



Ohio Legislative Service Commission

Bill Analysis

Kailey Henry

S.B. 180

131st General Assembly
(As Introduced)

Sens. Uecker, Burke, Eklund, Hottinger, Hite, Gardner, Jordan, Patton

BILL SUMMARY

- Makes it an unlawful discriminatory practice for an employer to discharge without just cause, to refuse to hire, or to discriminate against a person regarding matters related to employment, because the person exercised a constitutional or statutory right within the person's private real property or within a motor vehicle.
- Allows a person to file a charge with the Civil Rights Commission alleging that another person has engaged in or is engaging in an unlawful discriminatory practice by making decisions regarding that person's employment because the person exercised a constitutional or statutory right and allows the Civil Rights Commission to investigate and remediate that unlawful discriminatory practice.

CONTENT AND OPERATION

Unlawful discriminatory practice – exercising a constitutional or statutory right

Existing law provides that certain specified acts are unlawful discriminatory practices, including an employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of a person, discharging without just cause, refusing to hire, or otherwise discriminating against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.¹ The bill makes it an unlawful discriminatory practice for an employer to take these adverse employment actions because the person exercised a constitutional or statutory right within the person's private real property or within a motor vehicle not owned or controlled by the employer, regardless of whether the

¹ R.C. 4112.02(A).

motor vehicle is located on the employer's real property and, if the motor vehicle is located on the employer's real property, regardless of the motor vehicle's location on that property. A "constitutional or statutory right" includes any right prescribed by the U.S. Constitution or the Ohio Constitution, including any fundamental right, or any right granted under any U.S. or Ohio statute.²

Filing a charge of unlawful discriminatory practice

Under continuing law, any person may file a charge with Ohio's Civil Rights Commission alleging that another person has engaged or is engaging in an unlawful discriminatory practice. In the case of certain specified charges under continuing law (those that allege unlawful discriminatory practices not related to housing) or a charge of an unlawful discriminatory practice created in the bill, the charge must be in writing and under oath and must be filed with the Commission within six months after the alleged unlawful discriminatory practice was committed. The Commission may investigate the charge and may initiate further action in accordance with procedures specified in continuing law. The Commission may also conduct a preliminary investigation upon its own initiative relating to those unlawful discriminatory practices in current law or an unlawful discriminatory practice created by the bill. Although continuing law requires that the Commission must first attempt to induce compliance with Ohio's Civil Rights Law through informal methods, if the Commission ultimately determines that an unlawful discriminatory practice has occurred, after a hearing the Commission may issue an order to remedy the situation, including a cease and desist order or an order requiring back pay, reinstatement, or hiring.³

Civil penalty

Under existing law, a person who violates the Civil Rights Commission Law⁴ is subject to a lawsuit for damages, injunctive relief, or any other appropriate relief. The bill does not amend this provision but, under the bill, an employer who discharges without just cause, refuses to hire, or otherwise discriminates against a person with respect to hiring, tenure, terms, conditions, or privileges of employment, or any matter related directly or indirectly to employment, because the person exercised a constitutional or statutory right within the person's private real property or within a motor vehicle may also be subject to this lawsuit.⁵

² R.C. 4112.01(A)(24) and 4112.02(K), with conforming changes in R.C. 4112.02, 4112.08, and 4112.14.

³ R.C. 4112.05.

⁴ R.C. Chapter 4112.

⁵ R.C. 4112.99, not in the bill.



HISTORY

ACTION

DATE

Introduced

06-10-15

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