

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**S. B. No. 180**

**Senator Uecker**

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

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**A BILL**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Homosexuality and bisexuality; 112

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

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

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

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

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

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

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

section 3719.01 of the Revised Code.	133
(21) "Disabled tenant" means a tenant or prospective tenant who is a person with a disability.	134 135
(22) "Military status" means a person's status in "service in the uniformed services" as defined in section 5923.05 of the Revised Code.	136 137 138
(23) "Aggrieved person" includes both of the following:	139
(a) Any person who claims to have been injured by any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code;	140 141 142
(b) Any person who believes that the person will be injured by, any unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code that is about to occur.	143 144 145 146
<u>(24) "Constitutional or statutory right" includes any right that is prescribed by the Constitution of the United States or this state, including any fundamental right, or that is granted under any statute of the United States or this state.</u>	147 148 149 150
(B) For the purposes of divisions (A) to (F) of section 4112.02 of the Revised Code, the terms "because of sex" and "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, any illness arising out of and occurring during the course of a pregnancy, childbirth, or related medical conditions. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in division (B) of section 4111.17 of the Revised Code	151 152 153 154 155 156 157 158 159 160 161

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

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

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

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

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

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

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

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

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

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

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

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

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

age, or ancestry of any prospective employer. 250

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The lowering of property values; 349

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

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

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

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

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

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

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

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

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

(a) The buyer or renter; 383

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

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

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

(a) That person; 394

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

housing accommodations after they are sold, rented, or made available;	396 397
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	398 399
(17) Except as otherwise provided in division (H) (17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:	400 401 402 403 404 405 406 407 408 409 410
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	411 412
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of disability;	413 414 415 416
(c) An inquiry to determine whether an applicant is qualified for a priority available to persons with disabilities or persons with a particular type of disability;	417 418 419
(d) An inquiry to determine whether an applicant currently uses a controlled substance in violation of section 2925.11 of the Revised Code or a substantively comparable municipal ordinance;	420 421 422 423
(e) An inquiry to determine whether an applicant at any	424

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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