

As Introduced

**131st General Assembly
Regular Session
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S. B. No. 69

**Senator Tavares
Cosponsors: Senators Brown, Skindell**

A BILL

To amend sections 4112.01, 4112.02, 4112.05, 1
4112.08, 4112.14, 4112.15, and 4112.99 of the 2
Revised Code to restrict a person's ability to 3
require, solicit, mail, and publicly display 4
social security numbers. 5

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

Section 1. That sections 4112.01, 4112.02, 4112.05, 6
4112.08, 4112.14, 4112.15, and 4112.99 of the Revised Code be 7
amended to read as follows: 8

Sec. 4112.01. (A) As used in this chapter: 9

(1) "Person" includes one or more individuals, 10
partnerships, associations, organizations, corporations, legal 11
representatives, trustees, trustees in bankruptcy, receivers, 12
and other organized groups of persons. "Person" also includes, 13
but is not limited to, any owner, lessor, assignor, builder, 14
manager, broker, salesperson, appraiser, agent, employee, 15
lending institution, and the state and all political 16
subdivisions, authorities, agencies, boards, and commissions of 17
the state. 18

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

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

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

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

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

(7) "Discriminate" includes segregate or separate.

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

(9) "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theater, store, other place for the sale of merchandise, or any other place of public accommodation or amusement of which the accommodations, advantages, facilities, or privileges are available to the public.

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

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

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

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

impairment; or being regarded as having a physical or mental impairment.	77 78
(14) Except as otherwise provided in section 4112.021 of the Revised Code, "age" means at least forty years old.	79 80
(15) "Familial status" means either of the following:	81
(a) One or more individuals who are under eighteen years of age and who are domiciled with a parent or guardian having legal custody of the individual or domiciled, with the written permission of the parent or guardian having legal custody, with a designee of the parent or guardian;	82 83 84 85 86
(b) Any person who is pregnant or in the process of securing legal custody of any individual who is under eighteen years of age.	87 88 89
(16) (a) Except as provided in division (A) (16) (b) of this section, "physical or mental impairment" includes any of the following:	90 91 92
(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;	93 94 95 96 97 98
(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;	99 100 101
(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple	102 103 104

sclerosis, cancer, heart disease, diabetes, human	105
immunodeficiency virus infection, mental retardation, emotional	106
illness, drug addiction, and alcoholism.	107
(b) "Physical or mental impairment" does not include any	108
of the following:	109
(i) Homosexuality and bisexuality;	110
(ii) Transvestism, transsexualism, pedophilia,	111
exhibitionism, voyeurism, gender identity disorders not	112
resulting from physical impairments, or other sexual behavior	113
disorders;	114
(iii) Compulsive gambling, kleptomania, or pyromania;	115
(iv) Psychoactive substance use disorders resulting from	116
the current illegal use of a controlled substance or the current	117
use of alcoholic beverages.	118
(17) "Dwelling unit" means a single unit of residence for	119
a family of one or more persons.	120
(18) "Common use areas" means rooms, spaces, or elements	121
inside or outside a building that are made available for the use	122
of residents of the building or their guests, and includes, but	123
is not limited to, hallways, lounges, lobbies, laundry rooms,	124
refuse rooms, mail rooms, recreational areas, and passageways	125
among and between buildings.	126
(19) "Public use areas" means interior or exterior rooms	127
or spaces of a privately or publicly owned building that are	128
made available to the general public.	129
(20) "Controlled substance" has the same meaning as in	130
section 3719.01 of the Revised Code.	131

(21) "Disabled tenant" means a tenant or prospective
tenant who is a person with a disability. 132
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(22) "Military status" means a person's status in "service
in the uniformed services" as defined in section 5923.05 of the
Revised Code. 134
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(23) "Aggrieved person" includes both of the following: 137

(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; 138
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(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. 141
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(24) "Social security number" means three or more
consecutive digits of a social security number. 145
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(25) "Public record" has the same meaning as in section
149.43 of the Revised Code. 147
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(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
shall be interpreted to permit otherwise. This division shall 149
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not be construed to require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term or except where medical complications have arisen from the abortion, provided that nothing in this division precludes an employer from providing abortion benefits or otherwise affects bargaining agreements in regard to abortion.

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

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

(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:

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

(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.

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

(1) Limit or classify its membership on the basis of race,

color, religion, sex, military status, national origin, 190
disability, age, or ancestry; 191

(2) Discriminate against, limit the employment 192
opportunities of, or otherwise adversely affect the employment 193
status, wages, hours, or employment conditions of any person as 194
an employee because of race, color, religion, sex, military 195
status, national origin, disability, age, or ancestry. 196

(D) For any employer, labor organization, or joint labor- 197
management committee controlling apprentice training programs to 198
discriminate against any person because of race, color, 199
religion, sex, military status, national origin, disability, or 200
ancestry in admission to, or employment in, any program 201
established to provide apprentice training. 202

(E) Except where based on a bona fide occupational 203
qualification certified in advance by the commission, for any 204
employer, employment agency, personnel placement service, or 205
labor organization, prior to employment or admission to 206
membership, to do any of the following: 207

(1) Elicit or attempt to elicit any information concerning 208
the race, color, religion, sex, military status, national 209
origin, disability, age, or ancestry of an applicant for 210
employment or membership; 211

(2) Make or keep a record of the race, color, religion, 212
sex, military status, national origin, disability, age, or 213
ancestry of any applicant for employment or membership; 214

(3) Use any form of application for employment, or 215
personnel or membership blank, seeking to elicit information 216
regarding race, color, religion, sex, military status, national 217
origin, disability, age, or ancestry; but an employer holding a 218

contract containing a nondiscrimination clause with the 219
government of the United States, or any department or agency of 220
that government, may require an employee or applicant for 221
employment to furnish documentary proof of United States 222
citizenship and may retain that proof in the employer's 223
personnel records and may use photographic or fingerprint 224
identification for security purposes; 225

(4) Print or publish or cause to be printed or published 226
any notice or advertisement relating to employment or membership 227
indicating any preference, limitation, specification, or 228
discrimination, based upon race, color, religion, sex, military 229
status, national origin, disability, age, or ancestry; 230

(5) Announce or follow a policy of denying or limiting, 231
through a quota system or otherwise, employment or membership 232
opportunities of any group because of the race, color, religion, 233
sex, military status, national origin, disability, age, or 234
ancestry of that group; 235

(6) Utilize in the recruitment or hiring of persons any 236
employment agency, personnel placement service, training school 237
or center, labor organization, or any other employee-referring 238
source known to discriminate against persons because of their 239
race, color, religion, sex, military status, national origin, 240
disability, age, or ancestry. 241

(F) For any person seeking employment to publish or cause 242
to be published any advertisement that specifies or in any 243
manner indicates that person's race, color, religion, sex, 244
military status, national origin, disability, age, or ancestry, 245
or expresses a limitation or preference as to the race, color, 246
religion, sex, military status, national origin, disability, 247
age, or ancestry of any prospective employer. 248

(G) For any proprietor or any employee, keeper, or manager 249
of a place of public accommodation to deny to any person, except 250
for reasons applicable alike to all persons regardless of race, 251
color, religion, sex, military status, national origin, 252
disability, age, or ancestry, the full enjoyment of the 253
accommodations, advantages, facilities, or privileges of the 254
place of public accommodation. 255

(H) For any person to do any of the following: 256

(1) Refuse to sell, transfer, assign, rent, lease, 257
sublease, or finance housing accommodations, refuse to negotiate 258
for the sale or rental of housing accommodations, or otherwise 259
deny or make unavailable housing accommodations because of race, 260
color, religion, sex, military status, familial status, 261
ancestry, disability, or national origin; 262

(2) Represent to any person that housing accommodations 263
are not available for inspection, sale, or rental, when in fact 264
they are available, because of race, color, religion, sex, 265
military status, familial status, ancestry, disability, or 266
national origin; 267

(3) Discriminate against any person in the making or 268
purchasing of loans or the provision of other financial 269
assistance for the acquisition, construction, rehabilitation, 270
repair, or maintenance of housing accommodations, or any person 271
in the making or purchasing of loans or the provision of other 272
financial assistance that is secured by residential real estate, 273
because of race, color, religion, sex, military status, familial 274
status, ancestry, disability, or national origin or because of 275
the racial composition of the neighborhood in which the housing 276
accommodations are located, provided that the person, whether an 277
individual, corporation, or association of any type, lends money 278

as one of the principal aspects or incident to the person's 279
principal business and not only as a part of the purchase price 280
of an owner-occupied residence the person is selling nor merely 281
casually or occasionally to a relative or friend; 282

(4) Discriminate against any person in the terms or 283
conditions of selling, transferring, assigning, renting, 284
leasing, or subleasing any housing accommodations or in 285
furnishing facilities, services, or privileges in connection 286
with the ownership, occupancy, or use of any housing 287
accommodations, including the sale of fire, extended coverage, 288
or homeowners insurance, because of race, color, religion, sex, 289
military status, familial status, ancestry, disability, or 290
national origin or because of the racial composition of the 291
neighborhood in which the housing accommodations are located; 292

(5) Discriminate against any person in the terms or 293
conditions of any loan of money, whether or not secured by 294
mortgage or otherwise, for the acquisition, construction, 295
rehabilitation, repair, or maintenance of housing accommodations 296
because of race, color, religion, sex, military status, familial 297
status, ancestry, disability, or national origin or because of 298
the racial composition of the neighborhood in which the housing 299
accommodations are located; 300

(6) Refuse to consider without prejudice the combined 301
income of both husband and wife for the purpose of extending 302
mortgage credit to a married couple or either member of a 303
married couple; 304

(7) Print, publish, or circulate any statement or 305
advertisement, or make or cause to be made any statement or 306
advertisement, relating to the sale, transfer, assignment, 307
rental, lease, sublease, or acquisition of any housing 308

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

(8) Except as otherwise provided in division (H) (8) or 317
(17) of this section, make any inquiry, elicit any information, 318
make or keep any record, or use any form of application 319
containing questions or entries concerning race, color, 320
religion, sex, military status, familial status, ancestry, 321
disability, or national origin in connection with the sale or 322
lease of any housing accommodations or the loan of any money, 323
whether or not secured by mortgage or otherwise, for the 324
acquisition, construction, rehabilitation, repair, or 325
maintenance of housing accommodations. Any person may make 326
inquiries, and make and keep records, concerning race, color, 327
religion, sex, military status, familial status, ancestry, 328
disability, or national origin for the purpose of monitoring 329
compliance with this chapter. 330

(9) Include in any transfer, rental, or lease of housing 331
accommodations any restrictive covenant, or honor or exercise, 332
or attempt to honor or exercise, any restrictive covenant; 333

(10) Induce or solicit, or attempt to induce or solicit, a 334
housing accommodations listing, sale, or transaction by 335
representing that a change has occurred or may occur with 336
respect to the racial, religious, sexual, military status, 337
familial status, or ethnic composition of the block, 338

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

(a) The lowering of property values; 347

(b) A change in the racial, religious, sexual, military 348
status, familial status, or ethnic composition of the block, 349
neighborhood, or other area; 350

(c) An increase in criminal or antisocial behavior in the 351
block, neighborhood, or other area; 352

(d) A decline in the quality of the schools serving the 353
block, neighborhood, or other area. 354

(11) Deny any person access to or membership or 355
participation in any multiple-listing service, real estate 356
brokers' organization, or other service, organization, or 357
facility relating to the business of selling or renting housing 358
accommodations, or discriminate against any person in the terms 359
or conditions of that access, membership, or participation, on 360
account of race, color, religion, sex, military status, familial 361
status, national origin, disability, or ancestry; 362

(12) Coerce, intimidate, threaten, or interfere with any 363
person in the exercise or enjoyment of, or on account of that 364
person's having exercised or enjoyed or having aided or 365
encouraged any other person in the exercise or enjoyment of, any 366
right granted or protected by division (H) of this section; 367

(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;

(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;

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

(a) The buyer or renter;

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

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

(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:

(a) That person;

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

(c) Any individual associated with the person described in 396
division (H) (16) (b) of this section. 397

(17) Except as otherwise provided in division (H) (17) of 398
this section, make an inquiry to determine whether an applicant 399
for the sale or rental of housing accommodations, a person 400
residing in or intending to reside in the housing accommodations 401
after they are sold, rented, or made available, or any 402
individual associated with that person has a disability, or make 403
an inquiry to determine the nature or severity of a disability 404
of the applicant or such a person or individual. The following 405
inquiries may be made of all applicants for the sale or rental 406
of housing accommodations, regardless of whether they have 407
disabilities: 408

(a) An inquiry into an applicant's ability to meet the 409
requirements of ownership or tenancy; 410

(b) An inquiry to determine whether an applicant is 411
qualified for housing accommodations available only to persons 412
with disabilities or persons with a particular type of 413
disability; 414

(c) An inquiry to determine whether an applicant is 415
qualified for a priority available to persons with disabilities 416
or persons with a particular type of disability; 417

(d) An inquiry to determine whether an applicant currently 418
uses a controlled substance in violation of section 2925.11 of 419
the Revised Code or a substantively comparable municipal 420
ordinance; 421

(e) An inquiry to determine whether an applicant at any 422
time has been convicted of or pleaded guilty to any offense, an 423
element of which is the illegal sale, offer to sell, 424

cultivation, manufacture, other production, shipment, 425
transportation, delivery, or other distribution of a controlled 426
substance. 427

(18) (a) Refuse to permit, at the expense of a person with 428
a disability, reasonable modifications of existing housing 429
accommodations that are occupied or to be occupied by the person 430
with a disability, if the modifications may be necessary to 431
afford the person with a disability full enjoyment of the 432
housing accommodations. This division does not preclude a 433
landlord of housing accommodations that are rented or to be 434
rented to a disabled tenant from conditioning permission for a 435
proposed modification upon the disabled tenant's doing one or 436
more of the following: 437

(i) Providing a reasonable description of the proposed 438
modification and reasonable assurances that the proposed 439
modification will be made in a workerlike manner and that any 440
required building permits will be obtained prior to the 441
commencement of the proposed modification; 442

(ii) Agreeing to restore at the end of the tenancy the 443
interior of the housing accommodations to the condition they 444
were in prior to the proposed modification, but subject to 445
reasonable wear and tear during the period of occupancy, if it 446
is reasonable for the landlord to condition permission for the 447
proposed modification upon the agreement; 448

(iii) Paying into an interest-bearing escrow account that 449
is in the landlord's name, over a reasonable period of time, a 450
reasonable amount of money not to exceed the projected costs at 451
the end of the tenancy of the restoration of the interior of the 452
housing accommodations to the condition they were in prior to 453
the proposed modification, but subject to reasonable wear and 454

tear during the period of occupancy, if the landlord finds the 455
account reasonably necessary to ensure the availability of funds 456
for the restoration work. The interest earned in connection with 457
an escrow account described in this division shall accrue to the 458
benefit of the disabled tenant who makes payments into the 459
account. 460

(b) A landlord shall not condition permission for a 461
proposed modification upon a disabled tenant's payment of a 462
security deposit that exceeds the customarily required security 463
deposit of all tenants of the particular housing accommodations. 464

(19) Refuse to make reasonable accommodations in rules, 465
policies, practices, or services when necessary to afford a 466
person with a disability equal opportunity to use and enjoy a 467
dwelling unit, including associated public and common use areas; 468

(20) Fail to comply with the standards and rules adopted 469
under division (A) of section 3781.111 of the Revised Code; 470

(21) Discriminate against any person in the selling, 471
brokering, or appraising of real property because of race, 472
color, religion, sex, military status, familial status, 473
ancestry, disability, or national origin; 474

(22) Fail to design and construct covered multifamily 475
dwellings for first occupancy on or after June 30, 1992, in 476
accordance with the following conditions: 477

(a) The dwellings shall have at least one building 478
entrance on an accessible route, unless it is impractical to do 479
so because of the terrain or unusual characteristics of the 480
site. 481

(b) With respect to dwellings that have a building 482
entrance on an accessible route, all of the following apply: 483

(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 discriminatory practice, to obstruct or prevent any person from

complying with this chapter or any order issued under it, or to 513
attempt directly or indirectly to commit any act declared by 514
this section to be an unlawful discriminatory practice. 515

(K) (1) For any person to do any of the following with the 516
social security number of an individual residing in this state: 517

(a) Place the social security number on any card, tag, 518
badge, or other device issued or used for identification or 519
membership, for the purpose of providing access to products or 520
services, or any other card, tag, badge, or device issued to an 521
individual. As used in division (K) (1) (a) of this section, 522
"place" includes printing, embedding, encoding within a magnetic 523
strip or on a chip, and any other means of affixing the social 524
security number on a card, tag, badge, or device. 525

(b) Solicit or require the use of the social security 526
number as a password for computerized service, telephone 527
customer service, or a web site, or require that an individual 528
provide the individual's social security number as a condition 529
to access goods, services, or a web site; 530

(c) Solicit or require an individual to transmit the 531
individual's social security number over the internet, unless 532
the connection is secure or the social security number is 533
encrypted; 534

(d) Print an individual's social security number on 535
mailing material that does not require an envelope or in any 536
other manner that makes a social security number visible without 537
the envelope being opened; 538

(e) Publicly display, or otherwise make available to the 539
public, including by sale to the public, the social security 540
number of another individual. 541

(2) Nothing in division (K) of this section prohibits a 542
person from including the person's own social security number, 543
or the social security number of the individual's minor child, 544
on materials sent through the mail. Division (K) of this section 545
does not apply to the mailing of a public record that contains a 546
social security number. Division (K) of this section does not 547
prevent the collection, use, or release of a social security 548
number as required by state or federal law or the use of a 549
social security number for internal verification or 550
administrative purposes. 551

(L)(1) Nothing in division (H) of this section shall bar 552
any religious or denominational institution or organization, or 553
any nonprofit charitable or educational organization that is 554
operated, supervised, or controlled by or in connection with a 555
religious organization, from limiting the sale, rental, or 556
occupancy of housing accommodations that it owns or operates for 557
other than a commercial purpose to persons of the same religion, 558
or from giving preference in the sale, rental, or occupancy of 559
such housing accommodations to persons of the same religion, 560
unless membership in the religion is restricted on account of 561
race, color, or national origin. 562

(2) Nothing in division (H) of this section shall bar any 563
bona fide private or fraternal organization that, incidental to 564
its primary purpose, owns or operates lodgings for other than a 565
commercial purpose, from limiting the rental or occupancy of the 566
lodgings to its members or from giving preference to its 567
members. 568

(3) Nothing in division (H) of this section limits the 569
applicability of any reasonable local, state, or federal 570
restrictions regarding the maximum number of occupants permitted 571

to occupy housing accommodations. Nothing in that division 572
prohibits the owners or managers of housing accommodations from 573
implementing reasonable occupancy standards based on the number 574
and size of sleeping areas or bedrooms and the overall size of a 575
dwelling unit, provided that the standards are not implemented 576
to circumvent the purposes of this chapter and are formulated, 577
implemented, and interpreted in a manner consistent with this 578
chapter and any applicable local, state, or federal restrictions 579
regarding the maximum number of occupants permitted to occupy 580
housing accommodations. 581

(4) Nothing in division (H) of this section requires that 582
housing accommodations be made available to an individual whose 583
tenancy would constitute a direct threat to the health or safety 584
of other individuals or whose tenancy would result in 585
substantial physical damage to the property of others. 586

(5) Nothing in division (H) of this section pertaining to 587
discrimination on the basis of familial status shall be 588
construed to apply to any of the following: 589

(a) Housing accommodations provided under any state or 590
federal program that have been determined under the "Fair 591
Housing Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 592
3607, as amended, to be specifically designed and operated to 593
assist elderly persons; 594

(b) Housing accommodations intended for and solely 595
occupied by persons who are sixty-two years of age or older; 596

(c) Housing accommodations intended and operated for 597
occupancy by at least one person who is fifty-five years of age 598
or older per unit, as determined under the "Fair Housing 599
Amendments Act of 1988," 102 Stat. 1623, 42 U.S.C.A. 3607, as 600

amended. 601

~~(L)~~ (M) Nothing in divisions (A) to (E) of this section 602
shall be construed to require a person with a disability to be 603
employed or trained under circumstances that would significantly 604
increase the occupational hazards affecting either the person 605
with a disability, other employees, the general public, or the 606
facilities in which the work is to be performed, or to require 607
the employment or training of a person with a disability in a 608
job that requires the person with a disability routinely to 609
undertake any task, the performance of which is substantially 610
and inherently impaired by the person's disability. 611

~~(M)~~ (N) Nothing in divisions (H) (1) to (18) of this section 612
shall be construed to require any person selling or renting 613
property to modify the property in any way or to exercise a 614
higher degree of care for a person with a disability, to relieve 615
any person with a disability of any obligation generally imposed 616
on all persons regardless of disability in a written lease, 617
rental agreement, or contract of purchase or sale, or to forbid 618
distinctions based on the inability to fulfill the terms and 619
conditions, including financial obligations, of the lease, 620
agreement, or contract. 621

~~(N)~~ (O) An aggrieved individual may enforce the 622
individual's rights relative to discrimination on the basis of 623
age as provided for in this section by instituting a civil 624
action, within one hundred eighty days after the alleged 625
unlawful discriminatory practice occurred, in any court with 626
jurisdiction for any legal or equitable relief that will 627
effectuate the individual's rights. 628

A person who files a civil action under this division is 629
barred, with respect to the practices complained of, from 630

instituting a civil action under section 4112.14 of the Revised Code and from filing a charge with the commission under section 4112.05 of the Revised Code.

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

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

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a

pension, profit-sharing, savings, or deferred compensation plan, 661
or any combination of those plans, of the employer of the 662
employee, which equals, in the aggregate, at least forty-four 663
thousand dollars, in accordance with the conditions of the "Age 664
Discrimination in Employment Act Amendment of 1978," 92 Stat. 665
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 666
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 667
631, as amended; 668

(4) Observe the terms of any bona fide apprenticeship 669
program if the program is registered with the Ohio 670
apprenticeship council pursuant to sections 4139.01 to 4139.06 671
of the Revised Code and is approved by the federal committee on 672
apprenticeship of the United States department of labor. 673

~~(P)~~(Q) Nothing in this chapter prohibiting age 674
discrimination and nothing in division (A) of section 4112.14 of 675
the Revised Code shall be construed to prohibit the following: 676

(1) The designation of uniform age the attainment of which 677
is necessary for public employees to receive pension or other 678
retirement benefits pursuant to Chapter 145., 742., 3307., 679
3309., or 5505. of the Revised Code; 680

(2) The mandatory retirement of uniformed patrol officers 681
of the state highway patrol as provided in section 5505.16 of 682
the Revised Code; 683

(3) The maximum age requirements for appointment as a 684
patrol officer in the state highway patrol established by 685
section 5503.01 of the Revised Code; 686

(4) The maximum age requirements established for original 687
appointment to a police department or fire department in 688
sections 124.41 and 124.42 of the Revised Code; 689

(5) Any maximum age not in conflict with federal law that 690
may be established by a municipal charter, municipal ordinance, 691
or resolution of a board of township trustees for original 692
appointment as a police officer or firefighter; 693

(6) Any mandatory retirement provision not in conflict 694
with federal law of a municipal charter, municipal ordinance, or 695
resolution of a board of township trustees pertaining to police 696
officers and firefighters; 697

(7) Until January 1, 1994, the mandatory retirement of any 698
employee who has attained seventy years of age and who is 699
serving under a contract of unlimited tenure, or similar 700
arrangement providing for unlimited tenure, at an institution of 701
higher education as defined in the "Education Amendments of 702
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 703

~~(Q)~~(R) (1) (a) Except as provided in division ~~(Q)~~(R) (1) (b) 704
of this section, for purposes of divisions (A) to (E) of this 705
section, a disability does not include any physiological 706
disorder or condition, mental or psychological disorder, or 707
disease or condition caused by an illegal use of any controlled 708
substance by an employee, applicant, or other person, if an 709
employer, employment agency, personnel placement service, labor 710
organization, or joint labor-management committee acts on the 711
basis of that illegal use. 712

(b) Division ~~(Q)~~(R) (1) (a) of this section does not apply 713
to an employee, applicant, or other person who satisfies any of 714
the following: 715

(i) The employee, applicant, or other person has 716
successfully completed a supervised drug rehabilitation program 717
and no longer is engaging in the illegal use of any controlled 718

substance, or the employee, applicant, or other person otherwise 719
successfully has been rehabilitated and no longer is engaging in 720
that illegal use. 721

(ii) The employee, applicant, or other person is 722
participating in a supervised drug rehabilitation program and no 723
longer is engaging in the illegal use of any controlled 724
substance. 725

(iii) The employee, applicant, or other person is 726
erroneously regarded as engaging in the illegal use of any 727
controlled substance, but the employee, applicant, or other 728
person is not engaging in that illegal use. 729

(2) Divisions (A) to (E) of this section do not prohibit 730
an employer, employment agency, personnel placement service, 731
labor organization, or joint labor-management committee from 732
doing any of the following: 733

(a) Adopting or administering reasonable policies or 734
procedures, including, but not limited to, testing for the 735
illegal use of any controlled substance, that are designed to 736
ensure that an individual described in division ~~(Q)~~(R) (1) (b) (i) 737
or (ii) of this section no longer is engaging in the illegal use 738
of any controlled substance; 739

(b) Prohibiting the illegal use of controlled substances 740
and the use of alcohol at the workplace by all employees; 741

(c) Requiring that employees not be under the influence of 742
alcohol or not be engaged in the illegal use of any controlled 743
substance at the workplace; 744

(d) Requiring that employees behave in conformance with 745
the requirements established under "The Drug-Free Workplace Act 746
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 747

(e) Holding an employee who engages in the illegal use of 748
any controlled substance or who is an alcoholic to the same 749
qualification standards for employment or job performance, and 750
the same behavior, to which the employer, employment agency, 751
personnel placement service, labor organization, or joint labor- 752
management committee holds other employees, even if any 753
unsatisfactory performance or behavior is related to an 754
employee's illegal use of a controlled substance or alcoholism; 755

(f) Exercising other authority recognized in the 756
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 757
U.S.C.A. 12101, as amended, including, but not limited to, 758
requiring employees to comply with any applicable federal 759
standards. 760

(3) For purposes of this chapter, a test to determine the 761
illegal use of any controlled substance does not include a 762
medical examination. 763

(4) Division ~~(Q)~~(R) of this section does not encourage, 764
prohibit, or authorize, and shall not be construed as 765
encouraging, prohibiting, or authorizing, the conduct of testing 766
for the illegal use of any controlled substance by employees, 767
applicants, or other persons, or the making of employment 768
decisions based on the results of that type of testing. 769

~~(R)~~(S) This section does not apply to a religious 770
corporation, association, educational institution, or society 771
with respect to the employment of an individual of a particular 772
religion to perform work connected with the carrying on by that 773
religious corporation, association, educational institution, or 774
society of its activities. 775

The unlawful discriminatory practices defined in this 776

section do not make it unlawful for a person or an appointing 777
authority administering an examination under section 124.23 of 778
the Revised Code to obtain information about an applicant's 779
military status for the purpose of determining if the applicant 780
is eligible for the additional credit that is available under 781
that section. 782

Sec. 4112.05. (A) The commission, as provided in this 783
section, shall prevent any person from engaging in unlawful 784
discriminatory practices, provided that, before instituting the 785
formal hearing authorized by division (B) of this section, it 786
shall attempt, by informal methods of conference, conciliation, 787
and persuasion, to induce compliance with this chapter. 788

(B) (1) Any person may file a charge with the commission 789
alleging that another person has engaged or is engaging in an 790
unlawful discriminatory practice. In the case of a charge 791
alleging an unlawful discriminatory practice described in 792
division (A), (B), (C), (D), (E), (F), (G), (I), ~~or (J)~~, or (K) 793
of section 4112.02 or in section 4112.021 or 4112.022 of the 794
Revised Code, the charge shall be in writing and under oath and 795
shall be filed with the commission within six months after the 796
alleged unlawful discriminatory practice was committed. In the 797
case of a charge alleging an unlawful discriminatory practice 798
described in division (H) of section 4112.02 of the Revised 799
Code, the charge shall be in writing and under oath and shall be 800
filed with the commission within one year after the alleged 801
unlawful discriminatory practice was committed. 802

(2) Upon receiving a charge, the commission may initiate a 803
preliminary investigation to determine whether it is probable 804
that an unlawful discriminatory practice has been or is being 805
engaged in. The commission also may conduct, upon its own 806

initiative and independent of the filing of any charges, a 807
preliminary investigation relating to any of the unlawful 808
discriminatory practices described in division (A), (B), (C), 809
(D), (E), (F), (I), ~~or~~ (J), or (K) of section 4112.02 or in 810
section 4112.021 or 4112.022 of the Revised Code. Prior to a 811
notification of a complainant under division (B) (4) of this 812
section or prior to the commencement of informal methods of 813
conference, conciliation, and persuasion under that division, 814
the members of the commission and the officers and employees of 815
the commission shall not make public in any manner and shall 816
retain as confidential all information that was obtained as a 817
result of or that otherwise pertains to a preliminary 818
investigation other than one described in division (B) (3) of 819
this section. 820

(3) (a) Unless it is impracticable to do so and subject to 821
its authority under division (B) (3) (d) of this section, the 822
commission shall complete a preliminary investigation of a 823
charge filed pursuant to division (B) (1) of this section that 824
alleges an unlawful discriminatory practice described in 825
division (H) of section 4112.02 of the Revised Code, and shall 826
take one of the following actions, within one hundred days after 827
the filing of the charge: 828

(i) Notify the complainant and the respondent that it is 829
not probable that an unlawful discriminatory practice described 830
in division (H) of section 4112.02 of the Revised Code has been 831
or is being engaged in and that the commission will not issue a 832
complaint in the matter; 833

(ii) Initiate a complaint and schedule it for informal 834
methods of conference, conciliation, and persuasion; 835

(iii) Initiate a complaint and refer it to the attorney 836

general with a recommendation to seek a temporary or permanent injunction or a temporary restraining order. If this action is taken, the attorney general shall apply, as expeditiously as possible after receipt of the complaint, to the court of common pleas of the county in which the unlawful discriminatory practice allegedly occurred for the appropriate injunction or order, and the court shall hear and determine the application as expeditiously as possible.

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

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

(d) Notwithstanding the types of action described in divisions (B) (3) (a) (ii) and (iii) of this section, prior to the issuance of a complaint or the referral of a complaint to the attorney general and prior to endeavoring to eliminate an unlawful discriminatory practice described in division (H) of section 4112.02 of the Revised Code by informal methods of

conference, conciliation, and persuasion, the commission may 867
seek a temporary or permanent injunction or a temporary 868
restraining order in the court of common pleas of the county in 869
which the unlawful discriminatory practice allegedly occurred. 870

(4) If the commission determines after a preliminary 871
investigation other than one described in division (B)(3) of 872
this section that it is not probable that an unlawful 873
discriminatory practice has been or is being engaged in, it 874
shall notify any complainant under division (B)(1) of this 875
section that it has so determined and that it will not issue a 876
complaint in the matter. If the commission determines after a 877
preliminary investigation other than the one described in 878
division (B)(3) of this section that it is probable that an 879
unlawful discriminatory practice has been or is being engaged 880
in, it shall endeavor to eliminate the practice by informal 881
methods of conference, conciliation, and persuasion. 882

(5) Nothing said or done during informal methods of 883
conference, conciliation, and persuasion under this section 884
shall be disclosed by any member of the commission or its staff 885
or be used as evidence in any subsequent hearing or other 886
proceeding. If, after a preliminary investigation and the use of 887
informal methods of conference, conciliation, and persuasion 888
under this section, the commission is satisfied that any 889
unlawful discriminatory practice will be eliminated, it may 890
treat the charge involved as being conciliated and enter that 891
disposition on the records of the commission. If the commission 892
fails to effect the elimination of an unlawful discriminatory 893
practice by informal methods of conference, conciliation, and 894
persuasion under this section and to obtain voluntary compliance 895
with this chapter, the commission shall issue and cause to be 896
served upon any person, including the respondent against whom a 897

complainant has filed a charge pursuant to division (B) (1) of 898
this section, a complaint stating the charges involved and 899
containing a notice of an opportunity for a hearing before the 900
commission, a member of the commission, or a hearing examiner at 901
a place that is stated in the notice and that is located within 902
the county in which the alleged unlawful discriminatory practice 903
has occurred or is occurring or in which the respondent resides 904
or transacts business. The hearing shall be held not less than 905
thirty days after the service of the complaint upon the 906
complainant, the aggrieved persons other than the complainant on 907
whose behalf the complaint is issued, and the respondent, unless 908
the complainant, an aggrieved person, or the respondent elects 909
to proceed under division (A) (2) of section 4112.051 of the 910
Revised Code when that division is applicable. If a complaint 911
pertains to an alleged unlawful discriminatory practice 912
described in division (H) of section 4112.02 of the Revised 913
Code, the complainant shall notify the complainant, an aggrieved 914
person, and the respondent of the right of the complainant, an 915
aggrieved person, or the respondent to elect to proceed with the 916
administrative hearing process under this section or to proceed 917
under division (A) (2) of section 4112.051 of the Revised Code. 918

(6) The attorney general shall represent the commission at 919
any hearing held pursuant to division (B) (5) of this section and 920
shall present the evidence in support of the complaint. 921

(7) Any complaint issued pursuant to division (B) (5) of 922
this section after the filing of a charge under division (B) (1) 923
of this section shall be so issued within one year after the 924
complainant filed the charge with respect to an alleged unlawful 925
discriminatory practice. 926

(C) Any complaint issued pursuant to division (B) of this 927

section may be amended by the commission, a member of the 928
commission, or the hearing examiner conducting a hearing under 929
division (B) of this section, at any time prior to or during the 930
hearing. The respondent has the right to file an answer or an 931
amended answer to the original and amended complaints and to 932
appear at the hearing in person, by attorney, or otherwise to 933
examine and cross-examine witnesses. 934

(D) The complainant shall be a party to a hearing under 935
division (B) of this section, and any person who is an 936
indispensable party to a complete determination or settlement of 937
a question involved in the hearing shall be joined. Any 938
aggrieved person who has or claims an interest in the subject of 939
the hearing and in obtaining or preventing relief against the 940
unlawful discriminatory practices complained of shall be 941
permitted to appear only for the presentation of oral or written 942
arguments, to present evidence, perform direct and cross- 943
examination, and be represented by counsel. The commission shall 944
adopt rules, in accordance with Chapter 119. of the Revised Code 945
governing the authority granted under this division. 946

(E) In any hearing under division (B) of this section, the 947
commission, a member of the commission, or the hearing examiner 948
shall not be bound by the Rules of Evidence but, in ascertaining 949
the practices followed by the respondent, shall take into 950
account all reliable, probative, and substantial statistical or 951
other evidence produced at the hearing that may tend to prove 952
the existence of a predetermined pattern of employment or 953
membership, provided that nothing contained in this section 954
shall be construed to authorize or require any person to observe 955
the proportion that persons of any race, color, religion, sex, 956
military status, familial status, national origin, disability, 957
age, or ancestry bear to the total population or in accordance 958

with any criterion other than the individual qualifications of 959
the applicant. 960

(F) The testimony taken at a hearing under division (B) of 961
this section shall be under oath and shall be reduced to writing 962
and filed with the commission. Thereafter, in its discretion, 963
the commission, upon the service of a notice upon the 964
complainant and the respondent that indicates an opportunity to 965
be present, may take further testimony or hear argument. 966

(G) (1) If, upon all reliable, probative, and substantial 967
evidence presented at a hearing under division (B) of this 968
section, the commission determines that the respondent has 969
engaged in, or is engaging in, any unlawful discriminatory 970
practice, whether against the complainant or others, the 971
commission shall state its findings of fact and conclusions of 972
law and shall issue and, subject to the provisions of Chapter 973
119. of the Revised Code, cause to be served on the respondent 974
an order requiring the respondent to cease and desist from the 975
unlawful discriminatory practice, requiring the respondent to 976
take any further affirmative or other action that will 977
effectuate the purposes of this chapter, including, but not 978
limited to, hiring, reinstatement, or upgrading of employees 979
with or without back pay, or admission or restoration to union 980
membership, and requiring the respondent to report to the 981
commission the manner of compliance. If the commission directs 982
payment of back pay, it shall make allowance for interim 983
earnings. If it finds a violation of division (K) of section 984
4112.02 of the Revised Code, the commission additionally shall 985
require the respondent to pay the fine required under division 986
(B) of section 4112.99 of the Revised Code. If it finds a 987
violation of division (H) of section 4112.02 of the Revised 988
Code, the commission additionally shall require the respondent 989

to pay actual damages and reasonable attorney's fees, and may award to the complainant punitive damages as follows:

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

(b) If division (G) (1) (c) 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 in an amount not to exceed twenty-five thousand dollars;

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

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

(H) If the commission finds that no probable cause exists for crediting charges of unlawful discriminatory practices or if, upon all the evidence presented at a hearing under division (B) of this section on a charge, the commission finds that a respondent has not engaged in any unlawful discriminatory

practice against the complainant or others, it shall state its 1019
findings of fact and shall issue and cause to be served on the 1020
complainant an order dismissing the complaint as to the 1021
respondent. A copy of the order shall be delivered in all cases 1022
to the attorney general and any other public officers whom the 1023
commission considers proper. 1024

(I) Until the time period for appeal set forth in division 1025
(H) of section 4112.06 of the Revised Code expires, the 1026
commission, subject to the provisions of Chapter 119. of the 1027
Revised Code, at any time, upon reasonable notice, and in the 1028
manner it considers proper, may modify or set aside, in whole or 1029
in part, any finding or order made by it under this section. 1030

Sec. 4112.08. This chapter shall be construed liberally 1031
for the accomplishment of its purposes, and any law inconsistent 1032
with any provision of this chapter shall not apply. Nothing 1033
contained in this chapter shall be considered to repeal any of 1034
the provisions of any law of this state relating to 1035
discrimination because of race, color, religion, sex, military 1036
status, familial status, disability, national origin, age, or 1037
ancestry, except that any person filing a charge under division 1038
(B) (1) of section 4112.05 of the Revised Code, with respect to 1039
the unlawful discriminatory practices complained of, is barred 1040
from instituting a civil action under section 4112.14 or 1041
division ~~(N)~~ (O) of section 4112.02 of the Revised Code. 1042

Sec. 4112.14. (A) No employer shall discriminate in any 1043
job opening against any applicant or discharge without just 1044
cause any employee aged forty or older who is physically able to 1045
perform the duties and otherwise meets the established 1046
requirements of the job and laws pertaining to the relationship 1047
between employer and employee. 1048

(B) Any person aged forty or older who is discriminated 1049
against in any job opening or discharged without just cause by 1050
an employer in violation of division (A) of this section may 1051
institute a civil action against the employer in a court of 1052
competent jurisdiction. If the court finds that an employer has 1053
discriminated on the basis of age, the court shall order an 1054
appropriate remedy which shall include reimbursement to the 1055
applicant or employee for the costs, including reasonable 1056
attorney's fees, of the action, or to reinstate the employee in 1057
the employee's former position with compensation for lost wages 1058
and any lost fringe benefits from the date of the illegal 1059
discharge and to reimburse the employee for the costs, including 1060
reasonable attorney's fees, of the action. The remedies 1061
available under this section are coexistent with remedies 1062
available pursuant to sections 4112.01 to 4112.11 of the Revised 1063
Code; except that any person instituting a civil action under 1064
this section is, with respect to the practices complained of, 1065
thereby barred from instituting a civil action under division 1066
~~(N)~~(O) of section 4112.02 of the Revised Code or from filing a 1067
charge with the Ohio civil rights commission under section 1068
4112.05 of the Revised Code. 1069

(C) The cause of action described in division (B) of this 1070
section and any remedies available pursuant to sections 4112.01 1071
to 4112.11 of the Revised Code shall not be available in the 1072
case of discharges where the employee has available to the 1073
employee the opportunity to arbitrate the discharge or where a 1074
discharge has been arbitrated and has been found to be for just 1075
cause. 1076

Sec. 4112.15. There is hereby created in the state 1077
treasury the civil rights commission general reimbursement fund, 1078
which shall be used to pay operating costs of the commission. 1079

All amounts received by the commission, and all amounts awarded 1080
by a court to the commission, for attorney's fees, court costs, 1081
expert witness fees, and other litigation expenses shall be paid 1082
into the state treasury to the credit of the fund. All amounts 1083
received by the commission for copies of commission documents 1084
and for other goods and services furnished by the commission 1085
shall be paid into the state treasury to the credit of the fund. 1086
All of the fines collected under division (B) of section 4112.99 1087
of the Revised Code shall be paid into the state treasury to the 1088
credit of the fund. 1089

Sec. 4112.99. (A) Whoever violates this chapter is subject 1090
to a civil action for damages, injunctive relief, or any other 1091
appropriate relief. 1092

(B) In addition to any damages and relief that may be 1093
available in division (A) of this section, whoever violates 1094
division (K) of section 4112.02 of the Revised Code shall be 1095
fined not more than one thousand dollars for the first violation 1096
of that division, and not more than two thousand dollars for 1097
each subsequent violation. 1098

Section 2. That existing sections 4112.01, 4112.02, 1099
4112.05, 4112.08, 4112.14, 4112.15, and 4112.99 of the Revised 1100
Code are hereby repealed. 1101