

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 295

Senator Maharath

Cosponsors: Senators Fedor, Sykes, Yuko

A BILL

To amend sections 4111.02, 4111.08, 4111.10, 1
4111.13, 4111.14, 4111.99, 4112.01, 4112.02, and 2
4112.052 and to enact sections 4111.021, 3
4111.031, and 4112.025 of the Revised Code 4
regarding wages, overtime, and other matters 5
related to the employment of domestic workers. 6

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

Section 1. That sections 4111.02, 4111.08, 4111.10, 7
4111.13, 4111.14, 4111.99, 4112.01, 4112.02, and 4112.052 be 8
amended and sections 4111.021, 4111.031, and 4112.025 of the 9
Revised Code be enacted to read as follows: 10

Sec. 4111.02. ~~Every~~ Except as provided in section 4111.021 11
of the Revised Code, every employer, as defined in Section 34a 12
of Article II, Ohio Constitution, shall pay each of the 13
employer's employees at a wage rate of not less than the wage 14
rate specified in Section 34a of Article II, Ohio Constitution. 15

The director of commerce annually shall adjust the wage 16
rate as specified in Section 34a of Article II, Ohio 17
Constitution. 18

No political subdivision shall establish a minimum wage rate different from the wage rate required under this section. 19
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As used in this section, "employee" has the same meaning as in section 4111.14 of the Revised Code. 21
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Sec. 4111.021. (A) As used in this section: 23

(1) "Domestic worker" has the same meaning as in section 4112.01 of the Revised Code. 24
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(2) "Employer" means any person employing a domestic worker. 26
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(B) Every employer shall pay each of the employer's domestic workers at a wage rate that is not less than the higher of the following: 28
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(1) The highest wage rate calculated by the director of commerce in accordance with Ohio Constitution, Article II, Section 34a, and section 4111.02 of the Revised Code; 31
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(2) The hourly basic minimum wage specified in section 206(a) (1) of the "Fair Labor Standards Act of 1938," 29 U.S.C. 206(a) (1). 34
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Sec. 4111.031. (A) As used in this section: 37

(1) "Domestic worker" has the same meaning as in section 4112.01 of the Revised Code. 38
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(2) "Employer" means any person employing a domestic worker. 40
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(B) No domestic worker shall be required to work more than eight hours in a day for an employer. A domestic worker may work for more than eight hours in a day if the domestic worker agrees to work and is paid at an increased rate agreed on by the 42
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employer and the domestic worker for any amount of time worked 46
in that day in excess of eight hours. 47

(C) No domestic worker shall be required to work more than 48
forty hours in any week, or forty-four hours in a week if the 49
domestic worker resides in the home of the domestic worker's 50
employer, unless the domestic worker's employer compensates the 51
domestic worker at a rate that is at least one and one-half 52
times the worker's normal wage rate for any additional hours of 53
work in excess of forty hours or forty-four hours, as 54
applicable. 55

(D) Every domestic worker shall be allowed at least 56
twenty-four consecutive hours of rest every calendar week. 57
During that period of rest the domestic worker shall not be 58
required to work for the employer. This rest period shall, 59
whenever possible, coincide with the traditional day reserved by 60
the domestic worker for religious worship. Except as provided in 61
division (E) of this section, a domestic worker's employer shall 62
not be required to pay the domestic worker for a period of rest 63
described in this section. 64

(E) In addition to the rest period required by division 65
(D) of this section, a domestic worker who has worked for the 66
domestic worker's employer for more than a year shall be 67
entitled to at least three days of rest in each calendar year 68
for which the domestic worker shall be compensated by the 69
employer at the domestic worker's normal wage rate. 70

(F) Nothing in division (D) of this section shall be 71
construed to prohibit a domestic worker from agreeing to work 72
during the domestic worker's rest period as described in that 73
division, provided that the worker receives compensation for the 74
work at a rate of at least one and one-half times the domestic 75

worker's normal wage rate. 76

Sec. 4111.08. Every employer subject to section 4111.03 of 77
the Revised Code with respect to employees, and every employer 78
subject to section 4111.031 of the Revised Code with respect to 79
domestic workers, or to any rule adopted ~~thereunder~~ under those 80
sections, shall make and keep for a period of not less than 81
three years a record of the name, address, and occupation of 82
each of the employer's employees or domestic workers, the rate 83
of pay and the amount paid each pay period to each employee or 84
domestic worker, the hours worked each day and each work week by 85
the employee or domestic worker, and other information as the 86
director of commerce prescribes by rule as necessary or 87
appropriate for the enforcement of ~~section~~ sections 4111.03 and 88
4111.031 of the Revised Code, or of the rules thereunder. 89
Records may be opened for inspection or copying by the director 90
at any reasonable time. 91

Sec. 4111.10. (A) Any employer who pays any employee less 92
than wages to which the employee is entitled under section 93
4111.03 of the Revised Code, and any employer who pays a 94
domestic worker less than wages to which the domestic worker is 95
entitled under section 4111.031 of the Revised Code, is liable 96
to the employee or domestic worker affected for the full amount 97
of the overtime wage rate, less any amount actually paid to the 98
employee or domestic worker by the employer, and for costs and 99
reasonable attorney's fees as may be allowed by the court. Any 100
agreement between the employee or domestic worker and ~~the~~ an 101
employer to work for less than the overtime wage rate is no 102
defense to an action. 103

(B) At the written request of any employee or domestic 104
worker paid less than the wages to which the employee or 105

domestic worker is entitled under section 4111.03 or 4111.031 of 106
the Revised Code, respectively, the director of commerce may 107
take an assignment of a wage claim in trust for the assigning 108
employee or domestic worker and may bring any legal action 109
necessary to collect the claim. The employer shall pay the costs 110
and reasonable attorney's fees allowed by the court. 111

Sec. 4111.13. (A) No employer shall ~~hinder~~ do any of the 112
following: 113

(1) Hinder or delay the director of commerce in the 114
performance of the director's duties in the enforcement of 115
sections 4111.01 to 4111.17 of the Revised Code, or refuse to 116
admit the director to any place of employment, or fail to make, 117
keep, and preserve any records as required under those sections, 118
or falsify any of those records, or refuse to make them 119
accessible to the director upon demand, or refuse to furnish 120
them or any other information required for the proper 121
enforcement of those sections to the director upon demand, or 122
fail to post a summary of those sections or a copy of any 123
applicable rules as required by section 4111.09 of the Revised 124
Code. Each day of violation constitutes a separate offense. 125

~~(B) No employer shall discharge~~ (2) Discharge or in any 126
other manner discriminate against any employee or domestic 127
worker because the employee or domestic worker has made any 128
complaint to the ~~employee's~~ employer, or to the director, that 129
the employee or domestic worker has not been paid wages in 130
accordance with sections 4111.01 to 4111.17 of the Revised Code, 131
or because the employee or domestic worker has made any 132
complaint or is about to cause to be instituted any proceeding 133
under or related to those sections, or because the employee or 134
domestic worker has testified or is about to testify in any 135

proceeding.	136
(C) No employer shall pay <u>(3) Pay</u> or agree to pay wages at	137
a rate less than the rate applicable under sections 4111.01 to	138
4111.17 of the Revised Code. Each week or portion thereof for	139
which the employer pays any employee <u>or domestic worker</u> less	140
than the rate applicable under those sections constitutes a	141
separate offense as to each employer.	142
(D) No employer shall otherwise <u>(4) Otherwise</u> violate	143
sections 4111.01 to 4111.17 of the Revised Code, or any rule	144
adopted thereunder. Each day of violation constitutes a separate	145
offense.	146
<u>(B) The culpability sufficient to commit a violation of</u>	147
<u>division (A) of this section is as follows:</u>	148
<u>(1) Negligence if the violation involves a domestic</u>	149
<u>worker;</u>	150
<u>(2) Reckless if the violation involves an employee.</u>	151
Sec. 4111.14. (A) Pursuant to the general assembly's	152
authority to establish a minimum wage under Section 34 of	153
Article II, Ohio Constitution, this section is in implementation	154
of Section 34a of Article II, Ohio Constitution. In implementing	155
Section 34a of Article II, Ohio Constitution, the general	156
assembly hereby finds that the purpose of Section 34a of Article	157
II, Ohio Constitution, is to:	158
(1) Ensure that Ohio employees, as defined in division (B)	159
(1) of this section, are paid the wage rate required by Section	160
34a of Article II, Ohio Constitution;	161
(2) Ensure that covered Ohio employers maintain certain	162
records that are directly related to the enforcement of the wage	163

rate requirements in Section 34a of Article II, Ohio 164
Constitution; 165

(3) Ensure that Ohio employees who are paid the wage rate 166
required by Section 34a of Article II, Ohio Constitution, may 167
enforce their right to receive that wage rate in the manner set 168
forth in Section 34a of Article II, Ohio Constitution; and 169

(4) Protect the privacy of Ohio employees' pay and 170
personal information specified in Section 34a of Article II, 171
Ohio Constitution, by restricting an employee's access, and 172
access by a person acting on behalf of that employee, to the 173
employee's own pay and personal information. 174

(B) In accordance with Section 34a of Article II, Ohio 175
Constitution, the terms "employer," "employee," "employ," 176
"person," and "independent contractor" have the same meanings as 177
in the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 178
U.S.C. 203, as amended. In construing the meaning of these 179
terms, due consideration and great weight shall be given to the 180
United States department of labor's and federal courts' 181
interpretations of those terms under the Fair Labor Standards 182
Act and its regulations. As used in division (B) of this 183
section: 184

(1) "Employee" means individuals employed in Ohio, but 185
does not mean individuals who are excluded from the definition 186
of "employee" under 29 U.S.C. 203(e) or individuals who are 187
exempted from the minimum wage requirements in 29 U.S.C. 213 and 188
from the definition of "employee" in this chapter. 189

(2) "Employ" and "employee" do not include any person 190
acting as a volunteer. In construing who is a volunteer, 191
"volunteer" shall have the same meaning as in sections 553.101 192

to 553.106 of Title 29 of the Code of Federal Regulations, as 193
amended, and due consideration and great weight shall be given 194
to the United States department of labor's and federal courts' 195
interpretations of the term "volunteer" under the Fair Labor 196
Standards Act and its regulations. 197

(3) "Employer" includes any person employing a domestic 198
worker as defined in section 4112.01 of the Revised Code. 199

"Employer" does not include a franchisor with respect to the 200
franchisor's relationship with a franchisee or an employee of a 201
franchisee, unless the franchisor agrees to assume that role in 202
writing or a court of competent jurisdiction determines that the 203
franchisor exercises a type or degree of control over the 204
franchisee or the franchisee's employees that is not customarily 205
exercised by a franchisor for the purpose of protecting the 206
franchisor's trademark, brand, or both. For purposes of this 207
division, "franchisor" and "franchisee" have the same meanings 208
as in 16 C.F.R. 436.1. 209

(4) Subject to division (B)(5) of this section, "employee" 210
does not include an individual who operates a vehicle or vessel 211
in the performance of services for or on behalf of a motor 212
carrier transporting property and to whom all of the following 213
factors apply: 214

(a) The individual owns the vehicle or vessel that is used 215
in performing the services for or on behalf of the carrier, or 216
the individual leases the vehicle or vessel under a bona fide 217
lease agreement that is not a temporary replacement lease 218
agreement. For purposes of this division, a bona fide lease 219
agreement does not include an agreement between the individual 220
and the motor carrier transporting property for which, or on 221
whose behalf, the individual provides services. 222

(b) The individual is responsible for supplying the 223
necessary personal services to operate the vehicle or vessel 224
used to provide the service. 225

(c) The compensation paid to the individual is based on 226
factors related to work performed, including on a mileage-based 227
rate or a percentage of any schedule of rates, and not solely on 228
the basis of the hours or time expended. 229

(d) The individual substantially controls the means and 230
manner of performing the services, in conformance with 231
regulatory requirements and specifications of the shipper. 232

(e) The individual enters into a written contract with the 233
carrier for whom the individual is performing the services that 234
describes the relationship between the individual and the 235
carrier to be that of an independent contractor and not that of 236
an employee. 237

(f) The individual is responsible for substantially all of 238
the principal operating costs of the vehicle or vessel and 239
equipment used to provide the services, including maintenance, 240
fuel, repairs, supplies, vehicle or vessel insurance, and 241
personal expenses, except that the individual may be paid by the 242
carrier the carrier's fuel surcharge and incidental costs, 243
including tolls, permits, and lumper fees. 244

(g) The individual is responsible for any economic loss or 245
economic gain from the arrangement with the carrier. 246

(5) A motor carrier may elect to consider an individual 247
described in division (B) (4) of this section as an employee for 248
purposes of this section. 249

(6) "Motor carrier" has the same meaning as in section 250
4923.01 of the Revised Code. 251

(C) In accordance with Section 34a of Article II, Ohio 252
Constitution, the state may issue licenses to employers 253
authorizing payment of a wage below that required by Section 34a 254
of Article II, Ohio Constitution, to individuals with mental or 255
physical disabilities that may otherwise adversely affect their 256
opportunity for employment. In issuing such licenses, the state 257
shall abide by the rules adopted pursuant to section 4111.06 of 258
the Revised Code. 259

(D) (1) In accordance with Section 34a of Article II, Ohio 260
Constitution, individuals employed in or about the property of 261
an employer or an individual's residence on a casual basis are 262
not included within the coverage of Section 34a of Article II, 263
Ohio Constitution. As used in division (D) of this section: 264

(a) "Casual basis" means employment that is irregular or 265
intermittent and that is not performed by an individual whose 266
vocation is to be employed in or about the property of the 267
employer or individual's residence. In construing who is 268
employed on a "casual basis," due consideration and great weight 269
shall be given to the United States department of labor's and 270
federal courts' interpretations of the term "casual basis" under 271
the Fair Labor Standards Act and its regulations. 272

(b) "An individual employed in or about the property of an 273
employer or individual's residence" means an individual employed 274
on a casual basis or an individual employed in or about a 275
residence on a casual basis, respectively. 276

(2) In accordance with Section 34a of Article II, Ohio 277
Constitution, employees of a solely family-owned and operated 278
business who are family members of an owner are not included 279
within the coverage of Section 34a of Article II, Ohio 280
Constitution. As used in division (D) (2) of this section, 281

"family member" means a parent, spouse, child, stepchild, 282
sibling, grandparent, grandchild, or other member of an owner's 283
immediate family. 284

(E) In accordance with Section 34a of Article II, Ohio 285
Constitution, an employer shall at the time of hire provide an 286
employee with the employer's name, address, telephone number, 287
and other contact information and update such information when 288
it changes. As used in division (E) of this section: 289

(1) "Other contact information" may include, where 290
applicable, the address of the employer's internet site on the 291
world wide web, the employer's electronic mail address, fax 292
number, or the name, address, and telephone number of the 293
employer's statutory agent. "Other contact information" does not 294
include the name, address, telephone number, fax number, 295
internet site address, or electronic mail address of any 296
employee, shareholder, officer, director, supervisor, manager, 297
or other individual employed by or associated with an employer. 298

(2) "When it changes" means that the employer shall 299
provide its employees with the change in its name, address, 300
telephone number, or other contact information within sixty 301
business days after the change occurs. The employer shall 302
provide the changed information by using any of its usual 303
methods of communicating with its employees, including, but not 304
limited to, listing the change on the employer's internet site 305
on the world wide web, internal computer network, or a bulletin 306
board where it commonly posts employee communications or by 307
insertion or inclusion with employees' paychecks or pay stubs. 308

(F) In accordance with Section 34a of Article II, Ohio 309
Constitution, an employer shall maintain a record of the name, 310
address, occupation, pay rate, hours worked for each day worked, 311

and each amount paid an employee for a period of not less than 312
three years following the last date the employee was employed by 313
that employer. As used in division (F) of this section: 314

(1) "Address" means an employee's home address as 315
maintained in the employer's personnel file or personnel 316
database for that employee. 317

(2) (a) With respect to employees who are not exempt from 318
the overtime pay requirements of the Fair Labor Standards Act or 319
this chapter, "pay rate" means an employee's base rate of pay. 320

(b) With respect to employees who are exempt from the 321
overtime pay requirements of the Fair Labor Standards Act or 322
this chapter, "pay rate" means an employee's annual base salary 323
or other rate of pay by which the particular employee qualifies 324
for that exemption under the Fair Labor Standards Act or this 325
chapter, but does not include bonuses, stock options, 326
incentives, deferred compensation, or any other similar form of 327
compensation. 328

(3) "Record" means the name, address, occupation, pay 329
rate, hours worked for each day worked, and each amount paid an 330
employee in one or more documents, databases, or other paper or 331
electronic forms of record-keeping maintained by an employer. No 332
one particular method or form of maintaining such a record or 333
records is required under this division. An employer is not 334
required to create or maintain a single record containing only 335
the employee's name, address, occupation, pay rate, hours worked 336
for each day worked, and each amount paid an employee. An 337
employer shall maintain a record or records from which the 338
employee or person acting on behalf of that employee could 339
reasonably review the information requested by the employee or 340
person. 341

An employer is not required to maintain the records 342
specified in division (F) (3) of this section for any period 343
before January 1, 2007. On and after January 1, 2007, the 344
employer shall maintain the records required by division (F) (3) 345
of this section for three years from the date the hours were 346
worked by the employee and for three years after the date the 347
employee's employment ends. 348

(4) (a) Except for individuals specified in division (F) (4) 349
(b) of this section, "hours worked for each day worked" means 350
the total amount of time worked by an employee in whatever 351
increments the employer uses for its payroll purposes during a 352
day worked by the employee. An employer is not required to keep 353
a record of the time of day an employee begins and ends work on 354
any given day. As used in division (F) (4) of this section, "day" 355
means a fixed period of twenty-four consecutive hours during 356
which an employee performs work for an employer. 357

(b) An employer is not required to keep records of "hours 358
worked for each day worked" for individuals for whom the 359
employer is not required to keep those records under the Fair 360
Labor Standards Act and its regulations or individuals who are 361
not subject to the overtime pay requirements specified in 362
~~section~~ sections 4111.03 and 4111.031 of the Revised Code. 363

(5) "Each amount paid an employee" means the total gross 364
wages paid to an employee for each pay period. As used in 365
division (F) (5) of this section, "pay period" means the period 366
of time designated by an employer to pay an employee the 367
employee's gross wages in accordance with the employer's payroll 368
practices under section 4113.15 of the Revised Code. 369

(G) In accordance with Section 34a of Article II, Ohio 370
Constitution, an employer must provide such information without 371

charge to an employee or person acting on behalf of an employee 372
upon request. As used in division (G) of this section: 373

(1) "Such information" means the name, address, 374
occupation, pay rate, hours worked for each day worked, and each 375
amount paid for the specific employee who has requested that 376
specific employee's own information and does not include the 377
name, address, occupation, pay rate, hours worked for each day 378
worked, or each amount paid of any other employee of the 379
employer. "Such information" does not include hours worked for 380
each day worked by individuals for whom an employer is not 381
required to keep that information under the Fair Labor Standards 382
Act and its regulations or individuals who are not subject to 383
the overtime pay requirements specified in ~~section~~ sections 384
4111.03 and 4111.031 of the Revised Code. 385

(2) "Acting on behalf of an employee" means a person 386
acting on behalf of an employee as any of the following: 387

(a) The certified or legally recognized collective 388
bargaining representative for that employee under the applicable 389
federal law or Chapter 4117. of the Revised Code; 390

(b) The employee's attorney; 391

(c) The employee's parent, guardian, or legal custodian. 392

A person "acting on behalf of an employee" must be 393
specifically authorized by an employee in order to make a 394
request for that employee's own name, address, occupation, pay 395
rate, hours worked for each day worked, and each amount paid to 396
that employee. 397

(3) "Provide" means that an employer shall provide the 398
requested information within thirty business days after the date 399
the employer receives the request, unless either of the 400

following occurs: 401

(a) The employer and the employee or person acting on 402
behalf of the employee agree to some alternative time period for 403
providing the information. 404

(b) The thirty-day period would cause a hardship on the 405
employer under the circumstances, in which case the employer 406
must provide the requested information as soon as practicable. 407

(4) A "request" made by an employee or a person acting on 408
behalf of an employee means a request by an employee or a person 409
acting on behalf of an employee for the employee's own 410
information. The employer may require that the employee provide 411
the employer with a written request that has been signed by the 412
employee and notarized and that reasonably specifies the 413
particular information being requested. The employer may require 414
that the person acting on behalf of an employee provide the 415
employer with a written request that has been signed by the 416
employee whose information is being requested and notarized and 417
that reasonably specifies the particular information being 418
requested. 419

(H) In accordance with Section 34a of Article II, Ohio 420
Constitution, an employee, person acting on behalf of one or 421
more employees, and any other interested party may file a 422
complaint with the state for a violation of any provision of 423
Section 34a of Article II, Ohio Constitution, or any law or 424
regulation implementing its provisions. Such complaint shall be 425
promptly investigated and resolved by the state. The employee's 426
name shall be kept confidential unless disclosure is necessary 427
to resolution of a complaint and the employee consents to 428
disclosure. As used in division (H) of this section: 429

(1) "Complaint" means a complaint of an alleged violation 430
pertaining to harm suffered by the employee filing the 431
complaint, by a person acting on behalf of one or more 432
employees, or by an interested party. 433

(2) "Acting on behalf of one or more employees" has the 434
same meaning as "acting on behalf of an employee" in division 435
(G) (2) of this section. Each employee must provide a separate 436
written and notarized authorization before the person acting on 437
that employee's or those employees' behalf may request the name, 438
address, occupation, pay rate, hours worked for each day worked, 439
and each amount paid for the particular employee. 440

(3) "Interested party" means a party who alleges to be 441
injured by the alleged violation and who has standing to file a 442
complaint under common law principles of standing. 443

(4) "Resolved by the state" means that the complaint has 444
been resolved to the satisfaction of the state. 445

(5) "Shall be kept confidential" means that the state 446
shall keep the name of the employee confidential as required by 447
division (H) of this section. 448

(I) In accordance with Section 34a of Article II, Ohio 449
Constitution, the state may on its own initiative investigate an 450
employer's compliance with Section 34a of Article II, Ohio 451
Constitution, and any law or regulation implementing Section 34a 452
of Article II, Ohio Constitution. The employer shall make 453
available to the state any records related to such investigation 454
and other information required for enforcement of Section 34a of 455
Article II, Ohio Constitution or any law or regulation 456
implementing Section 34a of Article II, Ohio Constitution. The 457
state shall investigate an employer's compliance with this 458

section in accordance with the procedures described in section 459
4111.04 of the Revised Code. All records and information related 460
to investigations by the state are confidential and are not a 461
public record subject to section 149.43 of the Revised Code. 462
This division does not prevent the state from releasing to or 463
exchanging with other state and federal wage and hour regulatory 464
authorities information related to investigations. 465

(J) In accordance with Section 34a of Article II, Ohio 466
Constitution, damages shall be calculated as an additional two 467
times the amount of the back wages and in the case of a 468
violation of an anti-retaliation provision an amount set by the 469
state or court sufficient to compensate the employee and deter 470
future violations, but not less than one hundred fifty dollars 471
for each day that the violation continued. The "not less than 472
one hundred fifty dollar" penalty specified in division (J) of 473
this section shall be imposed only for violations of the anti- 474
retaliation provision in Section 34a of Article II, Ohio 475
Constitution. 476

(K) In accordance with Section 34a of Article II, Ohio 477
Constitution, an action for equitable and monetary relief may be 478
brought against an employer by the attorney general and/or an 479
employee or person acting on behalf of an employee or all 480
similarly situated employees in any court of competent 481
jurisdiction, including the court of common pleas of an 482
employee's county of residence, for any violation of Section 34a 483
of Article II, Ohio Constitution, or any law or regulation 484
implementing its provisions within three years of the violation 485
or of when the violation ceased if it was of a continuing 486
nature, or within one year after notification to the employee of 487
final disposition by the state of a complaint for the same 488
violation, whichever is later. 489

(1) As used in division (K) of this section, 490
"notification" means the date on which the notice was sent to 491
the employee by the state. 492

(2) No employee shall join as a party plaintiff in any 493
civil action that is brought under division (K) of this section 494
by an employee, person acting on behalf of an employee, or 495
person acting on behalf of all similarly situated employees 496
unless that employee first gives written consent to become such 497
a party plaintiff and that consent is filed with the court in 498
which the action is brought. 499

(3) A civil action regarding an alleged violation of this 500
section shall be maintained only under division (K) of this 501
section. This division does not preclude the joinder in a single 502
civil action of an action under this division and an action 503
under section 4111.10 of the Revised Code. 504

(4) Any agreement between an employee and employer to work 505
for less than the wage rate specified in Section 34a of Article 506
II, Ohio Constitution, is no defense to an action under this 507
section. 508

(L) In accordance with Section 34a of Article II, Ohio 509
Constitution, there shall be no exhaustion requirement, no 510
procedural, pleading, or burden of proof requirements beyond 511
those that apply generally to civil suits in order to maintain 512
such action and no liability for costs or attorney's fees on an 513
employee except upon a finding that such action was frivolous in 514
accordance with the same standards that apply generally in civil 515
suits. Nothing in division (L) of this section affects the right 516
of an employer and employee to agree to submit a dispute under 517
this section to alternative dispute resolution, including, but 518
not limited to, arbitration, in lieu of maintaining the civil 519

suit specified in division (K) of this section. Nothing in this 520
division limits the state's ability to investigate or enforce 521
this section. 522

(M) An employer who provides such information specified in 523
Section 34a of Article II, Ohio Constitution, shall be immune 524
from any civil liability for injury, death, or loss to person or 525
property that otherwise might be incurred or imposed as a result 526
of providing that information to an employee or person acting on 527
behalf of an employee in response to a request by the employee 528
or person, and the employer shall not be subject to the 529
provisions of Chapters 1347. and 1349. of the Revised Code to 530
the extent that such provisions would otherwise apply. As used 531
in division (M) of this section, "such information," "acting on 532
behalf of an employee," and "request" have the same meanings as 533
in division (G) of this section. 534

(N) As used in this section, "the state" means the 535
director of commerce. 536

Sec. 4111.99. (A) Whoever violates division (A) (1) or ~~(D)~~ 537
(4) of section 4111.13 of the Revised Code is guilty of a 538
misdemeanor of the fourth degree. 539

(B) Whoever violates division ~~(B)~~ (A) (2) or ~~(C)~~ (3) of 540
section 4111.13 of the Revised Code is guilty of a misdemeanor 541
of the third degree. 542

(C) Whoever violates section 4111.17 of the Revised Code 543
is guilty of a minor misdemeanor. 544

Sec. 4112.01. (A) As used in this chapter: 545

(1) "Person" includes one or more individuals, 546
partnerships, associations, organizations, corporations, legal 547
representatives, trustees, trustees in bankruptcy, receivers, 548

and other organized groups of persons. "Person" also includes, 549
but is not limited to, any owner, lessor, assignor, builder, 550
manager, broker, salesperson, appraiser, agent, employee, 551
lending institution, and the state and all political 552
subdivisions, authorities, agencies, boards, and commissions of 553
the state. 554

(2) "Employer" means the state, any political subdivision 555
of the state, ~~or a~~ any person employing four or more persons 556
within the state, any person employing a domestic worker, for 557
purposes of section 4112.025 of the Revised Code, and any agent 558
of the state, political subdivision, or person. 559

(3) "Employee" means an individual employed by any 560
employer but does not include, except for purposes of section 561
4112.025 of the Revised Code, any individual employed in the 562
domestic service of any person. 563

(4) "Labor organization" includes any organization that 564
exists, in whole or in part, for the purpose of collective 565
bargaining or of dealing with employers concerning grievances, 566
terms or conditions of employment, or other mutual aid or 567
protection in relation to employment. 568

(5) "Employment agency" includes any person regularly 569
undertaking, with or without compensation, to procure 570
opportunities to work or to procure, recruit, refer, or place 571
employees. 572

(6) "Commission" means the Ohio civil rights commission 573
created by section 4112.03 of the Revised Code. 574

(7) "Discriminate" includes segregate or separate. 575

(8) "Unlawful discriminatory practice" means any act 576
prohibited by section 4112.02, 4112.021, ~~or~~ 4112.022, or 577

4112.025 of the Revised Code. 578

(9) "Place of public accommodation" means any inn, 579
restaurant, eating house, barbershop, public conveyance by air, 580
land, or water, theater, store, other place for the sale of 581
merchandise, or any other place of public accommodation or 582
amusement of which the accommodations, advantages, facilities, 583
or privileges are available to the public. 584

(10) "Housing accommodations" includes any building or 585
structure, or portion of a building or structure, that is used 586
or occupied or is intended, arranged, or designed to be used or 587
occupied as the home residence, dwelling, dwelling unit, or 588
sleeping place of one or more individuals, groups, or families 589
whether or not living independently of each other; and any 590
vacant land offered for sale or lease. "Housing accommodations" 591
also includes any housing accommodations held or offered for 592
sale or rent by a real estate broker, salesperson, or agent, by 593
any other person pursuant to authorization of the owner, by the 594
owner, or by the owner's legal representative. 595

(11) "Restrictive covenant" means any specification 596
limiting the transfer, rental, lease, or other use of any 597
housing accommodations because of race, color, religion, sex, 598
military status, familial status, national origin, disability, 599
or ancestry, or any limitation based upon affiliation with or 600
approval by any person, directly or indirectly, employing race, 601
color, religion, sex, military status, familial status, national 602
origin, disability, or ancestry as a condition of affiliation or 603
approval. 604

(12) "Burial lot" means any lot for the burial of deceased 605
persons within any public burial ground or cemetery, including, 606
but not limited to, cemeteries owned and operated by municipal 607

corporations, townships, or companies or associations 608
incorporated for cemetery purposes. 609

(13) "Disability" means a physical or mental impairment 610
that substantially limits one or more major life activities, 611
including the functions of caring for one's self, performing 612
manual tasks, walking, seeing, hearing, speaking, breathing, 613
learning, and working; a record of a physical or mental 614
impairment; or being regarded as having a physical or mental 615
impairment. 616

(14) Except as otherwise provided in section 4112.021 of 617
the Revised Code, "age" means an individual aged forty years or 618
older. 619

(15) "Familial status" means either of the following: 620

(a) One or more individuals who are under eighteen years 621
of age and who are domiciled with a parent or guardian having 622
legal custody of the individual or domiciled, with the written 623
permission of the parent or guardian having legal custody, with 624
a designee of the parent or guardian; 625

(b) Any person who is pregnant or in the process of 626
securing legal custody of any individual who is under eighteen 627
years of age. 628

(16) (a) Except as provided in division (A) (16) (b) of this 629
section, "physical or mental impairment" includes any of the 630
following: 631

(i) Any physiological disorder or condition, cosmetic 632
disfigurement, or anatomical loss affecting one or more of the 633
following body systems: neurological; musculoskeletal; special 634
sense organs; respiratory, including speech organs; 635
cardiovascular; reproductive; digestive; genito-urinary; hemic 636

and lymphatic; skin; and endocrine; 637

(ii) Any mental or psychological disorder, including, but 638
not limited to, intellectual disability, organic brain syndrome, 639
emotional or mental illness, and specific learning disabilities; 640

(iii) Diseases and conditions, including, but not limited 641
to, orthopedic, visual, speech, and hearing impairments, 642
cerebral palsy, autism, epilepsy, muscular dystrophy, multiple 643
sclerosis, cancer, heart disease, diabetes, human 644
immunodeficiency virus infection, intellectual disability, 645
emotional illness, drug addiction, and alcoholism. 646

(b) "Physical or mental impairment" does not include any 647
of the following: 648

(i) Homosexuality and bisexuality; 649

(ii) Transvestism, transsexualism, pedophilia, 650
exhibitionism, voyeurism, gender identity disorders not 651
resulting from physical impairments, or other sexual behavior 652
disorders; 653

(iii) Compulsive gambling, kleptomania, or pyromania; 654

(iv) Psychoactive substance use disorders resulting from 655
the current illegal use of a controlled substance or the current 656
use of alcoholic beverages. 657

(17) "Dwelling unit" means a single unit of residence for 658
a family of one or more persons. 659

(18) "Common use areas" means rooms, spaces, or elements 660
inside or outside a building that are made available for the use 661
of residents of the building or their guests, and includes, but 662
is not limited to, hallways, lounges, lobbies, laundry rooms, 663
refuse rooms, mail rooms, recreational areas, and passageways 664

among and between buildings. 665

(19) "Public use areas" means interior or exterior rooms 666
or spaces of a privately or publicly owned building that are 667
made available to the general public. 668

(20) "Controlled substance" has the same meaning as in 669
section 3719.01 of the Revised Code. 670

(21) "Disabled tenant" means a tenant or prospective 671
tenant who is a person with a disability. 672

(22) "Military status" means a person's status in "service 673
in the uniformed services" as defined in section 5923.05 of the 674
Revised Code. 675

(23) "Aggrieved person" includes both of the following: 676

(a) Any person who claims to have been injured by any 677
unlawful discriminatory practice described in division (H) of 678
section 4112.02 of the Revised Code; 679

(b) Any person who believes that the person will be 680
injured by any unlawful discriminatory practice described in 681
division (H) of section 4112.02 of the Revised Code that is 682
about to occur. 683

(24) "Unlawful discriminatory practice relating to 684
employment" means both of the following: 685

(a) An unlawful discriminatory practice that is prohibited 686
by division (A), (B), (C), (D), (E), or (F) of section 4112.02 687
or by section 4112.025 of the Revised Code; 688

(b) An unlawful discriminatory practice that is prohibited 689
by division (I) or (J) of section 4112.02 of the Revised Code 690
that is related to employment. 691

(25) "Notice of right to sue" means a notice sent by the 692
commission to a person who files a charge under section 4112.051 693
of the Revised Code that states that the person who filed the 694
charge may bring a civil action related to the charge pursuant 695
to section 4112.052 or 4112.14 of the Revised Code, in 696
accordance with section 4112.052 of the Revised Code. 697

(26) "Domestic worker" means a person employed in a home 698
or residence for the purpose of caring for a child; serving as a 699
companion for a sick, convalescing, or elderly person; or 700
housekeeping; or for any other domestic service purpose. 701
"Domestic worker" does not include any of the following: 702

(a) An individual who is working on a casual basis, as 703
defined in section 4111.14 of the Revised Code; 704

(b) An individual who is engaged in providing 705
companionship services, as defined in 29 C.F.R. 552.6, and who 706
is employed by an employer or agency other than the family or 707
household for which the individual is providing services; 708

(c) An individual who is a relative through blood, 709
marriage, or adoption of either of the following: 710

(i) The employer; 711

(ii) The person for whom the individual is providing 712
services under a program funded or administered by the federal 713
or state government or a local government. 714

(B) For the purposes of divisions (A) to (F) of section 715
4112.02 of the Revised Code, the terms "because of sex" and "on 716
the basis of sex" include, but are not limited to, because of or 717
on the basis of pregnancy, any illness arising out of and 718
occurring during the course of a pregnancy, childbirth, or 719
related medical conditions. Women affected by pregnancy, 720

childbirth, or related medical conditions shall be treated the 721
same for all employment-related purposes, including receipt of 722
benefits under fringe benefit programs, as other persons not so 723
affected but similar in their ability or inability to work, and 724
nothing in division (B) of section 4111.17 of the Revised Code 725
shall be interpreted to permit otherwise. This division shall 726
not be construed to require an employer to pay for health 727
insurance benefits for abortion, except where the life of the 728
mother would be endangered if the fetus were carried to term or 729
except where medical complications have arisen from the 730
abortion, provided that nothing in this division precludes an 731
employer from providing abortion benefits or otherwise affects 732
bargaining agreements in regard to abortion. 733

Sec. 4112.02. It shall be an unlawful discriminatory 734
practice: 735

(A) For any employer, because of the race, color, 736
religion, sex, military status, national origin, disability, 737
age, or ancestry of any person, to discharge without just cause, 738
to refuse to hire, or otherwise to discriminate against that 739
person with respect to hire, tenure, terms, conditions, or 740
privileges of employment, or any matter directly or indirectly 741
related to employment. 742

(B) For an employment agency or personnel placement 743
service, because of race, color, religion, sex, military status, 744
national origin, disability, age, or ancestry, to do any of the 745
following: 746

(1) Refuse or fail to accept, register, classify properly, 747
or refer for employment, or otherwise discriminate against any 748
person; 749

(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.	750 751 752 753
(C) For any labor organization to do any of the following:	754
(1) Limit or classify its membership on the basis of race, color, religion, sex, military status, national origin, disability, age, or ancestry;	755 756 757
(2) Discriminate against, limit the employment opportunities of, or otherwise adversely affect the employment status, wages, hours, or employment conditions of any person as an employee because of race, color, religion, sex, military status, national origin, disability, age, or ancestry.	758 759 760 761 762
(D) For any employer, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person because of race, color, religion, sex, military status, national origin, disability, or ancestry in admission to, or employment in, any program established to provide apprentice training.	763 764 765 766 767 768
(E) Except where based on a bona fide occupational qualification certified in advance by the commission, for any employer, employment agency, personnel placement service, or labor organization, prior to employment or admission to membership, to do any of the following:	769 770 771 772 773
(1) Elicit or attempt to elicit any information concerning the race, color, religion, sex, military status, national origin, disability, age, or ancestry of an applicant for employment or membership;	774 775 776 777
(2) Make or keep a record of the race, color, religion,	778

sex, military status, national origin, disability, age, or 779
ancestry of any applicant for employment or membership; 780

(3) Use any form of application for employment, or 781
personnel or membership blank, seeking to elicit information 782
regarding race, color, religion, sex, military status, national 783
origin, disability, age, or ancestry; but an employer holding a 784
contract containing a nondiscrimination clause with the 785
government of the United States, or any department or agency of 786
that government, may require an employee or applicant for 787
employment to furnish documentary proof of United States 788
citizenship and may retain that proof in the employer's 789
personnel records and may use photographic or fingerprint 790
identification for security purposes; 791

(4) Print or publish or cause to be printed or published 792
any notice or advertisement relating to employment or membership 793
indicating any preference, limitation, specification, or 794
discrimination, based upon race, color, religion, sex, military 795
status, national origin, disability, age, or ancestry; 796

(5) Announce or follow a policy of denying or limiting, 797
through a quota system or otherwise, employment or membership 798
opportunities of any group because of the race, color, religion, 799
sex, military status, national origin, disability, age, or 800
ancestry of that group; 801

(6) Utilize in the recruitment or hiring of persons any 802
employment agency, personnel placement service, training school 803
or center, labor organization, or any other employee-referring 804
source known to discriminate against persons because of their 805
race, color, religion, sex, military status, national origin, 806
disability, age, or ancestry. 807

(F) For any person seeking employment to publish or cause 808
to be published any advertisement that specifies or in any 809
manner indicates that person's race, color, religion, sex, 810
military status, national origin, disability, age, or ancestry, 811
or expresses a limitation or preference as to the race, color, 812
religion, sex, military status, national origin, disability, 813
age, or ancestry of any prospective employer. 814

(G) For any proprietor or any employee, keeper, or manager 815
of a place of public accommodation to deny to any person, except 816
for reasons applicable alike to all persons regardless of race, 817
color, religion, sex, military status, national origin, 818
disability, age, or ancestry, the full enjoyment of the 819
accommodations, advantages, facilities, or privileges of the 820
place of public accommodation. 821

(H) Subject to section 4112.024 of the Revised Code, for 822
any person to do any of the following: 823

(1) Refuse to sell, transfer, assign, rent, lease, 824
sublease, or finance housing accommodations, refuse to negotiate 825
for the sale or rental of housing accommodations, or otherwise 826
deny or make unavailable housing accommodations because of race, 827
color, religion, sex, military status, familial status, 828
ancestry, disability, or national origin; 829

(2) Represent to any person that housing accommodations 830
are not available for inspection, sale, or rental, when in fact 831
they are available, because of race, color, religion, sex, 832
military status, familial status, ancestry, disability, or 833
national origin; 834

(3) Discriminate against any person in the making or 835
purchasing of loans or the provision of other financial 836

assistance for the acquisition, construction, rehabilitation, 837
repair, or maintenance of housing accommodations, or any person 838
in the making or purchasing of loans or the provision of other 839
financial assistance that is secured by residential real estate, 840
because of race, color, religion, sex, military status, familial 841
status, ancestry, disability, or national origin or because of 842
the racial composition of the neighborhood in which the housing 843
accommodations are located, provided that the person, whether an 844
individual, corporation, or association of any type, lends money 845
as one of the principal aspects or incident to the person's 846
principal business and not only as a part of the purchase price 847
of an owner-occupied residence the person is selling nor merely 848
casually or occasionally to a relative or friend; 849

(4) Discriminate against any person in the terms or 850
conditions of selling, transferring, assigning, renting, 851
leasing, or subleasing any housing accommodations or in 852
furnishing facilities, services, or privileges in connection 853
with the ownership, occupancy, or use of any housing 854
accommodations, including the sale of fire, extended coverage, 855
or homeowners insurance, because of race, color, religion, sex, 856
military status, familial status, ancestry, disability, or 857
national origin or because of the racial composition of the 858
neighborhood in which the housing accommodations are located; 859

(5) Discriminate against any person in the terms or 860
conditions of any loan of money, whether or not secured by 861
mortgage or otherwise, for the acquisition, construction, 862
rehabilitation, repair, or maintenance of housing accommodations 863
because of race, color, religion, sex, military status, familial 864
status, ancestry, disability, or national origin or because of 865
the racial composition of the neighborhood in which the housing 866
accommodations are located; 867

(6) Refuse to consider without prejudice the combined 868
income of both husband and wife for the purpose of extending 869
mortgage credit to a married couple or either member of a 870
married couple; 871

(7) Print, publish, or circulate any statement or 872
advertisement, or make or cause to be made any statement or 873
advertisement, relating to the sale, transfer, assignment, 874
rental, lease, sublease, or acquisition of any housing 875
accommodations, or relating to the loan of money, whether or not 876
secured by mortgage or otherwise, for the acquisition, 877
construction, rehabilitation, repair, or maintenance of housing 878
accommodations, that indicates any preference, limitation, 879
specification, or discrimination based upon race, color, 880
religion, sex, military status, familial status, ancestry, 881
disability, or national origin, or an intention to make any such 882
preference, limitation, specification, or discrimination; 883

(8) Except as otherwise provided in division (H) (8) or 884
(17) of this section, make any inquiry, elicit any information, 885
make or keep any record, or use any form of application 886
containing questions or entries concerning race, color, 887
religion, sex, military status, familial status, ancestry, 888
disability, or national origin in connection with the sale or 889
lease of any housing accommodations or the loan of any money, 890
whether or not secured by mortgage or otherwise, for the 891
acquisition, construction, rehabilitation, repair, or 892
maintenance of housing accommodations. Any person may make 893
inquiries, and make and keep records, concerning race, color, 894
religion, sex, military status, familial status, ancestry, 895
disability, or national origin for the purpose of monitoring 896
compliance with this chapter. 897

(9) Include in any transfer, rental, or lease of housing accommodations any restrictive covenant, or honor or exercise, or attempt to honor or exercise, any restrictive covenant;	898 899 900
(10) Induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that a change has occurred or may occur with respect to the racial, religious, sexual, military status, familial status, or ethnic composition of the block, neighborhood, or other area in which the housing accommodations are located, or induce or solicit, or attempt to induce or solicit, a housing accommodations listing, sale, or transaction by representing that the presence or anticipated presence of persons of any race, color, religion, sex, military status, familial status, ancestry, disability, or national origin, in the block, neighborhood, or other area will or may have results including, but not limited to, the following:	901 902 903 904 905 906 907 908 909 910 911 912 913
(a) The lowering of property values;	914
(b) A change in the racial, religious, sexual, military status, familial status, or ethnic composition of the block, neighborhood, or other area;	915 916 917
(c) An increase in criminal or antisocial behavior in the block, neighborhood, or other area;	918 919
(d) A decline in the quality of the schools serving the block, neighborhood, or other area.	920 921
(11) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting housing accommodations, or discriminate against any person in the terms	922 923 924 925 926

or conditions of that access, membership, or participation, on 927
account of race, color, religion, sex, military status, familial 928
status, national origin, disability, or ancestry; 929

(12) Coerce, intimidate, threaten, or interfere with any 930
person in the exercise or enjoyment of, or on account of that 931
person's having exercised or enjoyed or having aided or 932
encouraged any other person in the exercise or enjoyment of, any 933
right granted or protected by division (H) of this section; 934

(13) Discourage or attempt to discourage the purchase by a 935
prospective purchaser of housing accommodations, by representing 936
that any block, neighborhood, or other area has undergone or 937
might undergo a change with respect to its religious, racial, 938
sexual, military status, familial status, or ethnic composition; 939

(14) Refuse to sell, transfer, assign, rent, lease, 940
sublease, or finance, or otherwise deny or withhold, a burial 941
lot from any person because of the race, color, sex, military 942
status, familial status, age, ancestry, disability, or national 943
origin of any prospective owner or user of the lot; 944

(15) Discriminate in the sale or rental of, or otherwise 945
make unavailable or deny, housing accommodations to any buyer or 946
renter because of a disability of any of the following: 947

(a) The buyer or renter; 948

(b) A person residing in or intending to reside in the 949
housing accommodations after they are sold, rented, or made 950
available; 951

(c) Any individual associated with the person described in 952
division (H) (15) (b) of this section. 953

(16) Discriminate in the terms, conditions, or privileges 954

of the sale or rental of housing accommodations to any person or 955
in the provision of services or facilities to any person in 956
connection with the housing accommodations because of a 957
disability of any of the following: 958

(a) That person; 959

(b) A person residing in or intending to reside in the 960
housing accommodations after they are sold, rented, or made 961
available; 962

(c) Any individual associated with the person described in 963
division (H) (16) (b) of this section. 964

(17) Except as otherwise provided in division (H) (17) of 965
this section, make an inquiry to determine whether an applicant 966
for the sale or rental of housing accommodations, a person 967
residing in or intending to reside in the housing accommodations 968
after they are sold, rented, or made available, or any 969
individual associated with that person has a disability, or make 970
an inquiry to determine the nature or severity of a disability 971
of the applicant or such a person or individual. The following 972
inquiries may be made of all applicants for the sale or rental 973
of housing accommodations, regardless of whether they have 974
disabilities: 975

(a) An inquiry into an applicant's ability to meet the 976
requirements of ownership or tenancy; 977

(b) An inquiry to determine whether an applicant is 978
qualified for housing accommodations available only to persons 979
with disabilities or persons with a particular type of 980
disability; 981

(c) An inquiry to determine whether an applicant is 982
qualified for a priority available to persons with disabilities 983

or persons with a particular type of disability;	984
(d) An inquiry to determine whether an applicant currently	985
uses a controlled substance in violation of section 2925.11 of	986
the Revised Code or a substantively comparable municipal	987
ordinance;	988
(e) An inquiry to determine whether an applicant at any	989
time has been convicted of or pleaded guilty to any offense, an	990
element of which is the illegal sale, offer to sell,	991
cultivation, manufacture, other production, shipment,	992
transportation, delivery, or other distribution of a controlled	993
substance.	994
(18) (a) Refuse to permit, at the expense of a person with	995
a disability, reasonable modifications of existing housing	996
accommodations that are occupied or to be occupied by the person	997
with a disability, if the modifications may be necessary to	998
afford the person with a disability full enjoyment of the	999
housing accommodations. This division does not preclude a	1000
landlord of housing accommodations that are rented or to be	1001
rented to a disabled tenant from conditioning permission for a	1002
proposed modification upon the disabled tenant's doing one or	1003
more of the following:	1004
(i) Providing a reasonable description of the proposed	1005
modification and reasonable assurances that the proposed	1006
modification will be made in a workerlike manner and that any	1007
required building permits will be obtained prior to the	1008
commencement of the proposed modification;	1009
(ii) Agreeing to restore at the end of the tenancy the	1010
interior of the housing accommodations to the condition they	1011
were in prior to the proposed modification, but subject to	1012

reasonable wear and tear during the period of occupancy, if it 1013
is reasonable for the landlord to condition permission for the 1014
proposed modification upon the agreement; 1015

(iii) Paying into an interest-bearing escrow account that 1016
is in the landlord's name, over a reasonable period of time, a 1017
reasonable amount of money not to exceed the projected costs at 1018
the end of the tenancy of the restoration of the interior of the 1019
housing accommodations to the condition they were in prior to 1020
the proposed modification, but subject to reasonable wear and 1021
tear during the period of occupancy, if the landlord finds the 1022
account reasonably necessary to ensure the availability of funds 1023
for the restoration work. The interest earned in connection with 1024
an escrow account described in this division shall accrue to the 1025
benefit of the disabled tenant who makes payments into the 1026
account. 1027

(b) A landlord shall not condition permission for a 1028
proposed modification upon a disabled tenant's payment of a 1029
security deposit that exceeds the customarily required security 1030
deposit of all tenants of the particular housing accommodations. 1031

(19) Refuse to make reasonable accommodations in rules, 1032
policies, practices, or services when necessary to afford a 1033
person with a disability equal opportunity to use and enjoy a 1034
dwelling unit, including associated public and common use areas; 1035

(20) Fail to comply with the standards and rules adopted 1036
under division (A) of section 3781.111 of the Revised Code; 1037

(21) Discriminate against any person in the selling, 1038
brokering, or appraising of real property because of race, 1039
color, religion, sex, military status, familial status, 1040
ancestry, disability, or national origin; 1041

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

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

(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 1071
any other person because that person has opposed any unlawful 1072
discriminatory practice defined in this section or section 1073
4112.025 of the Revised Code or because that person has made a 1074
charge, testified, assisted, or participated in any manner in 1075
any investigation, proceeding, or hearing under sections 4112.01 1076
to 4112.07 of the Revised Code. 1077

(J) For any person to aid, abet, incite, compel, or coerce 1078
the doing of any act declared by this section or section 1079
4112.025 of the Revised Code to be an unlawful discriminatory 1080
practice, to obstruct or prevent any person from complying with 1081
this chapter or any order issued under it, or to attempt 1082
directly or indirectly to commit any act declared by this 1083
section or section 4112.025 of the Revised Code to be an 1084
unlawful discriminatory practice. 1085

(K) Nothing in divisions (A) to (E) of this section shall 1086
be construed to require a person with a disability to be 1087
employed or trained under circumstances that would significantly 1088
increase the occupational hazards affecting either the person 1089
with a disability, other employees, the general public, or the 1090
facilities in which the work is to be performed, or to require 1091
the employment or training of a person with a disability in a 1092
job that requires the person with a disability routinely to 1093
undertake any task, the performance of which is substantially 1094
and inherently impaired by the person's disability. 1095

(L) With regard to age, it shall not be an unlawful 1096
discriminatory practice and it shall not constitute a violation 1097
of division (A) of section 4112.14 of the Revised Code for any 1098
employer, employment agency, joint labor-management committee 1099
controlling apprenticeship training programs, or labor 1100

organization to do any of the following: 1101

(1) Establish bona fide employment qualifications 1102
reasonably related to the particular business or occupation that 1103
may include standards for skill, aptitude, physical capability, 1104
intelligence, education, maturation, and experience; 1105

(2) Observe the terms of a bona fide seniority system or 1106
any bona fide employee benefit plan, including, but not limited 1107
to, a retirement, pension, or insurance plan, that is not a 1108
subterfuge to evade the purposes of this section. However, no 1109
such employee benefit plan shall excuse the failure to hire any 1110
individual, and no such seniority system or employee benefit 1111
plan shall require or permit the involuntary retirement of any 1112
individual, because of the individual's age except as provided 1113
for in the "Age Discrimination in Employment Act Amendment of 1114
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 1115
Discrimination in Employment Act Amendments of 1986," 100 Stat. 1116
3342, 29 U.S.C.A. 623, as amended. 1117

(3) Retire an employee who has attained sixty-five years 1118
of age who, for the two-year period immediately before 1119
retirement, is employed in a bona fide executive or a high 1120
policymaking position, if the employee is entitled to an 1121
immediate nonforfeitable annual retirement benefit from a 1122
pension, profit-sharing, savings, or deferred compensation plan, 1123
or any combination of those plans, of the employer of the 1124
employee, which equals, in the aggregate, at least forty-four 1125
thousand dollars, in accordance with the conditions of the "Age 1126
Discrimination in Employment Act Amendment of 1978," 92 Stat. 1127
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 1128
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 1129
631, as amended; 1130

(4) Observe the terms of any bona fide apprenticeship 1131
program if the program is registered with the Ohio 1132
apprenticeship council pursuant to sections 4139.01 to 4139.06 1133
of the Revised Code and is approved by the federal committee on 1134
apprenticeship of the United States department of labor. 1135

(M) Nothing in this chapter prohibiting age discrimination 1136
and nothing in division (A) of section 4112.14 of the Revised 1137
Code shall be construed to prohibit the following: 1138

(1) The designation of uniform age the attainment of which 1139
is necessary for public employees to receive pension or other 1140
retirement benefits pursuant to Chapter 145., 742., 3307., 1141
3309., or 5505. of the Revised Code; 1142

(2) The mandatory retirement of uniformed patrol officers 1143
of the state highway patrol as provided in section 5505.16 of 1144
the Revised Code; 1145

(3) The maximum age requirements for appointment as a 1146
patrol officer in the state highway patrol established by 1147
section 5503.01 of the Revised Code; 1148

(4) The maximum age requirements established for original 1149
appointment to a police department or fire department in 1150
sections 124.41 and 124.42 of the Revised Code; 1151

(5) Any maximum age not in conflict with federal law that 1152
may be established by a municipal charter, municipal ordinance, 1153
or resolution of a board of township trustees for original 1154
appointment as a police officer or firefighter; 1155

(6) Any mandatory retirement provision not in conflict 1156
with federal law of a municipal charter, municipal ordinance, or 1157
resolution of a board of township trustees pertaining to police 1158
officers and firefighters; 1159

(7) Until January 1, 1994, the mandatory retirement of any 1160
employee who has attained seventy years of age and who is 1161
serving under a contract of unlimited tenure, or similar 1162
arrangement providing for unlimited tenure, at an institution of 1163
higher education as defined in the "Education Amendments of 1164
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 1165

(N) (1) (a) Except as provided in division (N) (1) (b) of this 1166
section, for purposes of divisions (A) to (E) of this section, a 1167
disability does not include any physiological disorder or 1168
condition, mental or psychological disorder, or disease or 1169
condition caused by an illegal use of any controlled substance 1170
by an employee, applicant, or other person, if an employer, 1171
employment agency, personnel placement service, labor 1172
organization, or joint labor-management committee acts on the 1173
basis of that illegal use. 1174

(b) Division (N) (1) (a) of this section does not apply to 1175
an employee, applicant, or other person who satisfies any of the 1176
following: 1177

(i) The employee, applicant, or other person has 1178
successfully completed a supervised drug rehabilitation program 1179
and no longer is engaging in the illegal use of any controlled 1180
substance, or the employee, applicant, or other person otherwise 1181
successfully has been rehabilitated and no longer is engaging in 1182
that illegal use. 1183

(ii) The employee, applicant, or other person is 1184
participating in a supervised drug rehabilitation program and no 1185
longer is engaging in the illegal use of any controlled 1186
substance. 1187

(iii) The employee, applicant, or other person is 1188

erroneously regarded as engaging in the illegal use of any 1189
controlled substance, but the employee, applicant, or other 1190
person is not engaging in that illegal use. 1191

(2) Divisions (A) to (E) of this section do not prohibit 1192
an employer, employment agency, personnel placement service, 1193
labor organization, or joint labor-management committee from 1194
doing any of the following: 1195

(a) Adopting or administering reasonable policies or 1196
procedures, including, but not limited to, testing for the 1197
illegal use of any controlled substance, that are designed to 1198
ensure that an individual described in division (N) (1) (b) (i) or 1199
(ii) of this section no longer is engaging in the illegal use of 1200
any controlled substance; 1201

(b) Prohibiting the illegal use of controlled substances 1202
and the use of alcohol at the workplace by all employees; 1203

(c) Requiring that employees not be under the influence of 1204
alcohol or not be engaged in the illegal use of any controlled 1205
substance at the workplace; 1206

(d) Requiring that employees behave in conformance with 1207
the requirements established under "The Drug-Free Workplace Act 1208
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 1209

(e) Holding an employee who engages in the illegal use of 1210
any controlled substance or who is an alcoholic to the same 1211
qualification standards for employment or job performance, and 1212
the same behavior, to which the employer, employment agency, 1213
personnel placement service, labor organization, or joint labor- 1214
management committee holds other employees, even if any 1215
unsatisfactory performance or behavior is related to an 1216
employee's illegal use of a controlled substance or alcoholism; 1217

(f) Exercising other authority recognized in the 1218
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 1219
U.S.C.A. 12101, as amended, including, but not limited to, 1220
requiring employees to comply with any applicable federal 1221
standards. 1222

(3) For purposes of this chapter, a test to determine the 1223
illegal use of any controlled substance does not include a 1224
medical examination. 1225

(4) Division (N) of this section does not encourage, 1226
prohibit, or authorize, and shall not be construed as 1227
encouraging, prohibiting, or authorizing, the conduct of testing 1228
for the illegal use of any controlled substance by employees, 1229
applicants, or other persons, or the making of employment 1230
decisions based on the results of that type of testing. 1231

(O) This section does not apply to a religious 1232
corporation, association, educational institution, or society 1233
with respect to the employment of an individual of a particular 1234
religion to perform work connected with the carrying on by that 1235
religious corporation, association, educational institution, or 1236
society of its activities. 1237

The unlawful discriminatory practices defined in this 1238
section do not make it unlawful for a person or an appointing 1239
authority administering an examination under section 124.23 of 1240
the Revised Code to obtain information about an applicant's 1241
military status for the purpose of determining if the applicant 1242
is eligible for the additional credit that is available under 1243
that section. 1244

Sec. 4112.025. It shall be an unlawful discriminatory 1245
practice for an employer to do any of the following: 1246

(A) Make unwelcome sexual advances, requests for sexual favors, or engage in other verbal or physical conduct of a sexual nature toward a domestic worker when any of the following apply: 1247
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(1) The domestic worker's submission to the conduct is made either explicitly or implicitly a term or condition of the domestic worker's employment. 1251
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(2) The domestic worker's submission to or rejection of the conduct is used as the basis for employment decisions affecting the domestic worker. 1254
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(3) The conduct is intended to unreasonably interfere, or has the effect of unreasonably interfering, with the domestic worker's work performance by creating an intimidating, hostile, or offensive work environment. 1257
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(B) Subject a domestic worker to unwelcome harassment based on race, religion, sex, or national origin if the harassment is intended to unreasonably interfere, or has the effect of unreasonably interfering, with the domestic worker's work performance by creating an intimidating, hostile, or offensive working environment. 1261
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Sec. 4112.052. (A) Subject to division (B) of this section, and except as provided in division (D) (2) of section 4112.14 of the Revised Code, a person alleging an unlawful discriminatory practice relating to employment ~~in violation of section 4112.02 of the Revised Code~~ may bring a civil action in a court of competent jurisdiction. 1267
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(B) (1) Except as otherwise provided in division (B) (2) of this section, a person may file a civil action under this section alleging an unlawful discriminatory practice relating to 1273
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employment or a violation of division (A) of section 4112.14 of 1276
the Revised Code only if the person satisfies both of the 1277
following conditions: 1278

(a) The person has first filed a charge with the Ohio 1279
civil rights commission under section 4112.051 of the Revised 1280
Code with respect to the practice complained of in the complaint 1281
for the civil action within the time period required under that 1282
section. 1283

(b) One of the following occurs: 1284

(i) The person receives a notice of right to sue from the 1285
Ohio civil rights commission pursuant to section 4112.051 of the 1286
Revised Code. 1287

(ii) The person has requested a notice of right to sue 1288
from the Ohio civil rights commission, and the commission fails 1289
to issue the notice of right to sue within forty-five days after 1290
the date the commission is permitted to grant the request under 1291
division (N) of section 4112.051 of the Revised Code. 1292

(iii) The Ohio civil rights commission, after a 1293
preliminary investigation conducted pursuant to a charge filed 1294
under section 4112.051 of the Revised Code, determines that it 1295
is probable that an unlawful discriminatory practice relating to 1296
employment has occurred or is occurring and the complainant, 1297
after being informed by the commission of the right to file a 1298
civil action under this chapter, elects to file a civil action 1299
and notifies the commission of that fact. 1300

(2) A person may file a civil action under this section 1301
alleging an unlawful discriminatory practice relating to 1302
employment or a violation of division (A) of section 4112.14 of 1303
the Revised Code without satisfying the conditions of division 1304

- (B) (1) of this section if either of the following apply: 1305
- (a) The person seeks only injunctive relief. 1306
 - (b) All of the following occur: 1307
 - (i) The person has filed a charge with the Ohio civil 1308
rights commission under section 4112.051 of the Revised Code 1309
with respect to the practice complained of in the complaint for 1310
the civil action within the time period required under that 1311
section. 1312
 - (ii) The person has filed a charge with the equal 1313
employment opportunity commission or its successor organization 1314
with respect to the practice complained of in the complaint for 1315
the civil action within the time period required under federal 1316
law. 1317
 - (iii) The person has received a notice from the equal 1318
employment opportunity commission or its successor organization 1319
that states that the person may bring a civil action against the 1320
employer and the notice was sent in connection with the charge 1321
filed with the equal employment opportunity commission or its 1322
successor organization. 1323
- (3) With respect to an action described in division (B) (2) 1324
- (a) of this section, the person may amend the complaint to 1325
include damages, but the amendment will relate back to the 1326
original filing date of the complaint in the action only after 1327
one of the following occurs: 1328
 - (a) The person receives a notice of right to sue from the 1329
Ohio civil rights commission pursuant to section 4112.051 of the 1330
Revised Code. 1331
 - (b) The person has requested a notice of right to sue from 1332

the Ohio civil rights commission, and the commission fails to 1333
issue the notice of right to sue within forty-five days after 1334
the date the commission is permitted to grant the request under 1335
division (N) of section 4112.051 of the Revised Code. 1336

(c) The Ohio civil rights commission, after a preliminary 1337
investigation conducted pursuant to a charge filed under section 1338
4112.051 of the Revised Code, determines that it is probable 1339
that an unlawful discriminatory practice relating to employment 1340
has occurred or is occurring and the complainant, after being 1341
informed by the commission of the right to file a civil action 1342
under this chapter, elects to file a civil action and notifies 1343
the commission of that fact. 1344

(4) With respect to an unlawful discriminatory practice 1345
relating to employment described in division (A) (24) (b) of 1346
section 4112.01 of the Revised Code, a charge filed with the 1347
Ohio civil rights commission or the equal employment opportunity 1348
commission satisfies division (B) (1) (a) or divisions (B) (2) (b) 1349
(i) and (ii) of this section if both of the following apply: 1350

(a) The charge is related to the conduct alleged in the 1351
complaint for the civil action; 1352

(b) The charge is filed against the person who committed 1353
the unlawful discriminatory practice, the employer of the person 1354
who committed the unlawful discriminatory practice, or both the 1355
person who committed the unlawful discriminatory practice and 1356
the person's employer. 1357

(C) (1) Except as provided in division (C) (2) of this 1358
section, a civil action brought under this section shall be 1359
filed within two years after the alleged unlawful discriminatory 1360
practice was committed. 1361

(2) The time period to file a civil action shall be tolled 1362
for one of the following periods, as applicable: 1363

(a) If a charge that is based, in whole or in part, on the 1364
same allegations and practices was filed under section 4112.051 1365
of the Revised Code less than sixty days before the time period 1366
specified under that section expires, the time period to file a 1367
civil action is tolled for the period beginning on the date the 1368
charge was filed and ending on the date that is sixty days after 1369
the charge is no longer pending with the commission. 1370

(b) If a charge that is based, in whole or in part, on the 1371
same allegations and practices was filed under section 4112.051 1372
of the Revised Code sixty or more days before the time period 1373
specified under that section expires, the time period to file a 1374
civil action is tolled for the period beginning on the date the 1375
charge was filed and ending on the date the charge is no longer 1376
pending with the commission. 1377

(D) A civil action based on 42 U.S.C. 1981a, 42 U.S.C. 1378
1983, and 42 U.S.C. 1985 shall be brought within two years after 1379
the cause of action accrues. The period of limitations set forth 1380
in this division does not apply to causes of action based on 42 1381
U.S.C. 1981 as amended by the "Civil Rights Act of 1991," Pub. 1382
L. No. 102-166. 1383

(E) The Ohio civil rights commission may intervene in a 1384
civil action if the commission determines that the case is of 1385
public importance. 1386

Section 2. That existing sections 4111.02, 4111.08, 1387
4111.10, 4111.13, 4111.14, 4111.99, 4112.01, 4112.02, and 1388
4112.052 of the Revised Code are hereby repealed. 1389

Section 3. The Director of Commerce shall prepare a report 1390

on the feasibility and practicality of allowing domestic workers 1391
to organize for purposes of collective bargaining. In preparing 1392
the report, the Director shall consult with representatives of 1393
domestic workers and individuals and agencies that employ 1394
domestic workers, and with relevant state agencies including the 1395
State Employment Relations Board. On completion of the report, 1396
and before December 31, 2022, the Director shall submit the 1397
report to the Governor, the Speaker of the House of 1398
Representatives, and the President of the Senate. 1399