

As Introduced

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H. B. No. 1032

Representatives Rader, Cockley

**Cosponsors: Representatives Miller, J., Brownlee, Piccolantonio, Baker, Brennan,
Upchurch, Abdullahi, Bryant Bailey, Somani, Lett, McNally, Synenberg, Troy**

To amend sections 4112.01, 4112.051, 4112.052, 1
4113.31, 4113.71, 4117.08, and 4141.28 and to 2
enact sections 125.17, 125.50, 4112.025, 3
4145.01, 4145.02, 4145.03, 4145.04, 4145.05, 4
4145.06, 4145.07, 4145.08, 4145.09, 4145.10, 5
4145.11, 4145.12, and 4145.13 of the Revised 6
Code regarding the use of artificial 7
intelligence systems by state agencies and in 8
various labor and employment contexts. 9

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

Section 1. That sections 4112.01, 4112.051, 4112.052, 10
4113.31, 4113.71, 4117.08, and 4141.28 be amended and sections 11
125.17, 125.50, 4112.025, 4145.01, 4145.02, 4145.03, 4145.04, 12
4145.05, 4145.06, 4145.07, 4145.08, 4145.09, 4145.10, 4145.11, 13
4145.12, and 4145.13 of the Revised Code be enacted to read as 14
follows: 15

Sec. 125.17. (A) (1) As used in this section, "artificial 16
intelligence" means both of the following: 17

(a) An artificial system that meets any of the following 18
criteria: 19

(i) The artificial system performs tasks under varying and 20
unpredictable circumstances without significant human oversight 21
or is able to learn from experience and improve its performance 22
when exposed to data sets. 23

(ii) The artificial system is developed in any context, 24
including software or physical hardware, and solves tasks 25
requiring human-like perception, cognition, planning, learning, 26
communication, or physical action. 27

(iii) The artificial system is designed to think or act 28
like a human, including a cognitive architecture or neural 29
network. 30

(iv) The artificial system is designed to act rationally, 31
including an intelligent software agent or embodied robot that 32
achieves goals using perception, planning, reasoning, learning, 33
communication, decision-making, or action. 34

(b) A set of techniques, including machine learning, that 35
is designed to approximate a cognitive task. 36

(2) "Artificial intelligence" does not include any word 37
processing, spreadsheet, map navigation, web hosting, domain 38
registration, networking, caching, internet web site loading, 39
data storage, firewall, antivirus, antimalware, spam and 40
robocall filtering, spellchecking, calculator, database, or 41
other similar software or technology. 42

(B) Not later than December 31, 2027, and not later than 43
the thirty-first day of December of each year thereafter, each 44
state agency shall submit to the director of administrative 45
services an inventory of all systems that use artificial 46
intelligence that are in use by the state agency. Each state 47
agency shall include in the inventory all of the following 48

<u>information for each system:</u>	49
<u>(1) The name of the system and the vendor, if any, that</u>	50
<u>provided the system;</u>	51
<u>(2) A description of the general capabilities and uses of</u>	52
<u>the system;</u>	53
<u>(3) Whether the system was used to independently make,</u>	54
<u>inform, or materially support a conclusion, decision, or</u>	55
<u>judgment;</u>	56
<u>(4) Whether the system underwent a bias audit under</u>	57
<u>section 4145.08 of the Revised Code before being implemented;</u>	58
<u>(5) The date on which the last impact assessment was</u>	59
<u>conducted;</u>	60
<u>(6) Whether the system has access to personally</u>	61
<u>identifiable information of individuals in this state;</u>	62
<u>(7) The cost of time savings provided by the system;</u>	63
<u>(8) The potential risks of the system toward individuals</u>	64
<u>in this state, communities, and state employees.</u>	65
<u>(C) Not later than February 1, 2028, and not later than</u>	66
<u>the first day of February of each year thereafter, the director</u>	67
<u>shall do both of the following:</u>	68
<u>(1) Prepare a master inventory that compiles the</u>	69
<u>information submitted under division (B) of this section;</u>	70
<u>(2) Make the master inventory publicly available on the</u>	71
<u>department of administrative services' web site.</u>	72
<u>(D) Beginning February 1, 2028, the director shall perform</u>	73
<u>an ongoing assessment of systems that use artificial</u>	74
<u>intelligence that are in use by each state agency to verify that</u>	75

the systems do not result in either of the following: 76

(1) Any unlawful discriminatory practice as defined under 77
section 4112.01 of the Revised Code; 78

(2) Any unlawful disparate impact on any individual or 79
group of individuals on the basis of any actual or perceived 80
differentiating characteristic, including age, genetic 81
information, color, ethnicity, race, creed, religion, national 82
origin, ancestry, sex, gender identity or expression, sexual 83
orientation, marital status, familial status, pregnancy, veteran 84
status, disability, or lawful source of income. 85

(E) The director shall perform each assessment required 86
under division (D) of this section in accordance with the 87
policies established by the director. The director shall adopt 88
rules in accordance with Chapter 119. of the Revised Code to 89
establish the policies. 90

Sec. 125.50. (A) As used in this section, "artificial 91
intelligence system" means any automated system that uses 92
machine learning, data analytics, predictive modeling, or 93
statistical algorithms to automate tasks traditionally performed 94
by human workers. "Artificial intelligence system" does not 95
include any word processing, spreadsheet, map navigation, web 96
hosting, domain registration, networking, caching, internet web 97
site loading, data storage, firewall, antivirus, antimalware, 98
spam and robocall filtering, spellchecking, calculator, 99
database, or other similar software or technology. 100

(B) No state agency, or any entity acting on behalf of a 101
state agency, shall, directly or indirectly, use or apply any 102
artificial intelligence technology in performing any function 103
that meets either of the following criteria: 104

(1) The function is related to the delivery of any public 105
assistance benefit to individuals in this state. 106

(2) The function will have a material impact on the 107
rights, civil liberties, safety, or welfare of individuals in 108
this state, unless the use or application specifically is 109
authorized by law. 110

(C) No state agency shall authorize any procurement, 111
purchase, or acquisition of any artificial intelligence 112
technology, except where the use of the technology specifically 113
is authorized by law. 114

(D) If a state agency is authorized to procure, purchase, 115
or acquire artificial intelligence technology, before deploying 116
any artificial intelligence technology that the state agency has 117
procured, purchased, or acquired, the state agency shall 118
contract with an independent auditor to conduct a bias audit 119
pursuant to section 4145.08 of the Revised Code. 120

(E) (1) A state agency that contracts for a bias audit to 121
be conducted in accordance with division (D) of this section 122
shall do both of the following: 123

(a) Submit the results of the audit to the director of 124
administrative services in the form and manner prescribed by the 125
director; 126

(b) Post the audit's results on the state agency's 127
internet web site not later than sixty days before the state 128
agency deploys the artificial intelligence technology. 129

(2) A state agency, before posting the results of any bias 130
audit on the state agency's internet web site as required under 131
division (E) (1) (b) of this section, may redact any data 132
contained in the audit to remove the personally identifiable 133

information of any individual. 134

Sec. 4112.01. (A) As used in this chapter: 135

(1) "Person" includes one or more individuals, 136
partnerships, associations, organizations, corporations, legal 137
representatives, trustees, trustees in bankruptcy, receivers, 138
and other organized groups of persons. "Person" also includes, 139
but is not limited to, any owner, lessor, assignor, builder, 140
manager, broker, salesperson, appraiser, agent, employee, 141
lending institution, and the state and all political 142
subdivisions, authorities, agencies, boards, and commissions of 143
the state. 144

(2) "Employer" means the state, any political subdivision 145
of the state, or a person employing four or more persons within 146
the state, and any agent of the state, political subdivision, or 147
person. 148

(3) "Employee" means an individual employed by any 149
employer but does not include any individual employed in the 150
domestic service of any person. 151

(4) "Labor organization" includes any organization that 152
exists, in whole or in part, for the purpose of collective 153
bargaining or of dealing with employers concerning grievances, 154
terms or conditions of employment, or other mutual aid or 155
protection in relation to employment. 156

(5) "Employment agency" includes any person regularly 157
undertaking, with or without compensation, to procure 158
opportunities to work or to procure, recruit, refer, or place 159
employees. 160

(6) "Commission" means the Ohio civil rights commission 161
created by section 4112.03 of the Revised Code. 162

- (7) "Discriminate" includes segregate or separate. 163
- (8) "Unlawful discriminatory practice" means any act 164
prohibited by section 4112.02, 4112.021, ~~or 4112.022~~, or 165
4112.025 of the Revised Code. 166
- (9) "Place of public accommodation" means any inn, 167
restaurant, eating house, barbershop, public conveyance by air, 168
land, or water, theater, store, other place for the sale of 169
merchandise, or any other place of public accommodation or 170
amusement of which the accommodations, advantages, facilities, 171
or privileges are available to the public. 172
- (10) "Housing accommodations" includes any building or 173
structure, or portion of a building or structure, that is used 174
or occupied or is intended, arranged, or designed to be used or 175
occupied as the home residence, dwelling, dwelling unit, or 176
sleeping place of one or more individuals, groups, or families 177
whether or not living independently of each other; and any 178
vacant land offered for sale or lease. "Housing accommodations" 179
also includes any housing accommodations held or offered for 180
sale or rent by a real estate broker, salesperson, or agent, by 181
any other person pursuant to authorization of the owner, by the 182
owner, or by the owner's legal representative. 183
- (11) "Restrictive covenant" means any specification 184
limiting the transfer, rental, lease, or other use of any 185
housing accommodations because of race, color, religion, sex, 186
military status, familial status, national origin, disability, 187
or ancestry, or any limitation based upon affiliation with or 188
approval by any person, directly or indirectly, employing race, 189
color, religion, sex, military status, familial status, national 190
origin, disability, or ancestry as a condition of affiliation or 191
approval. 192

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

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

(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means an individual aged forty years or older.

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

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

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

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

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the

following body systems: neurological; musculoskeletal; special 222
sense organs; respiratory, including speech organs; 223
cardiovascular; reproductive; digestive; genito-urinary; hemic 224
and lymphatic; skin; and endocrine; 225

(ii) Any mental or psychological disorder, including, but 226
not limited to, intellectual disability, organic brain syndrome, 227
emotional or mental illness, and specific learning disabilities; 228

(iii) Diseases and conditions, including, but not limited 229
to, orthopedic, visual, speech, and hearing impairments, 230
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 231
sclerosis, cancer, heart disease, diabetes, human 232
immunodeficiency virus infection, intellectual disability, 233
emotional illness, drug addiction, and alcoholism. 234

(b) "Physical or mental impairment" does not include any 235
of the following: 236

(i) Homosexuality and bisexuality; 237

(ii) Transvestism, transsexualism, pedophilia, 238
exhibitionism, voyeurism, gender identity disorders not 239
resulting from physical impairments, or other sexual behavior 240
disorders; 241

(iii) Compulsive gambling, kleptomania, or pyromania; 242

(iv) Psychoactive substance use disorders resulting from 243
the current illegal use of a controlled substance or the current 244
use of alcoholic beverages. 245

(17) "Dwelling unit" means a single unit of residence for 246
a family of one or more persons. 247

(18) "Common use areas" means rooms, spaces, or elements 248
inside or outside a building that are made available for the use 249

of residents of the building or their guests, and includes, but 250
is not limited to, hallways, lounges, lobbies, laundry rooms, 251
refuse rooms, mail rooms, recreational areas, and passageways 252
among and between buildings. 253

(19) "Public use areas" means interior or exterior rooms 254
or spaces of a privately or publicly owned building that are 255
made available to the general public. 256

(20) "Controlled substance" has the same meaning as in 257
section 3719.01 of the Revised Code. 258

(21) "Disabled tenant" means a tenant or prospective 259
tenant who is a person with a disability. 260

(22) "Military status" means a person's status in "service 261
in the uniformed services" as defined in section 5923.05 of the 262
Revised Code. 263

(23) "Aggrieved person" includes both of the following: 264

(a) Any person who claims to have been injured by any 265
unlawful discriminatory practice described in division (H) of 266
section 4112.02 of the Revised Code; 267

(b) Any person who believes that the person will be 268
injured by any unlawful discriminatory practice described in 269
division (H) of section 4112.02 of the Revised Code that is 270
about to occur. 271

(24) "Unlawful discriminatory practice relating to 272
employment" means both of the following: 273

(a) An unlawful discriminatory practice that is prohibited 274
by division (A), (B), (C), (D), (E), or (F) of section 4112.02_ 275
or by section 4112.025 of the Revised Code; 276

(b) An unlawful discriminatory practice that is prohibited 277
by division (I) or (J) of section 4112.02 of the Revised Code 278
that is related to employment. 279

(25) "Notice of right to sue" means a notice sent by the 280
commission to a person who files a charge under section 4112.051 281
of the Revised Code that states that the person who filed the 282
charge may bring a civil action related to the charge pursuant 283
to section 4112.052 or 4112.14 of the Revised Code, in 284
accordance with section 4112.052 of the Revised Code. 285

(B) For the purposes of divisions (A) to (F) of section 286
4112.02 of the Revised Code, the terms "because of sex" and "on 287
the basis of sex" include, but are not limited to, because of or 288
on the basis of pregnancy, any illness arising out of and 289
occurring during the course of a pregnancy, childbirth, or 290
related medical conditions. Women affected by pregnancy, 291
childbirth, or related medical conditions shall be treated the 292
same for all employment-related purposes, including receipt of 293
benefits under fringe benefit programs, as other persons not so 294
affected but similar in their ability or inability to work, and 295
nothing in division (B) of section 4111.17 of the Revised Code 296
shall be interpreted to permit otherwise. This division shall 297
not be construed to require an employer to pay for health 298
insurance benefits for abortion, except where the life of the 299
mother would be endangered if the fetus were carried to term or 300
except where medical complications have arisen from the 301
abortion, provided that nothing in this division precludes an 302
employer from providing abortion benefits or otherwise affects 303
bargaining agreements in regard to abortion. 304

Sec. 4112.025. (A) As used in this section: 305

(1) "Adverse action relating to employment" means 306

discharging without just cause, refusing to hire, or otherwise 307
discriminating against an individual with respect to hire, 308
tenure, terms, conditions, or privileges of employment, or any 309
matter directly or indirectly related to employment. 310

(2) (a) "Automated employment-related decision process" 311
means a computational process that makes, assists in making, or 312
is used in the course of making a decision regarding a term or 313
condition of employment. "Automated employment-related decision 314
process" includes a computational process that does any of the 315
following: 316

(i) Uses a computer-based assessment or test to make a 317
predictive assessment concerning an applicant or employee, to 318
measure the skills, dexterity, reaction time, or any other 319
ability or characteristic of an applicant or employee, to 320
measure the personality traits, aptitude, attitude, or cultural 321
fit of an applicant or employee, or to screen, evaluate, 322
categorize, or recommend an applicant or employee; 323

(ii) Directs job advertisements or other recruiting 324
materials to targeted groups; 325

(iii) Screens resumes for particular terms or patterns; 326

(iv) Analyzes a facial expression, word choice, or voice 327
captured during an online interview; 328

(v) Analyzes data acquired from a third party concerning 329
an applicant or employee. 330

(b) "Automated employment-related decision process" does 331
not include any word processing, spreadsheet, map navigation, 332
web hosting, domain registration, networking, caching, internet 333
web site loading, data storage, firewall, antivirus, 334
antimalware, spam and robocall filtering, spellchecking, 335

calculator, database, or similar software or technology insofar 336
as the software or technology does not make a decision regarding 337
any term or condition of employment. 338

(B) It shall be an unlawful discriminatory practice for 339
any employer to do either of the following: 340

(1) Use an automated employment-related decision process 341
in any manner that has the effect of causing the employer to 342
take an adverse action relating to employment because of an 343
individual's race, color, religious creed, age, sex, gender 344
identity or expression, marital status, national origin, 345
ancestry, disability, status as a veteran, status as a victim of 346
domestic violence, status as a victim of sexual assault, or 347
status as a victim of trafficking in persons; 348

(2) Fail to provide to any individual advance written 349
notice disclosing, at a minimum, both of the following: 350

(a) That an automated employment-related decision process 351
will be used to make, to assist in making, or in the course of 352
making a decision related to the individual's employment; 353

(b) The trade name of the automated employment-related 354
decision process and the types and sources of personal 355
information concerning the individual that the automated 356
employment-related decision process will process or analyze. 357

Sec. 4112.051. (A) As used in this section: 358

(1) "Complainant" means a person who files a charge under 359
this section. 360

(2) "Respondent" means a person who is the subject of a 361
charge filed under this section. 362

(B) The Ohio civil rights commission, as provided in this 363

section, shall prevent any person from engaging in unlawful 364
discriminatory practices relating to employment. The commission 365
may at any time attempt to resolve allegations of unlawful 366
discriminatory practices relating to employment by the use of 367
alternative dispute resolution, provided that, before 368
instituting the formal hearing authorized by this section, it 369
shall attempt, by informal methods of conference, conciliation, 370
and persuasion, to induce compliance with this chapter. 371

(C) (1) Any person who believes that a person has been the 372
subject of an unlawful discriminatory practice relating to 373
employment may file a charge with the commission alleging either 374
or both of the following: 375

(a) That an employer, employment agency, personnel 376
placement service, or labor organization has engaged or is 377
engaging in an unlawful discriminatory practice relating to 378
employment; 379

(b) That a person has engaged in an unlawful 380
discriminatory practice relating to employment described in 381
division (A) (24) (b) of section 4112.01 of the Revised Code. 382

(2) A charge under this section shall be in writing, under 383
oath, and shall be filed with the commission within two years 384
after the alleged unlawful discriminatory practice was 385
committed. 386

(3) An oath under this section may be made in any form of 387
affirmation the person considers binding on the person's 388
conscience. Acceptable forms include, but are not limited to, 389
declarations made under penalty of perjury. 390

(4) Any charge timely received, via facsimile, postal 391
mail, electronic mail, or otherwise, may be signed under oath 392

after the limitations period for filing set forth under division 393
(C) of this section and will relate back to the original filing 394
date. 395

(D) (1) Upon receiving a charge under this section, the 396
commission may initiate a preliminary investigation to determine 397
whether it is probable that an alleged unlawful discriminatory 398
practice relating to employment has occurred or is occurring. 399
The commission also may conduct, on its own initiative and 400
independent of the filing of any charge, a preliminary 401
investigation relating to any alleged unlawful discriminatory 402
practice relating to employment. Before a notification of a 403
complainant under division (E) of this section or before the 404
commencement of informal methods of conference, conciliation, 405
and persuasion, or alternative dispute resolution, under 406
division (F) of this section, the members of the commission and 407
the officers and employees of the commission shall not make 408
public in any manner and shall retain as confidential all 409
information that was obtained as a result of or that otherwise 410
pertains to a preliminary investigation. 411

(2) With respect to a charge filed under division (C) of 412
this section that alleges an unlawful discriminatory practice 413
relating to employment, the complainant may request in writing 414
that the commission cease its preliminary investigation and 415
issue a notice of right to sue to the complainant. If the 416
commission ceases its preliminary investigation, it shall issue 417
a notice of right to sue to the complainant. The complainant is 418
prohibited from refiling the charge with the commission. 419

(E) If, after a preliminary investigation, the commission 420
determines that it is not probable that an unlawful 421
discriminatory practice relating to employment has occurred or 422

is occurring, the commission shall notify the complainant of its 423
determination and that it will not issue a complaint in the 424
matter. The commission shall include a notice of right to sue in 425
the notice. 426

(F) (1) If, after a preliminary investigation, the 427
commission determines that it is probable that an unlawful 428
discriminatory practice relating to employment has occurred or 429
is occurring, the commission shall notify the complainant and 430
the respondent of its determination and, in the notice the 431
commission issues to the complainant, inform the complainant 432
that the complainant may withdraw the charge and file a civil 433
action under this chapter. If the complainant does not withdraw 434
the charge, the commission shall endeavor to eliminate the 435
alleged unlawful discriminatory practice relating to employment 436
by informal methods of conference, conciliation, and persuasion, 437
or by alternative dispute resolution. 438

(2) If, after the use of the informal methods of 439
conference, conciliation, and persuasion, or alternative dispute 440
resolution, the commission is satisfied that the unlawful 441
discriminatory practice in question will be eliminated, the 442
commission may treat the charge as being conciliated and enter 443
that disposition on the records of the commission. 444

(3) Nothing said or done during informal methods of 445
conference, conciliation, or persuasion, or during alternative 446
dispute resolution, under this section shall be disclosed by any 447
member of the commission or its staff or be used as evidence in 448
any subsequent hearing or other proceeding. 449

(G) If the commission fails to effect the elimination of 450
the alleged unlawful discriminatory practice relating to 451
employment and is unable to obtain voluntary compliance with 452

this chapter through informal methods of conference, 453
conciliation, and persuasion, or by alternative dispute 454
resolution under this section, the commission shall issue and 455
cause to be served upon any person, including the respondent, a 456
complaint. 457

(1) The complaint shall state the charges involved and 458
shall contain a notice of a hearing before the commission, a 459
member of the commission, or a hearing examiner, as well as the 460
hearing's location. Any such hearing shall be held in the county 461
in which the alleged unlawful discriminatory practice occurred 462
or is occurring or in which the respondent transacts business, 463
and shall be held not less than thirty days after service of the 464
complaint. After issuing a complaint, the commission may do any 465
of the following: 466

(a) Upon the request of a complainant that the commission 467
receives not later than thirty days before the date of the 468
hearing, dismiss the complaint; 469

(b) Eliminate the alleged unlawful discriminatory practice 470
relating to employment by the informal methods described in 471
division (F) (1) of this section and treat the charge as being 472
conciliated as provided in division (F) (2) of this section; 473

(c) Continue with the hearing process as provided in this 474
section. 475

(2) The attorney general shall represent the commission at 476
any such hearing and shall present the evidence in support of 477
the complaint. 478

(3) Any complaint issued pursuant to this division after 479
the filing of a charge under this section shall be issued within 480
one year after the complainant filed the charge with respect to 481

an alleged unlawful discriminatory practice relating to 482
employment. 483

(4) Any such complaint may be amended by the commission, a 484
member of the commission, or the commission's legal counsel at 485
any time prior to the hearing if the respondent is given 486
sufficient and reasonable notice. The respondent shall have the 487
right to file an answer or an amended answer to the original, 488
and any amended, complaints. 489

(5) The respondent shall have the right to appear at the 490
hearing in person, by attorney, or otherwise to examine and 491
cross-examine witnesses. 492

(6) The complainant shall be a party to a hearing under 493
this section. Any person who is an indispensable party to a 494
complete determination or settlement of the complaint central to 495
the hearing shall be joined. 496

(7) For any hearing initiated under this section, the 497
commission, a member of the commission, or a hearing officer is 498
not bound by the Rules of Evidence, but shall take into account 499
all reliable, probative, and substantial statistical or other 500
evidence produced at the hearing that may prove the existence of 501
a predetermined pattern of employment or membership. 502

(8) (a) The testimony provided during a hearing under this 503
section shall be under oath and shall be transcribed in writing 504
and filed with the commission. 505

(b) The commission, at its discretion, may hear further 506
testimony or argument after the initial hearing if notice, that 507
indicates an opportunity to be present, is provided to the 508
complainant and the respondent. 509

(H) If, after a hearing carried out under division (G) of 510

this section, the commission determines that the respondent has 511
engaged in, or is engaging in, any unlawful discriminatory 512
practice relating to employment, whether against the complainant 513
or others adversely affected by the allegations in the 514
complaint, the commission shall state its findings of fact and 515
conclusions of law and shall issue and cause to be served to the 516
respondent, subject to the provisions of Chapter 119. of the 517
Revised Code, an order to cease and desist from the unlawful 518
discriminatory practice. 519

(1) The order shall require the respondent to take 520
affirmative or other action necessary to effectuate the purposes 521
of this chapter, including hiring, reinstating, or promoting the 522
complainant or others adversely affected by the unlawful 523
discriminatory practice and shall require the respondent to 524
report to the commission the manner of compliance. 525

(2) (a) The order may require back pay or admission or 526
restoration to union membership. 527

(b) If the order requires back pay, the commission shall 528
take into account earnings collected during the resolution of 529
the complaint. 530

(3) Upon receipt of the report of compliance required 531
under this division, the commission may issue a declaratory 532
order stating that the respondent has ceased to engage in the 533
unlawful discriminatory practices that were the subject of the 534
complaint. 535

(I) If, after a hearing carried out under division (G) of 536
this section, the commission finds that a respondent has not 537
engaged in any unlawful discriminatory practice relating to 538
employment against the complainant or others, it shall issue an 539

order stating its findings of fact and dismissing the complaint 540
to the complainant, respondent, and any other affected party. A 541
copy of the order shall also be delivered to the attorney 542
general and any other public officer the commission considers 543
appropriate. 544

(J) The commission, subject to Chapter 119. of the Revised 545
Code, upon reasonable notice to the respondent and claimant and 546
in the manner it considers proper, may modify or set aside, in 547
whole or in part, any finding or order made under this section 548
until the time period for appeal set forth in section 4112.06 of 549
the Revised Code has passed. 550

(K) The commission shall adopt rules, in accordance with 551
Chapter 119. of the Revised Code, to carry out this section. 552

(L) Nothing in this section requires any person to observe 553
in hiring the proportion that persons of any race, color, 554
religion, sex, military status, familial status, national 555
origin, disability, age, or ancestry bear to the total 556
population or in accordance with any other criteria than the 557
qualifications of applicants. 558

(M) The issuance of a notice of right to sue by the 559
commission under this section does not prohibit the commission 560
from offering assistance to the person to whom the notice was 561
issued. 562

(N) If a complainant requests a notice of right to sue 563
under this section less than sixty days after filing a charge 564
pursuant to division (C) of this section, the commission shall 565
not grant the request until at least sixty days after the 566
complainant filed the charge. If a complainant requests a notice 567
of right to sue under this section sixty or more days after 568

filing a charge, the commission may immediately grant the 569
request. 570

(O) In any hearing initiated under this section alleging 571
an unlawful discriminatory practice relating to employment in 572
violation of section 4112.025 of the Revised Code involving an 573
automated employment-related decision process, the commission, a 574
member of the commission, or a hearing officer shall consider 575
any evidence, or lack of evidence, of antibias testing or 576
similar proactive efforts to avoid the discriminatory practice, 577
including the quality, efficacy, recency, and scope of the 578
testing or efforts, the results of the testing or efforts, and 579
any action taken in response to the testing or efforts. 580

Sec. 4112.052. (A) Subject to division (B) of this 581
section, and except as provided in division (D) (2) of section 582
4112.14 of the Revised Code, a person alleging an unlawful 583
discriminatory practice relating to employment ~~in violation of~~ 584
~~section 4112.02 of the Revised Code~~ may bring a civil action in 585
a court of competent jurisdiction. 586

(B) (1) Except as otherwise provided in division (B) (2) of 587
this section, a person may file a civil action under this 588
section alleging an unlawful discriminatory practice relating to 589
employment or a violation of division (A) of section 4112.14 of 590
the Revised Code only if the person satisfies both of the 591
following conditions: 592

(a) The person has first filed a charge with the Ohio 593
civil rights commission under section 4112.051 of the Revised 594
Code with respect to the practice complained of in the complaint 595
for the civil action within the time period required under that 596
section. 597

(b) One of the following occurs: 598

(i) The person receives a notice of right to sue from the 599
Ohio civil rights commission pursuant to section 4112.051 of the 600
Revised Code. 601

(ii) The person has requested a notice of right to sue 602
from the Ohio civil rights commission, and the commission fails 603
to issue the notice of right to sue within forty-five days after 604
the date the commission is permitted to grant the request under 605
division (N) of section 4112.051 of the Revised Code. 606

(iii) The Ohio civil rights commission, after a 607
preliminary investigation conducted pursuant to a charge filed 608
under section 4112.051 of the Revised Code, determines that it 609
is probable that an unlawful discriminatory practice relating to 610
employment has occurred or is occurring and the complainant, 611
after being informed by the commission of the right to file a 612
civil action under this chapter, elects to file a civil action 613
and notifies the commission of that fact. 614

(2) A person may file a civil action under this section 615
alleging an unlawful discriminatory practice relating to 616
employment or a violation of division (A) of section 4112.14 of 617
the Revised Code without satisfying the conditions of division 618
(B) (1) of this section if either of the following apply: 619

(a) The person seeks only injunctive relief. 620

(b) All of the following occur: 621

(i) The person has filed a charge with the Ohio civil 622
rights commission under section 4112.051 of the Revised Code 623
with respect to the practice complained of in the complaint for 624
the civil action within the time period required under that 625
section. 626

(ii) The person has filed a charge with the equal 627
employment opportunity commission or its successor organization 628
with respect to the practice complained of in the complaint for 629
the civil action within the time period required under federal 630
law. 631

(iii) The person has received a notice from the equal 632
employment opportunity commission or its successor organization 633
that states that the person may bring a civil action against the 634
employer and the notice was sent in connection with the charge 635
filed with the equal employment opportunity commission or its 636
successor organization. 637

(3) With respect to an action described in division (B) (2) 638
(a) of this section, the person may amend the complaint to 639
include damages, but the amendment will relate back to the 640
original filing date of the complaint in the action only after 641
one of the following occurs: 642

(a) The person receives a notice of right to sue from the 643
Ohio civil rights commission pursuant to section 4112.051 of the 644
Revised Code. 645

(b) The person has requested a notice of right to sue from 646
the Ohio civil rights commission, and the commission fails to 647
issue the notice of right to sue within forty-five days after 648
the date the commission is permitted to grant the request under 649
division (N) of section 4112.051 of the Revised Code. 650

(c) The Ohio civil rights commission, after a preliminary 651
investigation conducted pursuant to a charge filed under section 652
4112.051 of the Revised Code, determines that it is probable 653
that an unlawful discriminatory practice relating to employment 654
has occurred or is occurring and the complainant, after being 655

informed by the commission of the right to file a civil action 656
under this chapter, elects to file a civil action and notifies 657
the commission of that fact. 658

(4) With respect to an unlawful discriminatory practice 659
relating to employment described in division (A) (24) (b) of 660
section 4112.01 of the Revised Code, a charge filed with the 661
Ohio civil rights commission or the equal employment opportunity 662
commission satisfies division (B) (1) (a) or divisions (B) (2) (b) 663
(i) and (ii) of this section if both of the following apply: 664

(a) The charge is related to the conduct alleged in the 665
complaint for the civil action; 666

(b) The charge is filed against the person who committed 667
the unlawful discriminatory practice, the employer of the person 668
who committed the unlawful discriminatory practice, or both the 669
person who committed the unlawful discriminatory practice and 670
the person's employer. 671

(C) (1) Except as provided in division (C) (2) of this 672
section, a civil action brought under this section shall be 673
filed within two years after the alleged unlawful discriminatory 674
practice was committed. 675

(2) The time period to file a civil action shall be tolled 676
for one of the following periods, as applicable: 677

(a) If a charge that is based, in whole or in part, on the 678
same allegations and practices was filed under section 4112.051 679
of the Revised Code less than sixty days before the time period 680
specified under that section expires, the time period to file a 681
civil action is tolled for the period beginning on the date the 682
charge was filed and ending on the date that is sixty days after 683
the charge is no longer pending with the commission. 684

(b) If a charge that is based, in whole or in part, on the same allegations and practices was filed under section 4112.051 of the Revised Code sixty or more days before the time period specified under that section expires, the time period to file a civil action is tolled for the period beginning on the date the charge was filed and ending on the date the charge is no longer pending with the commission.

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

(E) The Ohio civil rights commission may intervene in a civil action if the commission determines that the case is of public importance.

(F) In any civil action brought under this section alleging an unlawful discriminatory practice relating to employment in violation of section 4112.025 of the Revised Code involving an automated employment-related decision process, the court shall consider any evidence, or lack of evidence, of antibias testing or similar proactive efforts to avoid the discriminatory practice, including the quality, efficacy, recency, and scope of the testing or efforts, the results of the testing or efforts, and any action taken in response to the testing or efforts.

Sec. 4113.31. (A) As used in this section:

(1) "Employer," "mass layoff," and "plant closing" have the same meanings as in the WARN Act and 20 C.F.R. 639.3.

(2) "WARN Act" means the "Worker Adjustment and Retraining Notification (WARN) Act," 29 U.S.C. 2101, et seq. 714
715

(B) An employer in this state shall comply with all 716
requirements in the WARN Act and 20 C.F.R. 639.1 to 639.10. ~~The~~ 717
Except as otherwise provided in division (G) of this section, 718
the requirements specified in this section do not establish a 719
different standard than that established by federal statutes and 720
regulations. 721

(C) In accordance with 29 U.S.C 2101(a)(1)(B), an employer 722
must provide the notice required by 29 U.S.C. 2102(a) if both of 723
the following apply: 724

(1) The employer employs one hundred or more employees who 725
in the aggregate work at least four thousand hours a week. 726

(2) The employer lays off fifty or more employees at a 727
single site of employment during any thirty-day period. 728

(D) An employer is not required to provide the notice 729
described in 29 U.S.C. 2102(a) when a plant closing or mass 730
layoff constitutes a strike or constitutes a lockout as 731
described in 29 U.S.C. 2103 and 20 C.F.R. 639.5(d). 732

(E) In accordance with 29 U.S.C 2102(a)(1), not less than 733
sixty days before the date a plant closing or mass layoff 734
begins, an employer shall provide written notice of the closing 735
or layoff to affected employees' authorized representatives or, 736
if there are no such representatives at the time, to each 737
affected employee. 738

(1) The employer shall include all of the following in a 739
notice provided to affected employees' authorized 740
representatives: 741

(a) The location of the facility affected by the plant closing or mass layoff; 742
743

(b) A detailed statement explaining the reason for the plant closing or mass layoff and whether it will be permanent or temporary; 744
745
746

(c) The expected date when the plant closing or mass layoff will commence and the anticipated date on which the employees' employment will cease; 747
748
749

(d) The total number of employees affected by the plant closing or mass layoff, including the employees' job titles or positions and any department or division impacted. 750
751
752

(2) The employer shall include all of the following in a notice provided to affected employees' who do not have an authorized representative at the time the notice is sent: 753
754
755

(a) A detailed statement explaining the reason for the plant closing or mass layoff and whether it will be permanent or temporary; 756
757
758

(b) The expected date when the plant closing or mass layoff will commence and the anticipated date on which the employees' employment will cease; 759
760
761

(c) An indication as to whether an affected employee has bumping rights or other reemployment rights under a collective bargaining agreement or a company policy, including any procedures for exercising those rights; 762
763
764
765

(d) Information on how affected employees can access unemployment insurance benefits and other assistance programs; 766
767

(e) The name, title, and contact information of an employer representative who can answer questions about the plant 768
769

closing or mass layoff; 770

(f) Information about any available services for an 771
affected employee, including job placement assistance, 772
retraining programs, or counseling services. 773

(F) In accordance with 29 U.S.C 2102(a)(2), an employer 774
shall provide written notice of a plant closing or mass layoff 775
to the director of job and family services and to the chief 776
elected official of the municipal corporation and the county 777
where the plant closing or mass layoff is to occur. The written 778
notice shall include the same information required under 779
division (E) of this section and all of the following: 780

(1) A description of any action taken or planned to 781
mitigate the impact of the plant closing or mass layoff, 782
including any efforts to secure alternative employment or 783
training for affected employees; 784

(2) The name of each employee organization representing 785
affected employees, and the name and address of the chief 786
elected officer of each organization; 787

(3) A copy of the notice provided to affected employees or 788
their representatives, as applicable. 789

(G) In addition to the information an employer is required 790
to include in the written notice under division (F) of this 791
section, the employer shall include information regarding 792
whether the plant closing or mass layoff is related to the 793
employer's use of any machine-based system that, for any 794
explicit or implicit objective, infers from the inputs that the 795
system receives how to generate outputs, including synthetic 796
digital content, or another technological change. 797

(H) The period within which an employer shall provide 798

notice may be reduced or waived under the circumstances 799
described in 29 U.S.C. 2102(b) . 800

~~(H)~~(I) The director of job and family services may issue 801
guidance and procedures for the submission and review of notices 802
by employers. 803

~~(I)~~(J) When an employer fails to comply with the WARN Act, 804
an affected employee may seek the remedies specified in 29 805
U.S.C. 2104. 806

Sec. 4113.71. (A) As used in this section: 807

(1) "Employee" means an individual currently or formerly 808
employed by an employer. 809

(2) "Employer" means the state, any political subdivision 810
of the state, any person employing one or more individuals in 811
this state, and any person directly or indirectly acting in the 812
interest of the state, political subdivision, or such person. 813

(3) "Political subdivision" and "state" have the same 814
meanings as in section 2744.01 of the Revised Code. 815

(B) An employer who is requested by an employee or a 816
prospective employer of an employee to disclose to a prospective 817
employer of that employee information pertaining to the job 818
performance of that employee for the employer and who discloses 819
the requested information to the prospective employer is not 820
liable in damages in a civil action to that employee, the 821
prospective employer, or any other person for any harm sustained 822
as a proximate result of making the disclosure or of any 823
information disclosed, unless the plaintiff in a civil action 824
establishes, either or both of the following: 825

(1) By a preponderance of the evidence that the employer 826

disclosed particular information with the knowledge that it was 827
false, with the deliberate intent to mislead the prospective 828
employer or another person, in bad faith, or with malicious 829
purpose; 830

(2) By a preponderance of the evidence that the disclosure 831
of particular information by the employer constitutes an 832
unlawful discriminatory practice described in section 4112.02, 833
4112.021, ~~or~~ 4112.022, or 4112.025 of the Revised Code. 834

(C) If the court finds that the verdict of the jury was in 835
favor of the defendant, the court shall determine whether the 836
lawsuit brought under division (B) of this section constituted 837
frivolous conduct as defined in division (A) of section 2323.51 838
of the Revised Code, ~~if~~. If the court finds by a preponderance 839
of the evidence that the lawsuit constituted frivolous conduct, 840
it may order the plaintiff to pay reasonable attorney's fees and 841
court costs of the defendant. 842

(D) (1) This section does not create a new cause of action 843
or substantive legal right against an employer. 844

(2) This section does not affect any immunities from civil 845
liability or defenses established by another section of the 846
Revised Code or available at common law to which an employer may 847
be entitled under circumstances not covered by this section. 848

Sec. 4117.08. (A) All matters pertaining to wages, hours, 849
or terms and other conditions of employment, including a public 850
employer's use of artificial intelligence technology, and the 851
continuation, modification, or deletion of an existing provision 852
of a collective bargaining agreement are subject to collective 853
bargaining between the public employer and the exclusive 854
representative, except as otherwise specified in this section 855

and division (E) of section 4117.03 of the Revised Code. 856

(B) Neither of the following are appropriate subjects for 857
collective bargaining: 858

(1) The conduct and grading of civil service examinations, 859
the rating of candidates, the establishment of eligible lists 860
from the examinations, and the original appointments from the 861
eligible lists; 862

(2) For collective bargaining agreements that are entered 863
into on or after ~~the effective date of this amendment~~September 864
30, 2025, the ability of state employees to perform their duties 865
at a location designated as a worksite. 866

(C) Unless a public employer agrees otherwise in a 867
collective bargaining agreement, nothing in Chapter 4117. of the 868
Revised Code impairs the right and responsibility of each public 869
employer to: 870

(1) Determine matters of inherent managerial policy which 871
include, but are not limited to, areas of discretion or policy 872
such as the functions and programs of the public employer, 873
standards of services, its overall budget, utilization of 874
technology, and organizational structure; 875

(2) Direct, supervise, evaluate, or hire employees; 876

(3) Maintain and improve the efficiency and effectiveness 877
of governmental operations; 878

(4) Determine the overall methods, process, means, or 879
personnel by which governmental operations are to be conducted; 880

(5) Suspend, discipline, demote, or discharge for just 881
cause, or lay off, transfer, assign, schedule, promote, or 882
retain employees; 883

- (6) Determine the adequacy of the work force; 884
- (7) Determine the overall mission of the employer as a 885
unit of government; 886
- (8) Effectively manage the work force; 887
- (9) Take actions to carry out the mission of the public 888
employer as a governmental unit. 889

The employer is not required to bargain on subjects 890
reserved to the management and direction of the governmental 891
unit except as affect wages, hours, terms and conditions of 892
employment, including the employer's use of artificial 893
intelligence technology, and the continuation, modification, or 894
deletion of an existing provision of a collective bargaining 895
agreement. A public employee or exclusive representative may 896
raise a legitimate complaint or file a grievance based on the 897
collective bargaining agreement. 898

(D) As used in this section, "artificial intelligence 899
technology" means any automated system that uses machine 900
learning, data analytics, predictive modeling, or statistical 901
algorithms to automate tasks traditionally performed by human 902
workers. 903

Sec. 4141.28. BENEFITS 904

(A) FILINGS 905

Applications for determination of benefit rights and 906
claims for benefits shall be filed with the director of job and 907
family services. Such applications and claims also may be filed 908
with an employee of another state or federal agency charged with 909
the duty of accepting applications and claims for unemployment 910
benefits or with an employee of the unemployment insurance 911

commission of Canada. 912

When an unemployed individual files an application for 913
determination of benefit rights, the director shall furnish the 914
individual with an explanation of the individual's appeal 915
rights. The explanation shall describe clearly the different 916
levels of appeal and explain where and when each appeal must be 917
filed. 918

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 919

In filing an application, an individual shall furnish the 920
director with the name and address of the individual's most 921
recent separating employer and the individual's statement of the 922
reason for separation from the employer. The director shall 923
promptly notify the individual's most recent separating employer 924
of the filing and request the reason for the individual's 925
unemployment, unless that notice is not necessary under 926
conditions the director establishes by rule. The director may 927
request from the individual or any employer information 928
necessary for the determination of the individual's right to 929
benefits. The employer shall provide the information requested 930
within ten working days after the request is sent. If an 931
employer fails to provide requested information within ten 932
working days, the director shall provide to the tax commissioner 933
the individual's and employer's names, addresses, taxpayer 934
identification numbers if available, and any additional 935
information required by the tax commissioner. The tax 936
commissioner shall confirm to the director whether the 937
individual was included on the most recent annual return filed 938
by the employer pursuant to division (F) of section 5747.07 of 939
the Revised Code. The tax commissioner shall inform the director 940
if the tax commissioner is unable to provide the requested 941

confirmation. If necessary to ensure prompt determination and 942
payment of benefits, the director shall base the determination 943
on the information that is available. 944

An individual filing an application for determination of 945
benefit rights shall disclose, at the time of filing, whether or 946
not the individual owes child support obligations. 947

An individual filing an application for determination of 948
benefit rights shall furnish proof of identity at the time of 949
filing in the manner prescribed by the director. 950

The director shall include in each application for 951
determination of benefit rights a question concerning whether an 952
individual filing an application is unemployed due to an 953
employer's use of any machine-based system that, for any 954
explicit or implicit objective, infers from the inputs the 955
system receives how to generate outputs, including synthetic 956
digital content. 957

(C) MASS LAYOFFS 958

An employer who lays off or separates within any seven-day 959
period fifty or more individuals because of lack of work shall 960
furnish notice to the director of the dates of layoff or 961
separation~~and~~, the approximate number of individuals being laid 962
off or separated, and whether the layoffs or separations are due 963
to the employer's use of any machine-based system that, for any 964
explicit or implicit objective, infers from the inputs the 965
system receives how to generate outputs, including synthetic 966
digital content. The notice shall be furnished at least three 967
working days prior to the date of the first day of such layoff 968
or separation. In addition, at the time of the layoff or 969
separation the employer shall furnish to the individual and to 970

the director information necessary to determine the individual's 971
eligibility for unemployment compensation. 972

(D) DETERMINATION OF BENEFIT RIGHTS 973

The director shall promptly examine any application for 974
determination of benefit rights. On the basis of the information 975
available to the director under this chapter, the director shall 976
determine whether or not the application is valid, and if valid, 977
the date on which the benefit year shall commence and the weekly 978
benefit amount. The director shall promptly notify the 979
applicant, employers in the applicant's base period, and any 980
other interested parties of the determination and the reasons 981
for it. In addition, the determination issued to the claimant 982
shall include the total amount of benefits payable. The 983
determination issued to each chargeable base period employer 984
shall include the total amount of benefits that may be charged 985
to the employer's account. 986

(E) CLAIM FOR BENEFITS 987

The director shall examine the first claim and any 988
additional claim for benefits. On the basis of the information 989
available, the director shall determine whether the claimant's 990
most recent separation and, to the extent necessary, prior 991
separations from work, allow the claimant to qualify for 992
benefits. Written notice of the determination granting or 993
denying benefits shall be sent to the claimant, the most recent 994
separating employer, and any other employer involved in the 995
determination, except that written notice is not required to be 996
sent to the claimant if the reason for separation is lack of 997
work and the claim is allowed. 998

If the director identifies an eligibility issue, the 999

director shall immediately send notice to the claimant of the 1000
issue identified, specify the week or weeks involved, and 1001
identify what the claimant must do to address the issue or who 1002
the claimant may contact for more information. The claimant has 1003
a minimum of five business days after the notice is sent to 1004
respond to the information included in the notice, and after the 1005
time allowed as determined by the director, the director shall 1006
make a determination. The claimant's response may include a 1007
request for a fact-finding interview when the eligibility issue 1008
is raised by an informant or source other than the claimant, or 1009
when the eligibility issue, if determined adversely, 1010
disqualifies the claimant for the duration of the claimant's 1011
period of unemployment. 1012

When the determination of a continued claim for benefits 1013
results in a disallowed claim, the director shall notify the 1014
claimant of the disallowance and the reasons for it. 1015

(F) ELIGIBILITY NOTICE 1016

Any base period or subsequent employer of a claimant who 1017
has knowledge of specific facts affecting the claimant's right 1018
to receive benefits for any week may notify the director in 1019
writing of those facts. The director shall prescribe a form for 1020
such eligibility notice, but failure to use the form shall not 1021
preclude the director's examination of any notice. 1022

To be considered valid, an eligibility notice must: 1023
contain in writing, a statement that identifies either a source 1024
who has firsthand knowledge of the information or an informant 1025
who can identify the source; provide specific and detailed 1026
information that may potentially disqualify the claimant; 1027
provide the name and address of the source or the informant; and 1028
appear to the director to be reliable and credible. 1029

An eligibility notice is timely filed if received or 1030
postmarked prior to or within forty-five calendar days after the 1031
end of the week with respect to which a claim for benefits is 1032
filed by the claimant. An employer who timely files a valid 1033
eligibility notice shall be an interested party to the claim for 1034
benefits which is the subject of the notice. 1035

The director shall consider the information contained in 1036
the eligibility notice, together with other available 1037
information. After giving the claimant notice and an opportunity 1038
to respond, the director shall make a determination and inform 1039
the notifying employer, the claimant, and other interested 1040
parties of the determination. 1041

(G) CORRECTED DETERMINATION 1042

If the director finds within the two hundred eight 1043
calendar weeks beginning with the Sunday of the week during 1044
which an application for benefit rights was filed that a 1045
determination made by the director was erroneous due to an error 1046
in an employer's report or any typographical or clerical error 1047
in the director's determination, or as shown by correct 1048
remuneration information received by the director, the director 1049
shall issue a corrected determination to all interested parties. 1050
The corrected determination shall take precedence over and void 1051
the prior determination of the director. The director shall not 1052
issue a corrected determination when the commission or a court 1053
has jurisdiction with respect to that determination. 1054

(H) EFFECT OF COMMISSION DECISIONS 1055

In making determinations, the director shall follow 1056
decisions of the unemployment compensation review commission 1057
which have become final with respect to claimants similarly 1058

situated. 1059

(I) PROMPT PAYMENTS 1060

If benefits are allowed by the director, a hearing 1061
officer, the commission, or a court, the director shall pay 1062
benefits promptly, notwithstanding any further appeal, provided 1063
that if benefits are denied on appeal, of which the parties have 1064
notice and an opportunity to be heard, the director shall 1065
withhold payment of benefits pending a decision on any further 1066
appeal. 1067

Sec. 4145.01. As used in this chapter: 1068

(A) (1) "Automated employment-related decision process" 1069
means a computational process that makes, assists in making, or 1070
is used in the course of making an employment-related decision. 1071
"Automated employment-related decision process" includes a 1072
computational process that does any of the following: 1073

(a) Uses a computer-based assessment or test to make a 1074
predictive assessment concerning an applicant or employee, to 1075
measure the skills, dexterity, reaction time, or any other 1076
ability or characteristic of an applicant or employee, to 1077
measure the personality traits, aptitude, attitude, or cultural 1078
fit of an applicant or employee, or to screen, evaluate, 1079
categorize, or recommend an applicant or employee; 1080

(b) Directs job advertisements or other recruiting 1081
materials to targeted groups; 1082

(c) Screens resumes for particular terms or patterns; 1083

(d) Analyzes a facial expression, word choice, or voice 1084
captured during an online interview; 1085

(e) Analyzes data acquired from a third party concerning 1086

an applicant or employee. 1087

(2) "Automated employment-related decision process" does 1088
not include any word processing, spreadsheet, map navigation, 1089
web hosting, domain registration, networking, caching, internet 1090
web site loading, data storage, firewall, antivirus, 1091
antimalware, spam and robocall filtering, spellchecking, 1092
calculator, database, or similar software or technology insofar 1093
as the software or technology does not make an employment- 1094
related decision. 1095

(B) "Deploy" means to put an automated employment-related 1096
decision process into use. 1097

(C) "Developer" means a person doing business in this 1098
state that develops, or intentionally and substantially 1099
modifies, an automated employment-related decision process. 1100

(D) "Employee organization" has the same meaning as in 1101
section 4117.01 of the Revised Code. 1102

(E) "Employer" means the state or any agency or 1103
instrumentality of the state or any municipal corporation, 1104
county, township, school district, or other political 1105
subdivision or any agency or instrumentality thereof. 1106

(F) "Substantial factor" means a factor that assists in 1107
making, and is capable of altering the outcome of, an 1108
employment-related decision concerning an individual. 1109
"Substantial factor" includes any use of an automated 1110
employment-related decision process to generate any content, 1111
decision, prediction, or recommendation concerning an individual 1112
that is used as a basis to make an employment-related decision 1113
concerning the individual. 1114

(G) "Trade secret" has the same meaning as in section 1115

1333.61 of the Revised Code. 1116

Sec. 4145.02. (A) A developer of an automated employment- 1117
related decision process that is deployed in this state shall 1118
provide each employer that deploys that process with all 1119
information necessary for the employer to comply with sections 1120
4145.03 to 4145.06 of the Revised Code. 1121

(B) A developer may enter into a contract with an employer 1122
that deploys an automated employment-related decision process to 1123
assume any of the employer's duties under sections 4145.03 to 1124
4145.06 of the Revised Code. If a developer and employer enter 1125
into a contract under this division, both of the following 1126
apply: 1127

(1) The contract shall identify clearly which of the 1128
employer's duties the developer assumes. 1129

(2) No provision of the contract that purports to waive or 1130
release liability described under division (B) of section 1131
4145.12 of the Revised Code is enforceable. 1132

Sec. 4145.03. An employer that deploys an automated 1133
employment-related decision process that interacts with an 1134
applicant or employee in this state shall disclose to each 1135
applicant or employee that the applicant or employee is 1136
interacting with the process. 1137

Sec. 4145.04. (A) An employer that deploys an automated 1138
employment-related decision process, before collecting any 1139
personal data of an applicant or employee in this state for 1140
processing in the automated employment-related decision process, 1141
shall provide the applicant or employee with a written notice 1142
disclosing all of the following information: 1143

(1) The purpose for which the employer is collecting the 1144

information; 1145

(2) The categories of personal data that the employer 1146
intends to collect; 1147

(3) The period during which the employer intends to retain 1148
the data collected; 1149

(4) The category of persons who will have access to the 1150
data collected; 1151

(5) Information regarding the applicant's or employee's 1152
right to opt out of the processing of personal data under 1153
division (B) of this section. 1154

(B) An applicant or employee has a right to opt out of the 1155
processing of the applicant's or employee's personal data for 1156
purposes of profiling in furtherance of any automated decision 1157
that produces any legal or similarly significant effect 1158
concerning the applicant or employee. 1159

Sec. 4145.05. (A) An employer that deploys an automated 1160
employment-related decision process to make, or be a substantial 1161
factor in making, an employment-related decision concerning an 1162
applicant or employee in this state shall, before making the 1163
decision, provide the applicant or employee with a written 1164
notice disclosing all of the following information: 1165

(1) That the employer has deployed an automated 1166
employment-related decision process; 1167

(2) The purpose of the automated employment-related 1168
decision process and the nature of the employment-related 1169
decision; 1170

(3) Information regarding the applicant's or employee's 1171
right to opt out of the processing of personal data under 1172

<u>division (B) of section 4145.04 of the Revised Code;</u>	1173
<u>(4) The employer's contact information;</u>	1174
<u>(5) The availability of human review under section 4145.07</u> <u>of the Revised Code;</u>	1175 1176
<u>(6) Information regarding how the applicant or employee</u> <u>may request that the employer reevaluate the employment-related</u> <u>decision the employer made based in whole or in part on the</u> <u>automated employment-related decision process;</u>	1177 1178 1179 1180
<u>(7) A summary of the most recent bias audit required under</u> <u>section 4145.08 of the Revised Code;</u>	1181 1182
<u>(8) Information regarding how to request additional</u> <u>documentation or information concerning the automated</u> <u>employment-related decision process.</u>	1183 1184 1185
<u>(B) An employer that is required to provide written notice</u> <u>under this section shall establish a process by which an</u> <u>applicant or employee may request the employer to reevaluate any</u> <u>employment-related decision the employer has made in whole or in</u> <u>part based on an automated employment-related decision process.</u> <u>If an applicant or employee requests a reevaluation, the</u> <u>employer shall comply with that process, reevaluate the</u> <u>decision, and notify the applicant or employee of the results of</u> <u>that reevaluation.</u>	1186 1187 1188 1189 1190 1191 1192 1193 1194
<u>Sec. 4145.06.</u> <u>(A) An employer that deploys an automated</u> <u>employment-related decision process to make, or be a substantial</u> <u>factor in making, an adverse employment-related decision</u> <u>concerning an applicant or employee shall provide to the</u> <u>applicant or employee all of the following:</u>	1195 1196 1197 1198 1199
<u>(1) A high-level statement disclosing the principal reason</u>	1200

for making the decision, including the degree to which and the 1201
manner in which the automated employment-related decision 1202
process contributed to the decision, the type of data that were 1203
processed by the automated employment-related decision process 1204
to make, or be a substantial factor in making, the decision, and 1205
the source of that data; 1206

(2) An opportunity to examine the data described in 1207
division (A) (1) of this section, correct any incorrect data, and 1208
appeal the decision to the employer; 1209

(3) On request by the applicant or employee or the 1210
applicant's or employee's representative, a copy of the most 1211
recent bias audit required under section 4145.08 of the Revised 1212
Code. 1213

(B) An appeal made under division (A) (2) of this section 1214
shall allow for human review in accordance with section 4145.07 1215
of the Revised Code. 1216

(C) An employer that is required to provide a statement to 1217
an applicant or employee under this section shall do all of the 1218
following: 1219

(1) Provide the statement directly to the applicant or 1220
employee; 1221

(2) Provide the statement in plain language; 1222

(3) Provide the statement in all languages in which the 1223
employer, in the ordinary course of the employer's business, 1224
provides contracts, disclaimers, sales announcements, and other 1225
information to persons in the state; 1226

(4) Provide the statement in a format that is accessible 1227
to individuals with disabilities. 1228

Sec. 4145.07. (A) An employer that deploys an automated 1229
employment-related decision process to make, or be a substantial 1230
factor in making, an employment-related decision concerning an 1231
applicant or employee shall implement human review over the 1232
process by providing for sufficient time for the reviewer to 1233
review all of the following: 1234

(1) The content, decisions, predictions, or 1235
recommendations generated by the automated employment-related 1236
decision process; 1237

(2) The data on which the content, decisions, predictions, 1238
or recommendations are based; 1239

(3) Any other information relevant to the content, 1240
decision, prediction, or recommendation in order to do both of 1241
the following: 1242

(a) Confirm the accuracy of the data processed by the 1243
automated employment-related decision process; 1244

(b) Modify or veto any content, decision, prediction, or 1245
recommendation generated by the automated employment-related 1246
decision process before making an adverse employment-related 1247
decision. 1248

(B) No employer that deploys an automated employment- 1249
related decision process, in implementing the human review 1250
required under this section, shall use an individual to conduct 1251
the review unless all of the following apply: 1252

(1) The individual has the authority to make or change an 1253
employment-related decision. 1254

(2) The individual has completed training to understand 1255
the capabilities, limitations, and risks of the automated 1256

employment-related decision process, including patterns of bias, 1257
disparate impact, and data quality issues. 1258

(3) The individual does not rely solely on the content, 1259
decision, prediction, or recommendation generated by the 1260
automated employment-related decision process to make a final or 1261
determinative employment-related decision. 1262

(C) Each employer that deploys an automated employment- 1263
related decision process shall do both of the following: 1264

(1) Establish procedures necessary to pause, correct, or 1265
reverse any erroneous or harmful content, decision, prediction, 1266
or recommendation generated by an automated employment-related 1267
decision process; 1268

(2) Establish and maintain logs listing all human review 1269
reports and any interventions taken by an individual conducting 1270
a human review. 1271

(D) No employer that deploys an automated employment- 1272
related decision process shall use the process to make an 1273
employment-related decision without human review over the 1274
decision. 1275

Sec. 4145.08. (A) An employer, before deploying an 1276
automated employment-related decision process, shall contract 1277
with an independent auditor to conduct a bias audit of the 1278
process. The independent auditor shall conduct the bias audit 1279
not later than one year before the date on which the employer 1280
intends to deploy the automated employment-related decision 1281
process. Each year thereafter, the employer shall contract for a 1282
bias audit to be conducted. 1283

(B) In conducting a bias audit of an automated employment- 1284
related decision process under this section, an independent 1285

auditor shall do all of the following: 1286

(1) Evaluate the automated employment-related decision 1287
process performance and error rates across relevant subgroups; 1288

(2) Assess disparate impact caused by the automated 1289
employment-related decision process against protected classes; 1290

(3) Examine the sources of data processed by the automated 1291
employment-related decision process and the quality of content, 1292
decisions, predictions, or recommendations generated by the 1293
automated employment-related decision process; 1294

(4) Evaluate the effects of any thresholds, scoring, or 1295
ranking criteria used by the automated employment-related 1296
decision process; 1297

(5) Test for less discriminatory alternatives or 1298
adjustments to the automated employment-related decision 1299
process. 1300

(C) No employer shall contract with an independent auditor 1301
for purposes of conducting a bias audit under this section if 1302
either of the following apply: 1303

(1) The auditor has a financial or operational interest in 1304
the employer or developer of the automated employment-related 1305
decision process. 1306

(2) The auditor has not been approved to conduct a bias 1307
audit in accordance with the rules adopted by the director of 1308
commerce under division (H) of this section. 1309

(D) (1) Not later than thirty days after an independent 1310
auditor completes a bias audit, the employer shall do both of 1311
the following: 1312

(a) File a bias audit report and a plain language summary 1313
of the report with the director in the form and manner the 1314
director prescribes; 1315

(b) Publish the summary on the employer's internet web 1316
site in a place that is conspicuous and accessible to applicants 1317
and employees. 1318

(2) An employer shall include in the plain language 1319
summary required under division (D) (1) of this section the 1320
methodology used to conduct the bias audit, the key findings and 1321
risks identified by the audit, and any corrective actions the 1322
employer has taken based on the audit. 1323

(E) No employer shall deploy an automated employment- 1324
related decision process if the most recent bias audit conducted 1325
under this section identified any disparate impact caused by the 1326
process unless the employer demonstrates that the employer has 1327
implemented corrective actions approved by the director. 1328

(F) Each employer shall maintain records relating to a 1329
bias audit conducted under this section for a period of not less 1330
than five years. The employer shall make the records available 1331
to the director on the director's request. 1332

(G) If the director determines that an employer has 1333
violated any provision of this section, the director may issue 1334
an order suspending the employer's use of an automated 1335
employment-related decision process. 1336

(H) The director may adopt rules in accordance with 1337
Chapter 119. of the Revised Code necessary to carry out this 1338
section, including rules that establish the minimum 1339
qualifications for independent auditors or the methodological 1340
requirements for bias audits conducted under this section. The 1341

director shall adopt rules in accordance with Chapter 119. of 1342
the Revised Code that do both of the following: 1343

(1) Establish and implement a process to approve 1344
independent auditors for purposes of conducting a bias audit 1345
under this section; 1346

(2) Define the terms "relevant subgroups," "disparate 1347
impact," and "protected classes." 1348

(I) The director shall maintain a registry of auditors 1349
approved by the process established in rules the director adopts 1350
under division (H) (1) of this section. 1351

Sec. 4145.09. No employer, developer, employee 1352
organization, or any other person shall discharge or in any 1353
manner discriminate or retaliate against any applicant or 1354
employee because the applicant or employee does any of the 1355
following: 1356

(A) Files a complaint, provides information, or assists in 1357
an investigation or proceeding concerning any alleged violation 1358
of sections 4145.03 to 4145.08 of the Revised Code; 1359

(B) Objects to or refuses to participate in any activity 1360
that the applicant or employee reasonably believes to be a 1361
violation of sections 4145.03 to 4145.08 of the Revised Code; 1362

(C) Exercises any rights granted under sections 4145.03 to 1363
4145.08 of the Revised Code. 1364

Sec. 4145.10. (A) No person shall be required to disclose 1365
any information that is a trade secret or otherwise protected 1366
from disclosure under state or federal law unless both of the 1367
following apply: 1368

(1) Disclosing the information is necessary for an 1369

applicant or employee to exercise the applicant's or employee's 1370
rights granted under sections 4145.03 to 4145.08 of the Revised 1371
Code; 1372

(2) The applicable state or federal law permits that 1373
disclosure. 1374

(B) If a person withholds any information under division 1375
(A) of this section, the person shall send a notice to the 1376
person from whom the information is withheld. The notice shall 1377
disclose both of the following: 1378

(1) That the person is withholding the information; 1379

(2) The basis for the person's decision to withhold the 1380
information. 1381

Sec. 4145.11. (A) If the attorney general, by the attorney 1382
general's own inquiries or as a result of a complaint, has 1383
reasonable cause to believe that any provision of sections 1384
4145.03 to 4145.08 of the Revised Code has been violated, the 1385
attorney general may commence in any court of competent 1386
jurisdiction either of the following actions: 1387

(1) An action to obtain a declaratory judgment that any 1388
provision of sections 4145.03 to 4145.08 of the Revised Code has 1389
been violated; 1390

(2) An action, with notice as required by Civil Rule 65, 1391
to obtain a temporary restraining order, preliminary injunction, 1392
or permanent injunction to restrain the violation, provided that 1393
the attorney general shows by a preponderance of the evidence 1394
that a violation has occurred; 1395

(B) In an action commenced under division (A) (2) of this 1396
section, on the attorney general's motion, or on a court's own 1397

motion, the court may assess a civil penalty of not more than 1398
five thousand dollars for each day a violation of a temporary 1399
restraining order, preliminary injunction, or permanent 1400
injunction issued under that division occurs, provided that the 1401
defendant received notice of the action. 1402

(C) The attorney general shall not commence an action 1403
under this section for an alleged violation of any provision of 1404
sections 4145.03 to 4145.08 of the Revised Code more than two 1405
years after the violation allegedly occurred. 1406

(D) The remedies available to the attorney general under 1407
this section are cumulative and concurrent, and the exercise of 1408
one remedy by the attorney general does not preclude or require 1409
the exercise of any other remedy. 1410

Sec. 4145.12. (A) An applicant or employee aggrieved by a 1411
violation of any provision of sections 4145.03 to 4145.09 of the 1412
Revised Code, or an employee organization on behalf of the 1413
applicant or employee, may commence a civil action in any court 1414
of competent jurisdiction to recover damages or for any 1415
declaratory, injunctive, or equitable relief, including 1416
suspending the use of an automated employment-related decision 1417
process, together with costs and reasonable attorney's fees. 1418

(B) An employer that deploys an automated employment- 1419
related decision process that violates any provision of sections 1420
4145.03 to 4145.09 of the Revised Code, and the developer of 1421
that process, shall be jointly and severally liable in a civil 1422
action commenced under this section. 1423

Sec. 4145.13. If an applicant or employee is represented 1424
by an employee organization, an employer, before testing, 1425
deploying, or materially modifying an automated employment- 1426

related decision process, shall provide written notice to the 1427
employee organization. 1428

Section 2. That existing sections 4112.01, 4112.051, 1429
4112.052, 4113.31, 4113.71, 4117.08, and 4141.28 of the Revised 1430
Code are hereby repealed. 1431