

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 134**

**Senator Seitz  
Cosponsors: Senators Eklund, Patton**

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**A BILL**

To amend sections 4112.02, 4112.05, 4112.08, and 1  
4112.14 and to enact section 4112.024 of the 2  
Revised Code to make permissive actual damages 3  
and attorney's fees, to limit certain civil 4  
penalties, to allow respondents to recover 5  
attorney's fees in certain instances, and to 6  
exempt certain landlords from the housing 7  
provisions of the Ohio Civil Rights Law. 8

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

**Section 1.** That sections 4112.02, 4112.05, 4112.08, and 9  
4112.14 be amended and section 4112.024 of the Revised Code be 10  
enacted to read as follows: 11

**Sec. 4112.02.** It shall be an unlawful discriminatory 12  
practice: 13

(A) For any employer, because of the race, color, 14  
religion, sex, military status, national origin, disability, 15  
age, or ancestry of any person, to discharge without just cause, 16  
to refuse to hire, or otherwise to discriminate against that 17  
person with respect to hire, tenure, terms, conditions, or 18

privileges of employment, or any matter directly or indirectly related to employment.	19 20
(B) For an employment agency or personnel placement service, because of race, color, religion, sex, military status, national origin, disability, age, or ancestry, to do any of the following:	21 22 23 24
(1) Refuse or fail to accept, register, classify properly, or refer for employment, or otherwise discriminate against any person;	25 26 27
(2) Comply with a request from an employer for referral of applicants for employment if the request directly or indirectly indicates that the employer fails to comply with the provisions of sections 4112.01 to 4112.07 of the Revised Code.	28 29 30 31
(C) For any labor organization to do any of the following:	32
(1) Limit or classify its membership on the basis of race, color, religion, sex, military status, national origin, disability, age, or ancestry;	33 34 35
(2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of race, color, religion, sex, military status, national origin, disability, age, or ancestry.	36 37 38 39 40
(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training.	41 42 43 44 45 46

(E) Except where based on a bona fide occupational 47  
qualification certified in advance by the commission, for any 48  
employer, employment agency, personnel placement service, or 49  
labor organization, prior to employment or admission to 50  
membership, to do any of the following: 51

(1) Elicit or attempt to elicit any information concerning 52  
the race, color, religion, sex, military status, national 53  
origin, disability, age, or ancestry of an applicant for 54  
employment or membership; 55

(2) Make or keep a record of the race, color, religion, 56  
sex, military status, national origin, disability, age, or 57  
ancestry of any applicant for employment or membership; 58

(3) Use any form of application for employment, or 59  
personnel or membership blank, seeking to elicit information 60  
regarding race, color, religion, sex, military status, national 61  
origin, disability, age, or ancestry; but an employer holding a 62  
contract containing a nondiscrimination clause with the 63  
government of the United States, or any department or agency of 64  
that government, may require an employee or applicant for 65  
employment to furnish documentary proof of United States 66  
citizenship and may retain that proof in the employer's 67  
personnel records and may use photographic or fingerprint 68  
identification for security purposes; 69

(4) Print or publish or cause to be printed or published 70  
any notice or advertisement relating to employment or membership 71  
indicating any preference, limitation, specification, or 72  
discrimination, based upon race, color, religion, sex, military 73  
status, national origin, disability, age, or ancestry; 74

(5) Announce or follow a policy of denying or limiting, 75

through a quota system or otherwise, employment or membership 76  
opportunities of any group because of the race, color, religion, 77  
sex, military status, national origin, disability, age, or 78  
ancestry of that group; 79

(6) Utilize in the recruitment or hiring of persons any 80  
employment agency, personnel placement service, training school 81  
or center, labor organization, or any other employee-referring 82  
source known to discriminate against persons because of their 83  
race, color, religion, sex, military status, national origin, 84  
disability, age, or ancestry. 85

(F) For any person seeking employment to publish or cause 86  
to be published any advertisement that specifies or in any 87  
manner indicates that person's race, color, religion, sex, 88  
military status, national origin, disability, age, or ancestry, 89  
or expresses a limitation or preference as to the race, color, 90  
religion, sex, military status, national origin, disability, 91  
age, or ancestry of any prospective employer. 92

(G) For any proprietor or any employee, keeper, or manager 93  
of a place of public accommodation to deny to any person, except 94  
for reasons applicable alike to all persons regardless of race, 95  
color, religion, sex, military status, national origin, 96  
disability, age, or ancestry, the full enjoyment of the 97  
accommodations, advantages, facilities, or privileges of the 98  
place of public accommodation. 99

(H) ~~For~~ Subject to section 4112.024 of the Revised Code, 100  
for any person to do any of the following: 101

(1) Refuse to sell, transfer, assign, rent, lease, 102  
sublease, or finance housing accommodations, refuse to negotiate 103  
for the sale or rental of housing accommodations, or otherwise 104

deny or make unavailable housing accommodations because of race, 105  
color, religion, sex, military status, familial status, 106  
ancestry, disability, or national origin; 107

(2) Represent to any person that housing accommodations 108  
are not available for inspection, sale, or rental, when in fact 109  
they are available, because of race, color, religion, sex, 110  
military status, familial status, ancestry, disability, or 111  
national origin; 112

(3) Discriminate against any person in the making or 113  
purchasing of loans or the provision of other financial 114  
assistance for the acquisition, construction, rehabilitation, 115  
repair, or maintenance of housing accommodations, or any person 116  
in the making or purchasing of loans or the provision of other 117  
financial assistance that is secured by residential real estate, 118  
because of race, color, religion, sex, military status, familial 119  
status, ancestry, disability, or national origin or because of 120  
the racial composition of the neighborhood in which the housing 121  
accommodations are located, provided that the person, whether an 122  
individual, corporation, or association of any type, lends money 123  
as one of the principal aspects or incident to the person's 124  
principal business and not only as a part of the purchase price 125  
of an owner-occupied residence the person is selling nor merely 126  
casually or occasionally to a relative or friend; 127

(4) Discriminate against any person in the terms or 128  
conditions of selling, transferring, assigning, renting, 129  
leasing, or subleasing any housing accommodations or in 130  
furnishing facilities, services, or privileges in connection 131  
with the ownership, occupancy, or use of any housing 132  
accommodations, including the sale of fire, extended coverage, 133  
or homeowners insurance, because of race, color, religion, sex, 134

military status, familial status, ancestry, disability, or 135  
national origin or because of the racial composition of the 136  
neighborhood in which the housing accommodations are located; 137

(5) Discriminate against any person in the terms or 138  
conditions of any loan of money, whether or not secured by 139  
mortgage or otherwise, for the acquisition, construction, 140  
rehabilitation, repair, or maintenance of housing accommodations 141  
because of race, color, religion, sex, military status, familial 142  
status, ancestry, disability, or national origin or because of 143  
the racial composition of the neighborhood in which the housing 144  
accommodations are located; 145

(6) Refuse to consider without prejudice the combined 146  
income of both husband and wife for the purpose of extending 147  
mortgage credit to a married couple or either member of a 148  
married couple; 149

(7) Print, publish, or circulate any statement or 150  
advertisement, or make or cause to be made any statement or 151  
advertisement, relating to the sale, transfer, assignment, 152  
rental, lease, sublease, or acquisition of any housing 153  
accommodations, or relating to the loan of money, whether or not 154  
secured by mortgage or otherwise, for the acquisition, 155  
construction, rehabilitation, repair, or maintenance of housing 156  
accommodations, that indicates any preference, limitation, 157  
specification, or discrimination based upon race, color, 158  
religion, sex, military status, familial status, ancestry, 159  
disability, or national origin, or an intention to make any such 160  
preference, limitation, specification, or discrimination; 161

(8) Except as otherwise provided in division (H) (8) or 162  
(17) of this section, make any inquiry, elicit any information, 163  
make or keep any record, or use any form of application 164

containing questions or entries concerning race, color, 165  
religion, sex, military status, familial status, ancestry, 166  
disability, or national origin in connection with the sale or 167  
lease of any housing accommodations or the loan of any money, 168  
whether or not secured by mortgage or otherwise, for the 169  
acquisition, construction, rehabilitation, repair, or 170  
maintenance of housing accommodations. Any person may make 171  
inquiries, and make and keep records, concerning race, color, 172  
religion, sex, military status, familial status, ancestry, 173  
disability, or national origin for the purpose of monitoring 174  
compliance with this chapter. 175

(9) Include in any transfer, rental, or lease of housing 176  
accommodations any restrictive covenant, or honor or exercise, 177  
or attempt to honor or exercise, any restrictive covenant; 178

(10) Induce or solicit, or attempt to induce or solicit, a 179  
housing accommodations listing, sale, or transaction by 180  
representing that a change has occurred or may occur with 181  
respect to the racial, religious, sexual, military status, 182  
familial status, or ethnic composition of the block, 183  
neighborhood, or other area in which the housing accommodations 184  
are located, or induce or solicit, or attempt to induce or 185  
solicit, a housing accommodations listing, sale, or transaction 186  
by representing that the presence or anticipated presence of 187  
persons of any race, color, religion, sex, military status, 188  
familial status, ancestry, disability, or national origin, in 189  
the block, neighborhood, or other area will or may have results 190  
including, but not limited to, the following: 191

(a) The lowering of property values; 192

(b) A change in the racial, religious, sexual, military 193  
status, familial status, or ethnic composition of the block, 194

neighborhood, or other area;	195
(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	196 197
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	198 199
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms or conditions of that access, membership, or participation, on account of race, color, religion, sex, military status, familial status, national origin, disability, or ancestry;	200 201 202 203 204 205 206 207
(12) Coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of that person's having exercised or enjoyed or having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by division (H) of this section;	208 209 210 211 212
(13) Discourage or attempt to discourage the purchase by a prospective purchaser of housing accommodations, by representing that any block, neighborhood, or other area has undergone or might undergo a change with respect to its religious, racial, sexual, military status, familial status, or ethnic composition;	213 214 215 216 217
(14) Refuse to sell, transfer, assign, rent, lease, sublease, or finance, or otherwise deny or withhold, a burial lot from any person because of the race, color, sex, military status, familial status, age, ancestry, disability, or national origin of any prospective owner or user of the lot;	218 219 220 221 222
(15) Discriminate in the sale or rental of, or otherwise	223



make unavailable or deny, housing accommodations to any buyer or renter because of a disability of any of the following:	224 225
(a) The buyer or renter;	226
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	227 228 229
(c) Any individual associated with the person described in division (H) (15) (b) of this section.	230 231
(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:	232 233 234 235 236
(a) That person;	237
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	238 239 240
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	241 242
(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	243 244 245 246 247 248 249 250 251

of housing accommodations, regardless of whether they have	252
disabilities:	253
(a) An inquiry into an applicant's ability to meet the	254
requirements of ownership or tenancy;	255
(b) An inquiry to determine whether an applicant is	256
qualified for housing accommodations available only to persons	257
with disabilities or persons with a particular type of	258
disability;	259
(c) An inquiry to determine whether an applicant is	260
qualified for a priority available to persons with disabilities	261
or persons with a particular type of disability;	262
(d) An inquiry to determine whether an applicant currently	263
uses a controlled substance in violation of section 2925.11 of	264
the Revised Code or a substantively comparable municipal	265
ordinance;	266
(e) An inquiry to determine whether an applicant at any	267
time has been convicted of or pleaded guilty to any offense, an	268
element of which is the illegal sale, offer to sell,	269
cultivation, manufacture, other production, shipment,	270
transportation, delivery, or other distribution of a controlled	271
substance.	272
(18) (a) Refuse to permit, at the expense of a person with	273
a disability, reasonable modifications of existing housing	274
accommodations that are occupied or to be occupied by the person	275
with a disability, if the modifications may be necessary to	276
afford the person with a disability full enjoyment of the	277
housing accommodations. This division does not preclude a	278
landlord of housing accommodations that are rented or to be	279
rented to a disabled tenant from conditioning permission for a	280

proposed modification upon the disabled tenant's doing one or 281  
more of the following: 282

(i) Providing a reasonable description of the proposed 283  
modification and reasonable assurances that the proposed 284  
modification will be made in a workerlike manner and that any 285  
required building permits will be obtained prior to the 286  
commencement of the proposed modification; 287

(ii) Agreeing to restore at the end of the tenancy the 288  
interior of the housing accommodations to the condition they 289  
were in prior to the proposed modification, but subject to 290  
reasonable wear and tear during the period of occupancy, if it 291  
is reasonable for the landlord to condition permission for the 292  
proposed modification upon the agreement; 293

(iii) Paying into an interest-bearing escrow account that 294  
is in the landlord's name, over a reasonable period of time, a 295  
reasonable amount of money not to exceed the projected costs at 296  
the end of the tenancy of the restoration of the interior of the 297  
housing accommodations to the condition they were in prior to 298  
the proposed modification, but subject to reasonable wear and 299  
tear during the period of occupancy, if the landlord finds the 300  
account reasonably necessary to ensure the availability of funds 301  
for the restoration work. The interest earned in connection with 302  
an escrow account described in this division shall accrue to the 303  
benefit of the disabled tenant who makes payments into the 304  
account. 305

(b) A landlord shall not condition permission for a 306  
proposed modification upon a disabled tenant's payment of a 307  
security deposit that exceeds the customarily required security 308  
deposit of all tenants of the particular housing accommodations. 309

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;	310 311 312 313
(20) Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Revised Code;	314 315
(21) Discriminate against any person in the selling, brokering, or appraising of real property because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin;	316 317 318 319
(22) Fail to design and construct covered multifamily dwellings for first occupancy on or after June 30, 1992, in accordance with the following conditions:	320 321 322
(a) The dwellings shall have at least one building entrance on an accessible route, unless it is impractical to do so because of the terrain or unusual characteristics of the site.	323 324 325 326
(b) With respect to dwellings that have a building entrance on an accessible route, all of the following apply:	327 328
(i) The public use areas and common use areas of the dwellings shall be readily accessible to and usable by persons with a disability.	329 330 331
(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.	332 333 334
(iii) All premises within covered multifamily dwelling units shall contain an accessible route into and through the dwelling; all light switches, electrical outlets, thermostats,	335 336 337

and other environmental controls within such units shall be in 338  
accessible locations; the bathroom walls within such units shall 339  
contain reinforcements to allow later installation of grab bars; 340  
and the kitchens and bathrooms within such units shall be 341  
designed and constructed in a manner that enables an individual 342  
in a wheelchair to maneuver about such rooms. 343

For purposes of division (H) (22) of this section, "covered 344  
multifamily dwellings" means buildings consisting of four or 345  
more units if such buildings have one or more elevators and 346  
ground floor units in other buildings consisting of four or more 347  
units. 348

(I) For any person to discriminate in any manner against 349  
any other person because that person has opposed any unlawful 350  
discriminatory practice defined in this section or because that 351  
person has made a charge, testified, assisted, or participated 352  
in any manner in any investigation, proceeding, or hearing under 353  
sections 4112.01 to 4112.07 of the Revised Code. 354

(J) For any person to aid, abet, incite, compel, or coerce 355  
the doing of any act declared by this section to be an unlawful 356  
discriminatory practice, to obstruct or prevent any person from 357  
complying with this chapter or any order issued under it, or to 358  
attempt directly or indirectly to commit any act declared by 359  
this section to be an unlawful discriminatory practice. 360

~~(K) (1) Nothing in division (H) of this section shall bar 361  
any religious or denominational institution or organization, or 362  
any nonprofit charitable or educational organization that is 363  
operated, supervised, or controlled by or in connection with a 364  
religious organization, from limiting the sale, rental, or 365  
occupancy of housing accommodations that it owns or operates for 366  
other than a commercial purpose to persons of the same religion, 367~~

~~or from giving preference in the sale, rental, or occupancy of such housing accommodations to persons of the same religion, unless membership in the religion is restricted on account of race, color, or national origin.~~ 368  
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~~(2) Nothing in division (H) of this section shall bar any bona fide private or fraternal organization that, incidental to its primary purpose, owns or operates lodgings for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.~~ 372  
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~~(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.~~ 378  
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~~(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.~~ 391  
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~~(5) Nothing in division (H) of this section pertaining to discrimination on the basis of familial status shall be~~ 396  
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~~construed to apply to any of the following:~~ 398

~~(a) Housing accommodations provided under any state or 399  
federal program that have been determined under the "Fair 400  
Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 401  
3607, as amended, to be specifically designed and operated to 402  
assist elderly persons;~~ 403

~~(b) Housing accommodations intended for and solely 404  
occupied by persons who are sixty two years of age or older;~~ 405

~~(c) Housing accommodations intended and operated for 406  
occupancy by at least one person who is fifty five years of age 407  
or older per unit, as determined under the "Fair Housing 408  
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 409  
amended.~~ 410

~~(L) Nothing in divisions (A) to (E) of this section shall 411  
be construed to require a person with a disability to be 412  
employed or trained under circumstances that would significantly 413  
increase the occupational hazards affecting either the person 414  
with a disability, other employees, the general public, or the 415  
facilities in which the work is to be performed, or to require 416  
the employment or training of a person with a disability in a 417  
job that requires the person with a disability routinely to 418  
undertake any task, the performance of which is substantially 419  
and inherently impaired by the person's disability.~~ 420

~~(M) Nothing in divisions (H) (1) to (18) of this section 421  
shall be construed to require any person selling or renting 422  
property to modify the property in any way or to exercise a 423  
higher degree of care for a person with a disability, to relieve 424  
any person with a disability of any obligation generally imposed 425  
on all persons regardless of disability in a written lease,~~ 426

~~rental agreement, or contract of purchase or sale, or to forbid- 427  
distinctions based on the inability to fulfill the terms and 428  
conditions, including financial obligations, of the lease, 429  
agreement, or contract. 430~~

~~(N)~~ (L) An aggrieved individual may enforce the 431  
individual's rights relative to discrimination on the basis of 432  
age as provided for in this section by instituting a civil 433  
action, within one hundred eighty days after the alleged 434  
unlawful discriminatory practice occurred, in any court with 435  
jurisdiction for any legal or equitable relief that will 436  
effectuate the individual's rights. 437

A person who files a civil action under this division is 438  
barred, with respect to the practices complained of, from 439  
instituting a civil action under section 4112.14 of the Revised 440  
Code and from filing a charge with the commission under section 441  
4112.05 of the Revised Code. 442

~~(O)~~ (M) With regard to age, it shall not be an unlawful 443  
discriminatory practice and it shall not constitute a violation 444  
of division (A) of section 4112.14 of the Revised Code for any 445  
employer, employment agency, joint labor-management committee 446  
controlling apprenticeship training programs, or labor 447  
organization to do any of the following: 448

(1) Establish bona fide employment qualifications 449  
reasonably related to the particular business or occupation that 450  
may include standards for skill, aptitude, physical capability, 451  
intelligence, education, maturation, and experience; 452

(2) Observe the terms of a bona fide seniority system or 453  
any bona fide employee benefit plan, including, but not limited 454  
to, a retirement, pension, or insurance plan, that is not a 455



subterfuge to evade the purposes of this section. However, no 456  
such employee benefit plan shall excuse the failure to hire any 457  
individual, and no such seniority system or employee benefit 458  
plan shall require or permit the involuntary retirement of any 459  
individual, because of the individual's age except as provided 460  
for in the "Age Discrimination in Employment Act Amendment of 461  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 462  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 463  
3342, 29 U.S.C.A. 623, as amended. 464

(3) Retire an employee who has attained sixty-five years 465  
of age who, for the two-year period immediately before 466  
retirement, is employed in a bona fide executive or a high 467  
policymaking position, if the employee is entitled to an 468  
immediate nonforfeitable annual retirement benefit from a 469  
pension, profit-sharing, savings, or deferred compensation plan, 470  
or any combination of those plans, of the employer of the 471  
employee, which equals, in the aggregate, at least forty-four 472  
thousand dollars, in accordance with the conditions of the "Age 473  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 474  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 475  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 476  
631, as amended; 477

(4) Observe the terms of any bona fide apprenticeship 478  
program if the program is registered with the Ohio 479  
apprenticeship council pursuant to sections 4139.01 to 4139.06 480  
of the Revised Code and is approved by the federal committee on 481  
apprenticeship of the United States department of labor. 482

~~(P)~~(N) Nothing in this chapter prohibiting age 483  
discrimination and nothing in division (A) of section 4112.14 of 484  
the Revised Code shall be construed to prohibit the following: 485

(1) The designation of uniform age the attainment of which 486  
is necessary for public employees to receive pension or other 487  
retirement benefits pursuant to Chapter 145., 742., 3307., 488  
3309., or 5505. of the Revised Code; 489

(2) The mandatory retirement of uniformed patrol officers 490  
of the state highway patrol as provided in section 5505.16 of 491  
the Revised Code; 492

(3) The maximum age requirements for appointment as a 493  
patrol officer in the state highway patrol established by 494  
section 5503.01 of the Revised Code; 495

(4) The maximum age requirements established for original 496  
appointment to a police department or fire department in 497  
sections 124.41 and 124.42 of the Revised Code; 498

(5) Any maximum age not in conflict with federal law that 499  
may be established by a municipal charter, municipal ordinance, 500  
or resolution of a board of township trustees for original 501  
appointment as a police officer or firefighter; 502

(6) Any mandatory retirement provision not in conflict 503  
with federal law of a municipal charter, municipal ordinance, or 504  
resolution of a board of township trustees pertaining to police 505  
officers and firefighters; 506

(7) Until January 1, 1994, the mandatory retirement of any 507  
employee who has attained seventy years of age and who is 508  
serving under a contract of unlimited tenure, or similar 509  
arrangement providing for unlimited tenure, at an institution of 510  
higher education as defined in the "Education Amendments of 511  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 512

~~(e)~~ (O) (1) (a) Except as provided in division ~~(e)~~ (O) (1) (b) 513  
of this section, for purposes of divisions (A) to (E) of this 514

section, a disability does not include any physiological 515  
disorder or condition, mental or psychological disorder, or 516  
disease or condition caused by an illegal use of any controlled 517  
substance by an employee, applicant, or other person, if an 518  
employer, employment agency, personnel placement service, labor 519  
organization, or joint labor-management committee acts on the 520  
basis of that illegal use. 521

(b) Division ~~(E)~~(O)(1)(a) of this section does not apply 522  
to an employee, applicant, or other person who satisfies any of 523  
the following: 524

(i) The employee, applicant, or other person has 525  
successfully completed a supervised drug rehabilitation program 526  
and no longer is engaging in the illegal use of any controlled 527  
substance, or the employee, applicant, or other person otherwise 528  
successfully has been rehabilitated and no longer is engaging in 529  
that illegal use. 530

(ii) The employee, applicant, or other person is 531  
participating in a supervised drug rehabilitation program and no 532  
longer is engaging in the illegal use of any controlled 533  
substance. 534

(iii) The employee, applicant, or other person is 535  
erroneously regarded as engaging in the illegal use of any 536  
controlled substance, but the employee, applicant, or other 537  
person is not engaging in that illegal use. 538

(2) Divisions (A) to (E) of this section do not prohibit 539  
an employer, employment agency, personnel placement service, 540  
labor organization, or joint labor-management committee from 541  
doing any of the following: 542

(a) Adopting or administering reasonable policies or 543

procedures, including, but not limited to, testing for the 544  
illegal use of any controlled substance, that are designed to 545  
ensure that an individual described in division ~~(e)~~(O)(1)(b)(i) 546  
or (ii) of this section no longer is engaging in the illegal use 547  
of any controlled substance; 548

(b) Prohibiting the illegal use of controlled substances 549  
and the use of alcohol at the workplace by all employees; 550

(c) Requiring that employees not be under the influence of 551  
alcohol or not be engaged in the illegal use of any controlled 552  
substance at the workplace; 553

(d) Requiring that employees behave in conformance with 554  
the requirements established under "The Drug-Free Workplace Act 555  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 556

(e) Holding an employee who engages in the illegal use of 557  
any controlled substance or who is an alcoholic to the same 558  
qualification standards for employment or job performance, and 559  
the same behavior, to which the employer, employment agency, 560  
personnel placement service, labor organization, or joint labor- 561  
management committee holds other employees, even if any 562  
unsatisfactory performance or behavior is related to an 563  
employee's illegal use of a controlled substance or alcoholism; 564

(f) Exercising other authority recognized in the 565  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 566  
U.S.C.A. 12101, as amended, including, but not limited to, 567  
requiring employees to comply with any applicable federal 568  
standards. 569

(3) For purposes of this chapter, a test to determine the 570  
illegal use of any controlled substance does not include a 571  
medical examination. 572

(4) Division ~~(Q)~~(O) of this section does not encourage, 573  
prohibit, or authorize, and shall not be construed as 574  
encouraging, prohibiting, or authorizing, the conduct of testing 575  
for the illegal use of any controlled substance by employees, 576  
applicants, or other persons, or the making of employment 577  
decisions based on the results of that type of testing. 578

~~(R)~~(P) This section does not apply to a religious 579  
corporation, association, educational institution, or society 580  
with respect to the employment of an individual of a particular 581  
religion to perform work connected with the carrying on by that 582  
religious corporation, association, educational institution, or 583  
society of its activities. 584

The unlawful discriminatory practices defined in this 585  
section do not make it unlawful for a person or an appointing 586  
authority administering an examination under section 124.23 of 587  
the Revised Code to obtain information about an applicant's 588  
military status for the purpose of determining if the applicant 589  
is eligible for the additional credit that is available under 590  
that section. 591

Sec. 4112.024. (A) Nothing in division (H) of section 592  
4112.02 of the Revised Code shall bar any religious or 593  
denominational institution or organization, or any nonprofit 594  
charitable or educational organization that is operated, 595  
supervised, or controlled by or in connection with a religious 596  
organization, from limiting the sale, rental, or occupancy of 597  
housing accommodations that it owns or operates for other than a 598  
commercial purpose to persons of the same religion, or from 599  
giving preference in the sale, rental, or occupancy of such 600  
housing accommodations to persons of the same religion, unless 601  
membership in the religion is restricted on account of race, 602

color, or national origin. 603

(B) Nothing in division (H) of section 4112.02 of the 604  
Revised Code shall bar any bona fide private or fraternal 605  
organization that, incidental to its primary purpose, owns or 606  
operates lodgings for other than a commercial purpose, from 607  
limiting the rental or occupancy of the lodgings to its members 608  
or from giving preference to its members. 609

(C) Nothing in division (H) of section 4112.02 of the 610  
Revised Code limits the applicability of any reasonable local, 611  
state, or federal restrictions regarding the maximum number of 612  
occupants permitted to occupy housing accommodations. Nothing in 613  
that division prohibits the owners or managers of housing 614  
accommodations from implementing reasonable occupancy standards 615  
based on the number and size of sleeping areas or bedrooms and 616  
the overall size of a dwelling unit, provided that the standards 617  
are not implemented to circumvent the purposes of this chapter 618  
and are formulated, implemented, and interpreted in a manner 619  
consistent with this chapter and any applicable local, state, or 620  
federal restrictions regarding the maximum number of occupants 621  
permitted to occupy housing accommodations. 622

(D) Nothing in division (H) of section 4112.02 of the 623  
Revised Code requires that housing accommodations be made 624  
available to an individual whose tenancy would constitute a 625  
direct threat to the health or safety of other individuals or 626  
whose tenancy would result in substantial physical damage to the 627  
property of others. 628

(E) Nothing in division (H) of section 4112.02 of the 629  
Revised Code pertaining to discrimination on the basis of 630  
familial status shall be construed to apply to any of the 631  
following: 632

(1) 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;

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

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

(F) Except as otherwise provided in division (F) of this section, divisions (H)(1), (2), (4), (7), (9), (10), (11), (15), (16), (18), (19), (20), and (22) of section 4112.02 of the Revised Code and division (H)(8) of that section as it applies to the sale or lease of housing accommodations do not apply to either of the following:

(1) Any single-family residential dwelling sold or rented by an owner if all of the following apply:

(a) The private individual owner does not own more than three such single-family residential dwellings at any one time.

(b) The bona fide private individual owner does not own any interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family residential dwellings at any one time.

(c) The single-family residential dwelling is sold or

rented without both of the following: 662

(i) The use, in any manner, of the sales or rental 663  
facilities or services of any real estate broker, agent, or 664  
salesperson; the facilities or services of any person in the 665  
business of selling or renting dwellings; or any employee or 666  
agent of any such broker, agent, salesperson, or person; 667

(ii) The printing, publishing, or circulating of any 668  
statement or advertisement, or making or causing to be made any 669  
statement or advertisement in violation of division (H) (7) of 670  
section 4112.02 of the Revised Code. 671

In the case of the sale of any such single-family 672  
residential dwelling by a private individual owner not residing 673  
in the dwelling at the time of the sale or who was not the most 674  
recent resident of the dwelling prior to the sale, the exemption 675  
granted by this division applies only with respect to one such 676  
sale within any twenty-four month period. Nothing in this 677  
division prohibits the use of attorneys, escrow agents, 678  
abstractors, title companies, and other such professional 679  
assistance as necessary to perfect or transfer the title of a 680  
dwelling. As used in this section, "person in the business of 681  
selling or renting dwellings" has the same meaning as in 42 682  
U.S.C. 3603. 683

(2) Rooms or units in dwellings containing living quarters 684  
occupied or intended to be occupied by not more than four 685  
families living independently of each other, if the owner 686  
actually maintains and occupies the living quarters as the 687  
owner's residence. 688

(G) Nothing in divisions (H) (1) to (18) of section 4112.02 689  
of the Revised Code shall be construed to require any person 690



selling or renting property to modify the property in any way or 691  
to exercise a higher degree of care for a person with a 692  
disability, to relieve any person with a disability of any 693  
obligation generally imposed on all persons regardless of 694  
disability in a written lease, rental agreement, or contract of 695  
purchase or sale, or to forbid distinctions based on the 696  
inability to fulfill the terms and conditions, including 697  
financial obligations, of the lease, agreement, or contract. 698

**Sec. 4112.05.** (A) The commission, as provided in this 699  
section, shall prevent any person from engaging in unlawful 700  
discriminatory practices, provided that, before instituting the 701  
formal hearing authorized by division (B) of this section, it 702  
shall attempt, by informal methods of conference, conciliation, 703  
and persuasion, to induce compliance with this chapter. 704

(B) (1) Any person may file a charge with the commission 705  
alleging that another person has engaged or is engaging in an 706  
unlawful discriminatory practice. In the case of a charge 707  
alleging an unlawful discriminatory practice described in 708  
division (A), (B), (C), (D), (E), (F), (G), (I), or (J) of 709  
section 4112.02 or in section 4112.021 or 4112.022 of the 710  
Revised Code, the charge shall be in writing and under oath and 711  
shall be filed with the commission within six months after the 712  
alleged unlawful discriminatory practice was committed. In the 713  
case of a charge alleging an unlawful discriminatory practice 714  
described in division (H) of section 4112.02 of the Revised 715  
Code, the charge shall be in writing and under oath and shall be 716  
filed with the commission within one year after the alleged 717  
unlawful discriminatory practice was committed. 718

(2) Upon receiving a charge, the commission may initiate a 719  
preliminary investigation to determine whether it is probable 720

that an unlawful discriminatory practice has been or is being 721  
engaged in. The commission also may conduct, upon its own 722  
initiative and independent of the filing of any charges, a 723  
preliminary investigation relating to any of the unlawful 724  
discriminatory practices described in division (A), (B), (C), 725  
(D), (E), (F), (I), or (J) of section 4112.02 or in section 726  
4112.021 or 4112.022 of the Revised Code. Prior to a 727  
notification of a complainant under division (B)(4) of this 728  
section or prior to the commencement of informal methods of 729  
conference, conciliation, and persuasion under that division, 730  
the members of the commission and the officers and employees of 731  
the commission shall not make public in any manner and shall 732  
retain as confidential all information that was obtained as a 733  
result of or that otherwise pertains to a preliminary 734  
investigation other than one described in division (B)(3) of 735  
this section. 736

(3) (a) Unless it is impracticable to do so and subject to 737  
its authority under division (B)(3)(d) of this section, the 738  
commission shall complete a preliminary investigation of a 739  
charge filed pursuant to division (B)(1) of this section that 740  
alleges an unlawful discriminatory practice described in 741  
division (H) of section 4112.02 of the Revised Code, and shall 742  
take one of the following actions, within one hundred days after 743  
the filing of the charge: 744

(i) Notify the complainant and the respondent that it is 745  
not probable that an unlawful discriminatory practice described 746  
in division (H) of section 4112.02 of the Revised Code has been 747  
or is being engaged in and that the commission will not issue a 748  
complaint in the matter; 749

(ii) Initiate a complaint and schedule it for informal 750

methods of conference, conciliation, and persuasion; 751

(iii) Initiate a complaint and refer it to the attorney 752  
general with a recommendation to seek a temporary or permanent 753  
injunction or a temporary restraining order. If this action is 754  
taken, the attorney general shall apply, as expeditiously as 755  
possible after receipt of the complaint, to the court of common 756  
pleas of the county in which the unlawful discriminatory 757  
practice allegedly occurred for the appropriate injunction or 758  
order, and the court shall hear and determine the application as 759  
expeditiously as possible. 760

(b) If it is not practicable to comply with the 761  
requirements of division (B) (3) (a) of this section within the 762  
one-hundred-day period described in that division, the 763  
commission shall notify the complainant and the respondent in 764  
writing of the reasons for the noncompliance. 765

(c) Prior to the issuance of a complaint under division 766  
(B) (3) (a) (ii) or (iii) of this section or prior to a 767  
notification of the complainant and the respondent under 768  
division (B) (3) (a) (i) of this section, the members of the 769  
commission and the officers and employees of the commission 770  
shall not make public in any manner and shall retain as 771  
confidential all information that was obtained as a result of or 772  
that otherwise pertains to a preliminary investigation of a 773  
charge filed pursuant to division (B) (1) of this section that 774  
alleges an unlawful discriminatory practice described in 775  
division (H) of section 4112.05 of the Revised Code. 776

(d) Notwithstanding the types of action described in 777  
divisions (B) (3) (a) (ii) and (iii) of this section, prior to the 778  
issuance of a complaint or the referral of a complaint to the 779  
attorney general and prior to endeavoring to eliminate an 780

unlawful discriminatory practice described in division (H) of 781  
section 4112.02 of the Revised Code by informal methods of 782  
conference, conciliation, and persuasion, the commission may 783  
seek a temporary or permanent injunction or a temporary 784  
restraining order in the court of common pleas of the county in 785  
which the unlawful discriminatory practice allegedly occurred. 786

(4) If the commission determines after a preliminary 787  
investigation other than one described in division (B)(3) of 788  
this section that it is not probable that an unlawful 789  
discriminatory practice has been or is being engaged in, it 790  
shall notify any complainant under division (B)(1) of this 791  
section that it has so determined and that it will not issue a 792  
complaint in the matter. If the commission determines after a 793  
preliminary investigation other than the one described in 794  
division (B)(3) of this section that it is probable that an 795  
unlawful discriminatory practice has been or is being engaged 796  
in, it shall endeavor to eliminate the practice by informal 797  
methods of conference, conciliation, and persuasion. 798

(5) Nothing said or done during informal methods of 799  
conference, conciliation, and persuasion under this section 800  
shall be disclosed by any member of the commission or its staff 801  
or be used as evidence in any subsequent hearing or other 802  
proceeding. If, after a preliminary investigation and the use of 803  
informal methods of conference, conciliation, and persuasion 804  
under this section, the commission is satisfied that any 805  
unlawful discriminatory practice will be eliminated, it may 806  
treat the charge involved as being conciliated and enter that 807  
disposition on the records of the commission. If the commission 808  
fails to effect the elimination of an unlawful discriminatory 809  
practice by informal methods of conference, conciliation, and 810  
persuasion under this section and to obtain voluntary compliance 811

with this chapter, the commission shall issue and cause to be 812  
served upon any person, including the respondent against whom a 813  
complainant has filed a charge pursuant to division (B) (1) of 814  
this section, a complaint stating the charges involved and 815  
containing a notice of an opportunity for a hearing before the 816  
commission, a member of the commission, or a hearing examiner at 817  
a place that is stated in the notice and that is located within 818  
the county in which the alleged unlawful discriminatory practice 819  
has occurred or is occurring or in which the respondent resides 820  
or transacts business. The hearing shall be held not less than 821  
thirty days after the service of the complaint upon the 822  
complainant, the aggrieved persons other than the complainant on 823  
whose behalf the complaint is issued, and the respondent, unless 824  
the complainant, an aggrieved person, or the respondent elects 825  
to proceed under division (A) (2) of section 4112.051 of the 826  
Revised Code when that division is applicable. If a complaint 827  
pertains to an alleged unlawful discriminatory practice 828  
described in division (H) of section 4112.02 of the Revised 829  
Code, the complaint shall notify the complainant, an aggrieved 830  
person, and the respondent of the right of the complainant, an 831  
aggrieved person, or the respondent to elect to proceed with the 832  
administrative hearing process under this section or to proceed 833  
under division (A) (2) of section 4112.051 of the Revised Code. 834

(6) The attorney general shall represent the commission at 835  
any hearing held pursuant to division (B) (5) of this section and 836  
shall present the evidence in support of the complaint. 837

(7) Any complaint issued pursuant to division (B) (5) of 838  
this section after the filing of a charge under division (B) (1) 839  
of this section shall be so issued within one year after the 840  
complainant filed the charge with respect to an alleged unlawful 841  
discriminatory practice. 842

(C) (1) Any complaint issued pursuant to division (B) of this section may be amended by the commission, a member of the commission, or the hearing examiner conducting a hearing under division (B) of this section. 7. 843  
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(a) Except as provided in division (C) (1) (b) of this section, a complaint issued pursuant to division (B) of this section may be amended at any time prior to or during the hearing. 847  
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(b) If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing and not thereafter. 851  
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(2) The respondent has the right to file an answer or an amended answer to the original and amended complaints and to appear at the hearing in person, by attorney, or otherwise to examine and cross-examine witnesses. 856  
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(D) The complainant shall be a party to a hearing under division (B) of this section, and any person who is an indispensable party to a complete determination or settlement of a question involved in the hearing shall be joined. Any aggrieved person who has or claims an interest in the subject of the hearing and in obtaining or preventing relief against the unlawful discriminatory practices complained of shall be permitted to appear only for the presentation of oral or written arguments, to present evidence, perform direct and cross-examination, and be represented by counsel. The commission shall adopt rules, in accordance with Chapter 119. of the Revised Code governing the authority granted under this division. 860  
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(E) In any hearing under division (B) of this section, the  
commission, a member of the commission, or the hearing examiner  
shall not be bound by the Rules of Evidence but, in ascertaining  
the practices followed by the respondent, shall take into  
account all reliable, probative, and substantial statistical or  
other evidence produced at the hearing that may tend to prove  
the existence of a predetermined pattern of employment or  
membership, provided that nothing contained in this section  
shall be construed to authorize or require any person to observe  
the proportion that persons of any race, color, religion, sex,  
military status, familial status, national origin, disability,  
age, or ancestry bear to the total population or in accordance  
with any criterion other than the individual qualifications of  
the applicant.

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

(G) (1) (a) If, upon all reliable, probative, and  
substantial evidence presented at a hearing under division (B)  
of this section, the commission determines that the respondent  
has engaged in, or is engaging in, any unlawful discriminatory  
practice, whether against the complainant or others, the  
commission shall state its findings of fact and conclusions of  
law and shall issue and, subject to the provisions of Chapter  
119. of the Revised Code, cause to be served on the respondent  
an order requiring the respondent to ~~cease~~ do all of the  
following:

(i) Cease and desist from the unlawful discriminatory practice, ~~requiring the respondent to take;~~

(ii) Take any further affirmative or other action that will effectuate the purposes of this chapter, including, but not limited to, hiring, reinstatement, or upgrading of employees with or without back pay, or admission or restoration to union membership, ~~and requiring the respondent to report;~~

(iii) Report to the commission the manner of compliance. ~~If-~~

~~If~~ the commission directs payment of back pay, it shall make allowance for interim earnings. ~~If it-~~

(b) If the commission finds a violation of division (H) of section 4112.02 of the Revised Code, in addition to the action described in division (G) (1) (a) of this section, the commission additionally shall may require the respondent to pay actual damages and reasonable attorney's fees, and may award to the complainant punitive damages, to vindicate the public interest, assess a civil penalty against the respondent as follows:

~~(a) (i)~~ If division divisions (G) (1) (b) (ii) or (e) (iii) of this section does do not apply, punitive damages a civil penalty in an amount not to exceed ten two thousand dollars;

~~(b) (ii)~~ If division (G) (1) (e) (G) (1) (b) (iii) of this section does not apply and if the respondent has been determined by a final order of the commission or by a final judgment of a court to have committed one violation of division (H) of section 4112.02 of the Revised Code during the five-year period immediately preceding the date on which a complaint was issued pursuant to division (B) of this section, punitive damages a civil penalty in an amount not to exceed twenty five five



thousand dollars; 931

~~(e)~~ (iii) If the respondent has been determined by a final 932  
order of the commission or by a final judgment of a court to 933  
have committed two or more violations of division (H) of section 934  
4112.02 of the Revised Code during the seven-year period 935  
immediately preceding the date on which a complaint was issued 936  
pursuant to division (B) of this section, ~~punitive damages~~ a 937  
civil penalty in an amount not to exceed ~~fifty ten~~ thousand 938  
dollars. 939

(2) Upon the submission of reports of compliance, the 940  
commission may issue a declaratory order stating that the 941  
respondent has ceased to engage in particular unlawful 942  
discriminatory practices. 943

(H) If the commission finds that no probable cause exists 944  
for crediting charges of unlawful discriminatory practices or 945  
if, upon all the evidence presented at a hearing under division 946  
(B) of this section on a charge, the commission finds that a 947  
respondent has not engaged in any unlawful discriminatory 948  
practice against the complainant or others, it shall state its 949  
findings of fact and shall issue and cause to be served on the 950  
complainant an order dismissing the complaint as to the 951  
respondent. A copy of the order shall be delivered in all cases 952  
to the attorney general and any other public officers whom the 953  
commission considers proper. 954

If, upon all the evidence presented at a hearing under 955  
division (B) of this section on a charge, the commission finds 956  
that a respondent has not engaged in any unlawful discriminatory 957  
practice against the complainant or others, it may award to the 958  
respondent reasonable attorney's fees to the extent provided in 959  
5 U.S.C. 504 and accompanying regulations. 960

(I) Until the time period for appeal set forth in division 961  
(H) of section 4112.06 of the Revised Code expires, the 962  
commission, subject to the provisions of Chapter 119. of the 963  
Revised Code, at any time, upon reasonable notice, and in the 964  
manner it considers proper, may modify or set aside, in whole or 965  
in part, any finding or order made by it under this section. 966

**Sec. 4112.08.** This chapter shall be construed liberally 967  
for the accomplishment of its purposes, and any law inconsistent 968  
with any provision of this chapter shall not apply. Nothing 969  
contained in this chapter shall be considered to repeal any of 970  
the provisions of any law of this state relating to 971  
discrimination because of race, color, religion, sex, military 972  
status, familial status, disability, national origin, age, or 973  
ancestry, except that any person filing a charge under division 974  
(B) (1) of section 4112.05 of the Revised Code, with respect to 975  
the unlawful discriminatory practices complained of, is barred 976  
from instituting a civil action under section 4112.14 or 977  
division ~~(N)~~(L) of section 4112.02 of the Revised Code. 978

**Sec. 4112.14.** (A) No employer shall discriminate in any 979  
job opening against any applicant or discharge without just 980  
cause any employee aged forty or older who is physically able to 981  
perform the duties and otherwise meets the established 982  
requirements of the job and laws pertaining to the relationship 983  
between employer and employee. 984

(B) Any person aged forty or older who is discriminated 985  
against in any job opening or discharged without just cause by 986  
an employer in violation of division (A) of this section may 987  
institute a civil action against the employer in a court of 988  
competent jurisdiction. If the court finds that an employer has 989  
discriminated on the basis of age, the court shall order an 990

appropriate remedy which shall include reimbursement to the 991  
applicant or employee for the costs, including reasonable 992  
attorney's fees, of the action, or to reinstate the employee in 993  
the employee's former position with compensation for lost wages 994  
and any lost fringe benefits from the date of the illegal 995  
discharge and to reimburse the employee for the costs, including 996  
reasonable attorney's fees, of the action. The remedies 997  
available under this section are coexistent with remedies 998  
available pursuant to sections 4112.01 to 4112.11 of the Revised 999  
Code; except that any person instituting a civil action under 1000  
this section is, with respect to the practices complained of, 1001  
thereby barred from instituting a civil action under division 1002  
~~(N)~~(L) of section 4112.02 of the Revised Code or from filing a 1003  
charge with the Ohio civil rights commission under section 1004  
4112.05 of the Revised Code. 1005

(C) The cause of action described in division (B) of this 1006  
section and any remedies available pursuant to sections 4112.01 1007  
to 4112.11 of the Revised Code shall not be available in the 1008  
case of discharges where the employee has available to the 1009  
employee the opportunity to arbitrate the discharge or where a 1010  
discharge has been arbitrated and has been found to be for just 1011  
cause. 1012

**Section 2.** That existing sections 4112.02, 4112.05, 1013  
4112.08, and 4112.14 of the Revised Code are hereby repealed. 1014