing, hearing, speaking, breathing, 77
learning, and working; a record of a physical or mental 78
impairment; or being regarded as having a physical or mental 79
impairment. 80

(14) Except as otherwise provided in section 4112.021 of 81
the Revised Code, "age" means at least forty years old. 82

(15) "Familial status" means either of the following: 83

(a) One or more individuals who are under eighteen years 84
of age and who are domiciled with a parent or guardian having 85
legal custody of the individual or domiciled, with the written 86
permission of the parent or guardian having legal custody, with 87
a designee of the parent or guardian; 88

(b) Any person who is pregnant or in the process of 89
securing legal custody of any individual who is under eighteen 90
years of age. 91

(16) (a) Except as provided in division (A) (16) (b) of this 92
section, "physical or mental impairment" includes any of the 93
following: 94

(i) Any physiological disorder or condition, cosmetic 95
disfigurement, or anatomical loss affecting one or more of the 96
following body systems: neurological; musculoskeletal; special 97
sense organs; respiratory, including speech organs; 98
cardiovascular; reproductive; digestive; genito-urinary; hemic 99
and lymphatic; skin; and endocrine; 100

(ii) Any mental or psychological disorder, including, but 101
not limited to, mental retardation, organic brain syndrome, 102
emotional or mental illness, and specific learning disabilities; 103

(iii) Diseases and conditions, including, but not limited 104

to, orthopedic, visual, speech, and hearing impairments, 105
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 106
sclerosis, cancer, heart disease, diabetes, human 107
immunodeficiency virus infection, mental retardation, emotional 108
illness, drug addiction, and alcoholism. 109

(b) "Physical or mental impairment" does not include any 110
of the following: 111

(i) Homosexuality and bisexuality; 112

(ii) Transvestism, transsexualism, pedophilia, 113
exhibitionism, voyeurism, gender identity disorders not 114
resulting from physical impairments, or other sexual behavior 115
disorders; 116

(iii) Compulsive gambling, kleptomania, or pyromania; 117

(iv) Psychoactive substance use disorders resulting from 118
the current illegal use of a controlled substance or the current 119
use of alcoholic beverages. 120

(17) "Dwelling unit" means a single unit of residence for 121
a family of one or more persons. 122

(18) "Common use areas" means rooms, spaces, or elements 123
inside or outside a building that are made available for the use 124
of residents of the building or their guests, and includes, but 125
is not limited to, hallways, lounges, lobbies, laundry rooms, 126
refuse rooms, mail rooms, recreational areas, and passageways 127
among and between buildings. 128

(19) "Public use areas" means interior or exterior rooms 129
or spaces of a privately or publicly owned building that are 130
made available to the general public. 131

(20) "Controlled substance" has the same meaning as in 132

section 3719.01 of the Revised Code. 133

(21) "Disabled tenant" means a tenant or prospective 134
tenant who is a person with a disability. 135

(22) "Military status" means a person's status in "service 136
in the uniformed services" as defined in section 5923.05 of the 137
Revised Code. 138

(23) "Aggrieved person" includes both of the following: 139

(a) Any person who claims to have been injured by any 140
unlawful discriminatory practice described in division (H) of 141
section 4112.02 of the Revised Code; 142

(b) Any person who believes that the person will be 143
injured by, any unlawful discriminatory practice described in 144
division (H) of section 4112.02 of the Revised Code that is 145
about to occur. 146

(24) "Constitutional or statutory right" includes any 147
right that is prescribed by the Constitution of the United 148
States or this state, including any fundamental right, or that 149
is granted under any statute of the United States or this state. 150

(B) For the purposes of divisions (A) to (F) of section 151
4112.02 of the Revised Code, the terms "because of sex" and "on 152
the basis of sex" include, but are not limited to, because of or 153
on the basis of pregnancy, any illness arising out of and 154
occurring during the course of a pregnancy, childbirth, or 155
related medical conditions. Women affected by pregnancy, 156
childbirth, or related medical conditions shall be treated the 157
same for all employment-related purposes, including receipt of 158
benefits under fringe benefit programs, as other persons not so 159
affected but similar in their ability or inability to work, and 160
nothing in division (B) of section 4111.17 of the Revised Code 161

shall be interpreted to permit otherwise. This division shall 162
not be construed to require an employer to pay for health 163
insurance benefits for abortion, except where the life of the 164
mother would be endangered if the fetus were carried to term or 165
except where medical complications have arisen from the 166
abortion, provided that nothing in this division precludes an 167
employer from providing abortion benefits or otherwise affects 168
bargaining agreements in regard to abortion. 169

Sec. 4112.02. It shall be an unlawful discriminatory 170
practice: 171

(A) For any employer, because of the race, color, 172
religion, sex, military status, national origin, disability, 173
age, or ancestry of any person, to discharge without just cause, 174
to refuse to hire, or otherwise to discriminate against that 175
person with respect to hire, tenure, terms, conditions, or 176
privileges of employment, or any matter directly or indirectly 177
related to employment. 178

(B) For an employment agency or personnel placement 179
service, because of race, color, religion, sex, military status, 180
national origin, disability, age, or ancestry, to do any of the 181
following: 182

(1) Refuse or fail to accept, register, classify properly, 183
or refer for employment, or otherwise discriminate against any 184
person; 185

(2) Comply with a request from an employer for referral of 186
applicants for employment if the request directly or indirectly 187
indicates that the employer fails to comply with the provisions 188
of sections 4112.01 to 4112.07 of the Revised Code. 189

(C) For any labor organization to do any of the following: 190

(1) Limit or classify its membership on the basis of race,	191
color, religion, sex, military status, national origin,	192
disability, age, or ancestry;	193
(2) Discriminate against, limit the employment	194
opportunities of, or otherwise adversely affect the employment	195
status, wages, hours, or employment conditions of any person as	196
an employee because of race, color, religion, sex, military	197
status, national origin, disability, age, or ancestry.	198
(D) For any employer, labor organization, or joint labor-	199
management committee controlling apprentice training programs to	200
discriminate against any person because of race, color,	201
religion, sex, military status, national origin, disability, or	202
ancestry in admission to, or employment in, any program	203
established to provide apprentice training.	204
(E) Except where based on a bona fide occupational	205
qualification certified in advance by the commission, for any	206
employer, employment agency, personnel placement service, or	207
labor organization, prior to employment or admission to	208
membership, to do any of the following:	209
(1) Elicit or attempt to elicit any information concerning	210
the race, color, religion, sex, military status, national	211
origin, disability, age, or ancestry of an applicant for	212
employment or membership;	213
(2) Make or keep a record of the race, color, religion,	214
sex, military status, national origin, disability, age, or	215
ancestry of any applicant for employment or membership;	216
(3) Use any form of application for employment, or	217
personnel or membership blank, seeking to elicit information	218
regarding race, color, religion, sex, military status, national	219

origin, disability, age, or ancestry; but an employer holding a 220
contract containing a nondiscrimination clause with the 221
government of the United States, or any department or agency of 222
that government, may require an employee or applicant for 223
employment to furnish documentary proof of United States 224
citizenship and may retain that proof in the employer's 225
personnel records and may use photographic or fingerprint 226
identification for security purposes; 227

(4) Print or publish or cause to be printed or published 228
any notice or advertisement relating to employment or membership 229
indicating any preference, limitation, specification, or 230
discrimination, based upon race, color, religion, sex, military 231
status, national origin, disability, age, or ancestry; 232

(5) Announce or follow a policy of denying or limiting, 233
through a quota system or otherwise, employment or membership 234
opportunities of any group because of the race, color, religion, 235
sex, military status, national origin, disability, age, or 236
ancestry of that group; 237

(6) Utilize in the recruitment or hiring of persons any 238
employment agency, personnel placement service, training school 239
or center, labor organization, or any other employee-referring 240
source known to discriminate against persons because of their 241
race, color, religion, sex, military status, national origin, 242
disability, age, or ancestry. 243

(F) For any person seeking employment to publish or cause 244
to be published any advertisement that specifies or in any 245
manner indicates that person's race, color, religion, sex, 246
military status, national origin, disability, age, or ancestry, 247
or expresses a limitation or preference as to the race, color, 248
religion, sex, military status, national origin, disability, 249

age, or ancestry of any prospective employer. 250

(G) For any proprietor or any employee, keeper, or manager 251
of a place of public accommodation to deny to any person, except 252
for reasons applicable alike to all persons regardless of race, 253
color, religion, sex, military status, national origin, 254
disability, age, or ancestry, the full enjoyment of the 255
accommodations, advantages, facilities, or privileges of the 256
place of public accommodation. 257

(H) For any person to do any of the following: 258

(1) Refuse to sell, transfer, assign, rent, lease, 259
sublease, or finance housing accommodations, refuse to negotiate 260
for the sale or rental of housing accommodations, or otherwise 261
deny or make unavailable housing accommodations because of race, 262
color, religion, sex, military status, familial status, 263
ancestry, disability, or national origin; 264

(2) Represent to any person that housing accommodations 265
are not available for inspection, sale, or rental, when in fact 266
they are available, because of race, color, religion, sex, 267
military status, familial status, ancestry, disability, or 268
national origin; 269

(3) Discriminate against any person in the making or 270
purchasing of loans or the provision of other financial 271
assistance for the acquisition, construction, rehabilitation, 272
repair, or maintenance of housing accommodations, or any person 273
in the making or purchasing of loans or the provision of other 274
financial assistance that is secured by residential real estate, 275
because of race, color, religion, sex, military status, familial 276
status, ancestry, disability, or national origin or because of 277
the racial composition of the neighborhood in which the housing 278

accommodations are located, provided that the person, whether an individual, corporation, or association of any type, lends money as one of the principal aspects or incident to the person's principal business and not only as a part of the purchase price of an owner-occupied residence the person is selling nor merely casually or occasionally to a relative or friend;

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

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

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

(7) Print, publish, or circulate any statement or advertisement, or make or cause to be made any statement or

advertisement, relating to the sale, transfer, assignment, 309
rental, lease, sublease, or acquisition of any housing 310
accommodations, or relating to the loan of money, whether or not 311
secured by mortgage or otherwise, for the acquisition, 312
construction, rehabilitation, repair, or maintenance of housing 313
accommodations, that indicates any preference, limitation, 314
specification, or discrimination based upon race, color, 315
religion, sex, military status, familial status, ancestry, 316
disability, or national origin, or an intention to make any such 317
preference, limitation, specification, or discrimination; 318

(8) Except as otherwise provided in division (H) (8) or 319
(17) of this section, make any inquiry, elicit any information, 320
make or keep any record, or use any form of application 321
containing questions or entries concerning race, color, 322
religion, sex, military status, familial status, ancestry, 323
disability, or national origin in connection with the sale or 324
lease of any housing accommodations or the loan of any money, 325
whether or not secured by mortgage or otherwise, for the 326
acquisition, construction, rehabilitation, repair, or 327
maintenance of housing accommodations. Any person may make 328
inquiries, and make and keep records, concerning race, color, 329
religion, sex, military status, familial status, ancestry, 330
disability, or national origin for the purpose of monitoring 331
compliance with this chapter. 332

(9) Include in any transfer, rental, or lease of housing 333
accommodations any restrictive covenant, or honor or exercise, 334
or attempt to honor or exercise, any restrictive covenant; 335

(10) Induce or solicit, or attempt to induce or solicit, a 336
housing accommodations listing, sale, or transaction by 337
representing that a change has occurred or may occur with 338

respect to the racial, religious, sexual, military status, 339
familial status, or ethnic composition of the block, 340
neighborhood, or other area in which the housing accommodations 341
are located, or induce or solicit, or attempt to induce or 342
solicit, a housing accommodations listing, sale, or transaction 343
by representing that the presence or anticipated presence of 344
persons of any race, color, religion, sex, military status, 345
familial status, ancestry, disability, or national origin, in 346
the block, neighborhood, or other area will or may have results 347
including, but not limited to, the following: 348

(a) The lowering of property values; 349

(b) A change in the racial, religious, sexual, military 350
status, familial status, or ethnic composition of the block, 351
neighborhood, or other area; 352

(c) An increase in criminal or antisocial behavior in the 353
block, neighborhood, or other area; 354

(d) A decline in the quality of the schools serving the 355
block, neighborhood, or other area. 356

(11) Deny any person access to or membership or 357
participation in any multiple-listing service, real estate 358
brokers' organization, or other service, organization, or 359
facility relating to the business of selling or renting housing 360
accommodations, or discriminate against any person in the terms 361
or conditions of that access, membership, or participation, on 362
account of race, color, religion, sex, military status, familial 363
status, national origin, disability, or ancestry; 364

(12) Coerce, intimidate, threaten, or interfere with any 365
person in the exercise or enjoyment of, or on account of that 366
person's having exercised or enjoyed or having aided or 367

encouraged any other person in the exercise or enjoyment of, any 368
right granted or protected by division (H) of this section; 369

(13) Discourage or attempt to discourage the purchase by a 370
prospective purchaser of housing accommodations, by representing 371
that any block, neighborhood, or other area has undergone or 372
might undergo a change with respect to its religious, racial, 373
sexual, military status, familial status, or ethnic composition; 374

(14) Refuse to sell, transfer, assign, rent, lease, 375
sublease, or finance, or otherwise deny or withhold, a burial 376
lot from any person because of the race, color, sex, military 377
status, familial status, age, ancestry, disability, or national 378
origin of any prospective owner or user of the lot; 379

(15) Discriminate in the sale or rental of, or otherwise 380
make unavailable or deny, housing accommodations to any buyer or 381
renter because of a disability of any of the following: 382

(a) The buyer or renter; 383

(b) A person residing in or intending to reside in the 384
housing accommodations after they are sold, rented, or made 385
available; 386

(c) Any individual associated with the person described in 387
division (H) (15) (b) of this section. 388

(16) Discriminate in the terms, conditions, or privileges 389
of the sale or rental of housing accommodations to any person or 390
in the provision of services or facilities to any person in 391
connection with the housing accommodations because of a 392
disability of any of the following: 393

(a) That person; 394

(b) A person residing in or intending to reside in the 395

housing accommodations after they are sold, rented, or made available;	396 397
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	398 399
(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:	400 401 402 403 404 405 406 407 408 409 410
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	411 412
(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;	413 414 415 416
(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;	417 418 419
(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;	420 421 422 423
(e) An inquiry to determine whether an applicant at any	424

time has been convicted of or pleaded guilty to any offense, an 425
element of which is the illegal sale, offer to sell, 426
cultivation, manufacture, other production, shipment, 427
transportation, delivery, or other distribution of a controlled 428
substance. 429

(18) (a) Refuse to permit, at the expense of a person with 430
a disability, reasonable modifications of existing housing 431
accommodations that are occupied or to be occupied by the person 432
with a disability, if the modifications may be necessary to 433
afford the person with a disability full enjoyment of the 434
housing accommodations. This division does not preclude a 435
landlord of housing accommodations that are rented or to be 436
rented to a disabled tenant from conditioning permission for a 437
proposed modification upon the disabled tenant's doing one or 438
more of the following: 439

(i) Providing a reasonable description of the proposed 440
modification and reasonable assurances that the proposed 441
modification will be made in a workerlike manner and that any 442
required building permits will be obtained prior to the 443
commencement of the proposed modification; 444

(ii) Agreeing to restore at the end of the tenancy the 445
interior of the housing accommodations to the condition they 446
were in prior to the proposed modification, but subject to 447
reasonable wear and tear during the period of occupancy, if it 448
is reasonable for the landlord to condition permission for the 449
proposed modification upon the agreement; 450

(iii) Paying into an interest-bearing escrow account that 451
is in the landlord's name, over a reasonable period of time, a 452
reasonable amount of money not to exceed the projected costs at 453
the end of the tenancy of the restoration of the interior of the 454

housing accommodations to the condition they were in prior to 455
the proposed modification, but subject to reasonable wear and 456
tear during the period of occupancy, if the landlord finds the 457
account reasonably necessary to ensure the availability of funds 458
for the restoration work. The interest earned in connection with 459
an escrow account described in this division shall accrue to the 460
benefit of the disabled tenant who makes payments into the 461
account. 462

(b) A landlord shall not condition permission for a 463
proposed modification upon a disabled tenant's payment of a 464
security deposit that exceeds the customarily required security 465
deposit of all tenants of the particular housing accommodations. 466

(19) Refuse to make reasonable accommodations in rules, 467
policies, practices, or services when necessary to afford a 468
person with a disability equal opportunity to use and enjoy a 469
dwelling unit, including associated public and common use areas; 470

(20) Fail to comply with the standards and rules adopted 471
under division (A) of section 3781.111 of the Revised Code; 472

(21) Discriminate against any person in the selling, 473
brokering, or appraising of real property because of race, 474
color, religion, sex, military status, familial status, 475
ancestry, disability, or national origin; 476

(22) Fail to design and construct covered multifamily 477
dwellings for first occupancy on or after June 30, 1992, in 478
accordance with the following conditions: 479

(a) The dwellings shall have at least one building 480
entrance on an accessible route, unless it is impractical to do 481
so because of the terrain or unusual characteristics of the 482
site. 483

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

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

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

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

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

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

(J) For any person to aid, abet, incite, compel, or coerce

the doing of any act declared by this section to be an unlawful 513
discriminatory practice, to obstruct or prevent any person from 514
complying with this chapter or any order issued under it, or to 515
attempt directly or indirectly to commit any act declared by 516
this section to be an unlawful discriminatory practice. 517

(K) For any employer, to discharge without just cause, to 518
refuse to hire, or otherwise to discriminate against a person 519
with respect to hire, tenure, terms, conditions, or privileges 520
of employment, or any matter directly or indirectly related to 521
employment, because the person exercised a constitutional or 522
statutory right within the person's private real property or 523
within a motor vehicle not owned or controlled by the employer, 524
regardless of whether the motor vehicle is located on the 525
employer's real property and, if the motor vehicle is located on 526
the employer's real property, regardless of the location of the 527
motor vehicle on the employer's real property. 528

(L)(1) Nothing in division (H) of this section shall bar 529
any religious or denominational institution or organization, or 530
any nonprofit charitable or educational organization that is 531
operated, supervised, or controlled by or in connection with a 532
religious organization, from limiting the sale, rental, or 533
occupancy of housing accommodations that it owns or operates for 534
other than a commercial purpose to persons of the same religion, 535
or from giving preference in the sale, rental, or occupancy of 536
such housing accommodations to persons of the same religion, 537
unless membership in the religion is restricted on account of 538
race, color, or national origin. 539

(2) Nothing in division (H) of this section shall bar any 540
bona fide private or fraternal organization that, incidental to 541
its primary purpose, owns or operates lodgings for other than a 542

commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

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

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

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

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

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

(c) Housing accommodations intended and operated for 574
occupancy by at least one person who is fifty-five years of age 575
or older per unit, as determined under the "Fair Housing 576
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 577
amended. 578

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

~~(M)~~(N) Nothing in divisions (H) (1) to (18) of this 589
section shall be construed to require any person selling or 590
renting property to modify the property in any way or to 591
exercise a higher degree of care for a person with a disability, 592
to relieve any person with a disability of any obligation 593
generally imposed on all persons regardless of disability in a 594
written lease, rental agreement, or contract of purchase or 595
sale, or to forbid distinctions based on the inability to 596
fulfill the terms and conditions, including financial 597
obligations, of the lease, agreement, or contract. 598

~~(N)~~(O) An aggrieved individual may enforce the 599
individual's rights relative to discrimination on the basis of 600
age as provided for in this section by instituting a civil 601

action, within one hundred eighty days after the alleged 602
unlawful discriminatory practice occurred, in any court with 603
jurisdiction for any legal or equitable relief that will 604
effectuate the individual's rights. 605

A person who files a civil action under this division is 606
barred, with respect to the practices complained of, from 607
instituting a civil action under section 4112.14 of the Revised 608
Code and from filing a charge with the commission under section 609
4112.05 of the Revised Code. 610

~~(O)~~(P) With regard to age, it shall not be an unlawful 611
discriminatory practice and it shall not constitute a violation 612
of division (A) of section 4112.14 of the Revised Code for any 613
employer, employment agency, joint labor-management committee 614
controlling apprenticeship training programs, or labor 615
organization to do any of the following: 616

(1) Establish bona fide employment qualifications 617
reasonably related to the particular business or occupation that 618
may include standards for skill, aptitude, physical capability, 619
intelligence, education, maturation, and experience; 620

(2) Observe the terms of a bona fide seniority system or 621
any bona fide employee benefit plan, including, but not limited 622
to, a retirement, pension, or insurance plan, that is not a 623
subterfuge to evade the purposes of this section. However, no 624
such employee benefit plan shall excuse the failure to hire any 625
individual, and no such seniority system or employee benefit 626
plan shall require or permit the involuntary retirement of any 627
individual, because of the individual's age except as provided 628
for in the "Age Discrimination in Employment Act Amendment of 629
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 630
Discrimination in Employment Act Amendments of 1986," 100 Stat. 631

3342, 29 U.S.C.A. 623, as amended. 632

(3) Retire an employee who has attained sixty-five years 633
of age who, for the two-year period immediately before 634
retirement, is employed in a bona fide executive or a high 635
policymaking position, if the employee is entitled to an 636
immediate nonforfeitable annual retirement benefit from a 637
pension, profit-sharing, savings, or deferred compensation plan, 638
or any combination of those plans, of the employer of the 639
employee, which equals, in the aggregate, at least forty-four 640
thousand dollars, in accordance with the conditions of the "Age 641
Discrimination in Employment Act Amendment of 1978," 92 Stat. 642
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 643
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 644
631, as amended; 645

(4) Observe the terms of any bona fide apprenticeship 646
program if the program is registered with the Ohio 647
apprenticeship council pursuant to sections 4139.01 to 4139.06 648
of the Revised Code and is approved by the federal committee on 649
apprenticeship of the United States department of labor. 650

~~(P)~~ (Q) Nothing in this chapter prohibiting age 651
discrimination and nothing in division (A) of section 4112.14 of 652
the Revised Code shall be construed to prohibit the following: 653

(1) The designation of uniform age the attainment of which 654
is necessary for public employees to receive pension or other 655
retirement benefits pursuant to Chapter 145., 742., 3307., 656
3309., or 5505. of the Revised Code; 657

(2) The mandatory retirement of uniformed patrol officers 658
of the state highway patrol as provided in section 5505.16 of 659
the Revised Code; 660

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

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

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

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

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

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

(b) Division ~~(Q)~~(R)(1)(a) of this section does not apply 690
to an employee, applicant, or other person who satisfies any of 691
the following: 692

(i) The employee, applicant, or other person has 693
successfully completed a supervised drug rehabilitation program 694
and no longer is engaging in the illegal use of any controlled 695
substance, or the employee, applicant, or other person otherwise 696
successfully has been rehabilitated and no longer is engaging in 697
that illegal use. 698

(ii) The employee, applicant, or other person is 699
participating in a supervised drug rehabilitation program and no 700
longer is engaging in the illegal use of any controlled 701
substance. 702

(iii) The employee, applicant, or other person is 703
erroneously regarded as engaging in the illegal use of any 704
controlled substance, but the employee, applicant, or other 705
person is not engaging in that illegal use. 706

(2) Divisions (A) to (E) of this section do not prohibit 707
an employer, employment agency, personnel placement service, 708
labor organization, or joint labor-management committee from 709
doing any of the following: 710

(a) Adopting or administering reasonable policies or 711
procedures, including, but not limited to, testing for the 712
illegal use of any controlled substance, that are designed to 713
ensure that an individual described in division ~~(Q)~~(R)(1)(b)(i) 714
or (ii) of this section no longer is engaging in the illegal use 715
of any controlled substance; 716

(b) Prohibiting the illegal use of controlled substances 717
and the use of alcohol at the workplace by all employees; 718

(c) Requiring that employees not be under the influence of 719
alcohol or not be engaged in the illegal use of any controlled 720
substance at the workplace; 721

(d) Requiring that employees behave in conformance with 722
the requirements established under "The Drug-Free Workplace Act 723
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 724

(e) Holding an employee who engages in the illegal use of 725
any controlled substance or who is an alcoholic to the same 726
qualification standards for employment or job performance, and 727
the same behavior, to which the employer, employment agency, 728
personnel placement service, labor organization, or joint labor- 729
management committee holds other employees, even if any 730
unsatisfactory performance or behavior is related to an 731
employee's illegal use of a controlled substance or alcoholism; 732

(f) Exercising other authority recognized in the 733
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 734
U.S.C.A. 12101, as amended, including, but not limited to, 735
requiring employees to comply with any applicable federal 736
standards. 737

(3) For purposes of this chapter, a test to determine the 738
illegal use of any controlled substance does not include a 739
medical examination. 740

(4) Division ~~(Q)~~ (R) of this section does not encourage, 741
prohibit, or authorize, and shall not be construed as 742
encouraging, prohibiting, or authorizing, the conduct of testing 743
for the illegal use of any controlled substance by employees, 744
applicants, or other persons, or the making of employment 745
decisions based on the results of that type of testing. 746

~~(R)~~ (S) This section does not apply to a religious 747

corporation, association, educational institution, or society 748
with respect to the employment of an individual of a particular 749
religion to perform work connected with the carrying on by that 750
religious corporation, association, educational institution, or 751
society of its activities. 752

(T) The unlawful discriminatory practices defined in this 753
section do not make it unlawful for a person or an appointing 754
authority administering an examination under section 124.23 of 755
the Revised Code to obtain information about an applicant's 756
military status for the purpose of determining if the applicant 757
is eligible for the additional credit that is available under 758
that section. 759

Sec. 4112.05. (A) The commission, as provided in this 760
section, shall prevent any person from engaging in unlawful 761
discriminatory practices, provided that, before instituting the 762
formal hearing authorized by division (B) of this section, it 763
shall attempt, by informal methods of conference, conciliation, 764
and persuasion, to induce compliance with this chapter. 765

(B) (1) Any person may file a charge with the commission 766
alleging that another person has engaged or is engaging in an 767
unlawful discriminatory practice. In the case of a charge 768
alleging an unlawful discriminatory practice described in 769
division (A), (B), (C), (D), (E), (F), (G), (I), ~~or (J)~~, or (K) 770
of section 4112.02 or in section 4112.021 or 4112.022 of the 771
Revised Code, the charge shall be in writing and under oath and 772
shall be filed with the commission within six months after the 773
alleged unlawful discriminatory practice was committed. In the 774
case of a charge alleging an unlawful discriminatory practice 775
described in division (H) of section 4112.02 of the Revised 776
Code, the charge shall be in writing and under oath and shall be 777

filed with the commission within one year after the alleged 778
unlawful discriminatory practice was committed. 779

(2) Upon receiving a charge, the commission may initiate a 780
preliminary investigation to determine whether it is probable 781
that an unlawful discriminatory practice has been or is being 782
engaged in. The commission also may conduct, upon its own 783
initiative and independent of the filing of any charges, a 784
preliminary investigation relating to any of the unlawful 785
discriminatory practices described in division (A), (B), (C), 786
(D), (E), (F), (I), ~~or~~ (J), or (K) of section 4112.02 or in 787
section 4112.021 or 4112.022 of the Revised Code. Prior to a 788
notification of a complainant under division (B) (4) of this 789
section or prior to the commencement of informal methods of 790
conference, conciliation, and persuasion under that division, 791
the members of the commission and the officers and employees of 792
the commission shall not make public in any manner and shall 793
retain as confidential all information that was obtained as a 794
result of or that otherwise pertains to a preliminary 795
investigation other than one described in division (B) (3) of 796
this section. 797

(3) (a) Unless it is impracticable to do so and subject to 798
its authority under division (B) (3) (d) of this section, the 799
commission shall complete a preliminary investigation of a 800
charge filed pursuant to division (B) (1) of this section that 801
alleges an unlawful discriminatory practice described in 802
division (H) of section 4112.02 of the Revised Code, and shall 803
take one of the following actions, within one hundred days after 804
the filing of the charge: 805

(i) Notify the complainant and the respondent that it is 806
not probable that an unlawful discriminatory practice described 807

in division (H) of section 4112.02 of the Revised Code has been 808
or is being engaged in and that the commission will not issue a 809
complaint in the matter; 810

(ii) Initiate a complaint and schedule it for informal 811
methods of conference, conciliation, and persuasion; 812

(iii) Initiate a complaint and refer it to the attorney 813
general with a recommendation to seek a temporary or permanent 814
injunction or a temporary restraining order. If this action is 815
taken, the attorney general shall apply, as expeditiously as 816
possible after receipt of the complaint, to the court of common 817
pleas of the county in which the unlawful discriminatory 818
practice allegedly occurred for the appropriate injunction or 819
order, and the court shall hear and determine the application as 820
expeditiously as possible. 821

(b) If it is not practicable to comply with the 822
requirements of division (B) (3) (a) of this section within the 823
one-hundred-day period described in that division, the 824
commission shall notify the complainant and the respondent in 825
writing of the reasons for the noncompliance. 826

(c) Prior to the issuance of a complaint under division 827
(B) (3) (a) (ii) or (iii) of this section or prior to a 828
notification of the complainant and the respondent under 829
division (B) (3) (a) (i) of this section, the members of the 830
commission and the officers and employees of the commission 831
shall not make public in any manner and shall retain as 832
confidential all information that was obtained as a result of or 833
that otherwise pertains to a preliminary investigation of a 834
charge filed pursuant to division (B) (1) of this section that 835
alleges an unlawful discriminatory practice described in 836
division (H) of section 4112.05 of the Revised Code. 837

(d) Notwithstanding the types of action described in 838
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 839
issuance of a complaint or the referral of a complaint to the 840
attorney general and prior to endeavoring to eliminate an 841
unlawful discriminatory practice described in division (H) of 842
section 4112.02 of the Revised Code by informal methods of 843
conference, conciliation, and persuasion, the commission may 844
seek a temporary or permanent injunction or a temporary 845
restraining order in the court of common pleas of the county in 846
which the unlawful discriminatory practice allegedly occurred. 847

(4) If the commission determines after a preliminary 848
investigation other than one described in division (B) (3) of 849
this section that it is not probable that an unlawful 850
discriminatory practice has been or is being engaged in, it 851
shall notify any complainant under division (B) (1) of this 852
section that it has so determined and that it will not issue a 853
complaint in the matter. If the commission determines after a 854
preliminary investigation other than the one described in 855
division (B) (3) of this section that it is probable that an 856
unlawful discriminatory practice has been or is being engaged 857
in, it shall endeavor to eliminate the practice by informal 858
methods of conference, conciliation, and persuasion. 859

(5) Nothing said or done during informal methods of 860
conference, conciliation, and persuasion under this section 861
shall be disclosed by any member of the commission or its staff 862
or be used as evidence in any subsequent hearing or other 863
proceeding. If, after a preliminary investigation and the use of 864
informal methods of conference, conciliation, and persuasion 865
under this section, the commission is satisfied that any 866
unlawful discriminatory practice will be eliminated, it may 867
treat the charge involved as being conciliated and enter that 868

disposition on the records of the commission. If the commission 869
fails to effect the elimination of an unlawful discriminatory 870
practice by informal methods of conference, conciliation, and 871
persuasion under this section and to obtain voluntary compliance 872
with this chapter, the commission shall issue and cause to be 873
served upon any person, including the respondent against whom a 874
complainant has filed a charge pursuant to division (B)(1) of 875
this section, a complaint stating the charges involved and 876
containing a notice of an opportunity for a hearing before the 877
commission, a member of the commission, or a hearing examiner at 878
a place that is stated in the notice and that is located within 879
the county in which the alleged unlawful discriminatory practice 880
has occurred or is occurring or in which the respondent resides 881
or transacts business. The hearing shall be held not less than 882
thirty days after the service of the complaint upon the 883
complainant, the aggrieved persons other than the complainant on 884
whose behalf the complaint is issued, and the respondent, unless 885
the complainant, an aggrieved person, or the respondent elects 886
to proceed under division (A)(2) of section 4112.051 of the 887
Revised Code when that division is applicable. If a complaint 888
pertains to an alleged unlawful discriminatory practice 889
described in division (H) of section 4112.02 of the Revised 890
Code, the complaint shall notify the complainant, an aggrieved 891
person, and the respondent of the right of the complainant, an 892
aggrieved person, or the respondent to elect to proceed with the 893
administrative hearing process under this section or to proceed 894
under division (A)(2) of section 4112.051 of the Revised Code. 895

(6) The attorney general shall represent the commission at 896
any hearing held pursuant to division (B)(5) of this section and 897
shall present the evidence in support of the complaint. 898

(7) Any complaint issued pursuant to division (B)(5) of 899

this section after the filing of a charge under division (B)(1) 900
of this section shall be so issued within one year after the 901
complainant filed the charge with respect to an alleged unlawful 902
discriminatory practice. 903

(C) Any complaint issued pursuant to division (B) of this 904
section may be amended by the commission, a member of the 905
commission, or the hearing examiner conducting a hearing under 906
division (B) of this section, at any time prior to or during the 907
hearing. The respondent has the right to file an answer or an 908
amended answer to the original and amended complaints and to 909
appear at the hearing in person, by attorney, or otherwise to 910
examine and cross-examine witnesses. 911

(D) The complainant shall be a party to a hearing under 912
division (B) of this section, and any person who is an 913
indispensable party to a complete determination or settlement of 914
a question involved in the hearing shall be joined. Any 915
aggrieved person who has or claims an interest in the subject of 916
the hearing and in obtaining or preventing relief against the 917
unlawful discriminatory practices complained of shall be 918
permitted to appear only for the presentation of oral or written 919
arguments, to present evidence, perform direct and cross- 920
examination, and be represented by counsel. The commission shall 921
adopt rules, in accordance with Chapter 119. of the Revised Code 922
governing the authority granted under this division. 923

(E) In any hearing under division (B) of this section, the 924
commission, a member of the commission, or the hearing examiner 925
shall not be bound by the Rules of Evidence but, in ascertaining 926
the practices followed by the respondent, shall take into 927
account all reliable, probative, and substantial statistical or 928
other evidence produced at the hearing that may tend to prove 929

the existence of a predetermined pattern of employment or 930
membership, provided that nothing contained in this section 931
shall be construed to authorize or require any person to observe 932
the proportion that persons of any race, color, religion, sex, 933
military status, familial status, national origin, disability, 934
age, or ancestry bear to the total population or in accordance 935
with any criterion other than the individual qualifications of 936
the applicant. 937

(F) The testimony taken at a hearing under division (B) of 938
this section shall be under oath and shall be reduced to writing 939
and filed with the commission. Thereafter, in its discretion, 940
the commission, upon the service of a notice upon the 941
complainant and the respondent that indicates an opportunity to 942
be present, may take further testimony or hear argument. 943

(G) (1) If, upon all reliable, probative, and substantial 944
evidence presented at a hearing under division (B) of this 945
section, the commission determines that the respondent has 946
engaged in, or is engaging in, any unlawful discriminatory 947
practice, whether against the complainant or others, the 948
commission shall state its findings of fact and conclusions of 949
law and shall issue and, subject to the provisions of Chapter 950
119. of the Revised Code, cause to be served on the respondent 951
an order requiring the respondent to cease and desist from the 952
unlawful discriminatory practice, requiring the respondent to 953
take any further affirmative or other action that will 954
effectuate the purposes of this chapter, including, but not 955
limited to, hiring, reinstatement, or upgrading of employees 956
with or without back pay, or admission or restoration to union 957
membership, and requiring the respondent to report to the 958
commission the manner of compliance. If the commission directs 959
payment of back pay, it shall make allowance for interim 960

earnings. If it finds a violation of division (H) of section 961
4112.02 of the Revised Code, the commission additionally shall 962
require the respondent to pay actual damages and reasonable 963
attorney's fees, and may award to the complainant punitive 964
damages as follows: 965

(a) If division (G) (1) (b) or (c) of this section does not 966
apply, punitive damages in an amount not to exceed ten thousand 967
dollars; 968

(b) If division (G) (1) (c) of this section does not apply 969
and if the respondent has been determined by a final order of 970
the commission or by a final judgment of a court to have 971
committed one violation of division (H) of section 4112.02 of 972
the Revised Code during the five-year period immediately 973
preceding the date on which a complaint was issued pursuant to 974
division (B) of this section, punitive damages in an amount not 975
to exceed twenty-five thousand dollars; 976

(c) If the respondent has been determined by a final order 977
of the commission or by a final judgment of a court to have 978
committed two or more violations of division (H) of section 979
4112.02 of the Revised Code during the seven-year period 980
immediately preceding the date on which a complaint was issued 981
pursuant to division (B) of this section, punitive damages in an 982
amount not to exceed fifty thousand dollars. 983

(2) Upon the submission of reports of compliance, the 984
commission may issue a declaratory order stating that the 985
respondent has ceased to engage in particular unlawful 986
discriminatory practices. 987

(H) If the commission finds that no probable cause exists 988
for crediting charges of unlawful discriminatory practices or 989

if, upon all the evidence presented at a hearing under division 990
(B) of this section on a charge, the commission finds that a 991
respondent has not engaged in any unlawful discriminatory 992
practice against the complainant or others, it shall state its 993
findings of fact and shall issue and cause to be served on the 994
complainant an order dismissing the complaint as to the 995
respondent. A copy of the order shall be delivered in all cases 996
to the attorney general and any other public officers whom the 997
commission considers proper. 998

(I) Until the time period for appeal set forth in division 999
(H) of section 4112.06 of the Revised Code expires, the 1000
commission, subject to the provisions of Chapter 119. of the 1001
Revised Code, at any time, upon reasonable notice, and in the 1002
manner it considers proper, may modify or set aside, in whole or 1003
in part, any finding or order made by it under this section. 1004

Sec. 4112.08. This chapter shall be construed liberally 1005
for the accomplishment of its purposes, and any law inconsistent 1006
with any provision of this chapter shall not apply. Nothing 1007
contained in this chapter shall be considered to repeal any of 1008
the provisions of any law of this state relating to 1009
discrimination because of race, color, religion, sex, military 1010
status, familial status, disability, national origin, age, or 1011
ancestry, except that any person filing a charge under division 1012
(B) (1) of section 4112.05 of the Revised Code, with respect to 1013
the unlawful discriminatory practices complained of, is barred 1014
from instituting a civil action under section 4112.14 or 1015
division ~~(N)~~(O) of section 4112.02 of the Revised Code. 1016

Sec. 4112.14. (A) No employer shall discriminate in any 1017
job opening against any applicant or discharge without just 1018
cause any employee aged forty or older who is physically able to 1019

perform the duties and otherwise meets the established 1020
requirements of the job and laws pertaining to the relationship 1021
between employer and employee. 1022

(B) Any person aged forty or older who is discriminated 1023
against in any job opening or discharged without just cause by 1024
an employer in violation of division (A) of this section may 1025
institute a civil action against the employer in a court of 1026
competent jurisdiction. If the court finds that an employer has 1027
discriminated on the basis of age, the court shall order an 1028
appropriate remedy which shall include reimbursement to the 1029
applicant or employee for the costs, including reasonable 1030
attorney's fees, of the action, or to reinstate the employee in 1031
the employee's former position with compensation for lost wages 1032
and any lost fringe benefits from the date of the illegal 1033
discharge and to reimburse the employee for the costs, including 1034
reasonable attorney's fees, of the action. The remedies 1035
available under this section are coexistent with remedies 1036
available pursuant to sections 4112.01 to 4112.11 of the Revised 1037
Code; except that any person instituting a civil action under 1038
this section is, with respect to the practices complained of, 1039
thereby barred from instituting a civil action under division 1040
~~(N)~~(O) of section 4112.02 of the Revised Code or from filing a 1041
charge with the Ohio civil rights commission under section 1042
4112.05 of the Revised Code. 1043

(C) The cause of action described in division (B) of this 1044
section and any remedies available pursuant to sections 4112.01 1045
to 4112.11 of the Revised Code shall not be available in the 1046
case of discharges where the employee has available to the 1047
employee the opportunity to arbitrate the discharge or where a 1048
discharge has been arbitrated and has been found to be for just 1049
cause. 1050

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