

Ohio Civil Rights Commission

85

26th Annual Report



RICHARD F. CELESTE
Governor



OHIO CIVIL RIGHTS COMMISSION

CENTRAL OFFICE
220 Parsons Avenue
Columbus, Ohio 43266-0543
1-614-466-2785

REGIONAL OFFICES

NORTHEAST REGIONAL OFFICE
Frank Lausche Building, Suite 885
615 West Superior Avenue
Cleveland, Ohio 44113
1-216-622-3150

SOUTH N.E. REGIONAL OFFICE
Akron Government Center — Suite 205
161 South High Street
Akron, Ohio 44308
1-216-379-3100

NORTHWEST REGIONAL OFFICE
One Government Center - Rm. 936
Jackson & Erie Streets
Toledo, Ohio 43604
1-419-245-2900

SOUTHEAST REGIONAL OFFICE
220 Parsons Avenue
Columbus, Ohio 43266-0543
1-614-466-5928

SOUTHWEST REGIONAL OFFICE
200 Goodall Complex
324 West 9th Street
Cincinnati, Ohio 45202
1-513-852-3344

NORTH S.W. REGIONAL OFFICE
800 Miami Valley Tower
40 West Fourth Street
Dayton, Ohio 45402
1-513-449-6500

December 30, 1985

The Honorable Richard F. Celeste
Governor, State of Ohio

The Honorable Harry Meshel
President, State of Ohio Senate

The Honorable Vernal G. Riffe
Speaker, Ohio House of Representatives

Gentlemen:

In accordance with Section 4112.04 (A) of the Ohio Revised Code, the Ohio Civil Rights Commission hereby submits its TWENTY-SIXTH ANNUAL REPORT.

The Commission is extremely appreciative of the support of both the Executive and Legislative Branches of the Ohio Government. Your continued efforts toward improving the civil rights laws are essential.

Respectfully,

FOR THE COMMISSION

REVEREND, PHALE D. HALE, D.D.,
CHAIRPERSON

Ohio Civil Rights Commissioners



Clingan Jackson



Ronald C. Morgan



Rev. Phale D. Hale
Chairperson



Catherine Ellis



Alyce Lucas

Administrative Staff

Executive Unit

Robert D. Brown
Executive Director

Francis Smith, Chief
Administrative Services

Emerson E. Cole, Chief
Special Investigative Unit

Donna A. Norris
Liaison to the Director

Communications Unit
Basuho Howell

Handicap Unit

EEOC Project Coordinator
J. Jefferies Moon

Compliance Department
William C. Betcher, Chief

**Education and Community
Relations**
Carol Hall, Director

Affirmative Action Unit
E. Aggie Randolph, Supervisor

Hearing Examiners Unit
Franklin Martens, Chief

Training Unit
Paulette Robinson

Personnel and Finance
Nancy Stir, Supervisor

ESTABLISHED: 1959

STATUTORY AUTHORITY: Chapter 4112, Ohio Revised Code
CENTRAL OFFICE: 220 Parsons Ave., Columbus, Ohio 43266-0543

Regional Offices and Directors



Northeast Region — Cleveland
Joseph Hunter, Regional Director
Frank Lausche Building, Suite 885
615 West Superior Ave.
Cleveland, Ohio 44113
(216) 622-3150 (Voice TTY)

Southeast Region — Columbus
Michael Samuels, Regional Director
220 Parsons Ave.
Columbus, Ohio 43215
(614) 466-5928 (Voice TTY)

Northwest Region — Toledo
Ronald Pettaway, Regional Director
One Government Center —
Room 936
Jackson & Erie Streets
Toledo, Ohio 43604
(419) 245-2900 (Voice TTY)

Southwest Region — Cincinnati
Ray Paul, Regional Director
Masonry Office Building — 2nd Flr.
707 Race Street
Cincinnati, Ohio 45202
(513) 852-3344 (Voice TTY)

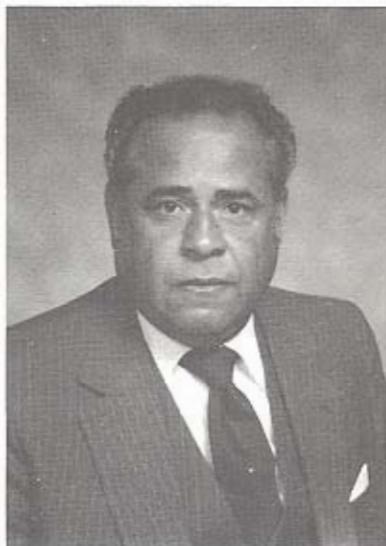
South Northeast Region — Akron
John Browne, Regional Director
Akron Government Center, Suite 205
161 South High Street
Akron, Ohio 44308
(216) 379-3100 (Voice TTY)

North Southwest Region — Dayton
Rebecca Haley-Ross,
Regional Director
800 Miami Valley Tower
40 West 4th Street
Dayton, Ohio 45402
(513) 449-6500 (Voice TTY)

Table of Contents

Ohio Civil Rights Commission

Foreword	vii
Introduction	1
State & Federal Worksharing	1
The Case Load	1
Charge Jurisdiction and Basis of	
Alleged Discrimination	1
Case Production	2
Monetary Benefits	2
Case Capsules	2
Compliance	5
Affirmative Action Unit	8
Special Investigation Unit	8
Hearing Examiners Unit	9
Handicap Unit	9
Department of Education and	
Community Relations	9
Training Unit	10
Communications Unit	10
Legislative Summary	11
Recommended Legislation	12
General Charge Process Procedures	15
Appropriations & Expenditures	16



Foreword

As the Ohio Civil Rights Commission faces its next quarter century of service to Ohio—I see a climate which is changing for Blacks and others facing discrimination. Also, I believe there is a malign climate which did not exist when the Ohio Civil Rights Commission was formed in 1959, in other words an “aura of regression” fomented by the so-called moral majority and others. This is having an effect on Black students, women, the handicapped and other minorities. This is dangerous for a nation that has for two decades attempted to pursue an attitude of fairness, justice and equality.

The new climate has had an impact on the cases being filed before the Commission. Not only has there been an increase in filing charges over the past three years—but there have also been requests by employers for reconsideration of the Commission decisions. This is due primarily to the Department of Justice showing its alleged distaste for Equal Employment Opportunity and Affirmative Action. I am convinced that Ohio is

ahead in the nation in its civil rights efforts. Our Governor has made it very emphatic that the State of Ohio will not turn back on civil rights and has directed this Commission to move forward.

In my eight-year tenure at the Ohio Civil Rights Commission, first and foremost there has been the broadening of the scope of civil rights to include the needs of women, the handicapped and other segments of the population which were not contemplated when the law was enacted in 1959.

In 1984, less than half of the complaints filed before the Commission alleged discrimination on the basis of race and the number is actually declining. The 45% in 1984 was down from almost 49% just one year previous. Now, sex, age, and handicap complaints combined exceed the number of allegations of racial discrimination.

These women, the elderly, the handicapped, Blacks and other minorities who are availing themselves of the Ohio Civil Rights Commission services, should thank the Black civil rights movement of the 1960's for broadening the opportunity and educational process that makes it possible for all citizens to know and to be able to exercise their rights.

Despite the increasing attacks on the Civil Rights movement at the national level, the new found support of many business leaders for Affirmative Action Programs still exist. There are corporations who are lending a deaf ear to the anti-civil rights philosophy—they are saying it is the right thing—they have done it in the past—they are doing it now—and will continue to do so in the future because Affirmative Action is good business.

I have stated previously, that many changes have occurred since the inception of the Ohio Civil Rights Commission. The Commission is proud of the fact that the

United States Equal Employment Opportunity Commission has named Ohio the number one Fair Employment Practice of all the fifty states. The EEOC and the Commission are currently working on a *demonstration* project which will computerize our agency files, to improve the monitoring of charges, the tracking of cases from the *Intake to Resolution*, and an over-all efficiency system that will enhance both Federal and State efforts. Computerizing the agency files will lower the resolution of some charges to ninety days or less.

The Commission is embarking on its second quarter-century with a challenge that duplicates the first. The Commission will continue to address old as well as new issues as they arise, with the high hope of being able to effectively recommend changes that will ensure the rights and dignity of all minorities, and without being abridged by those who serve in positions of power. The Commission looks to every government official, community/business leader and citizen to protect human and civil rights wherever they are threatened.

In conclusion, I personally thank each staff member for their professionalism and hard work they have displayed during this past year. I wish to thank each of the Commissioners who have contributed their valuable time, effort and wisdom in supporting the administration of the Commission Programs.

With the help of all these individuals and the support of the Public Officials, the Ohio Civil Rights Commission will continue to be a viable force for the rights and dignity of all citizens.

ROBERT D. BROWN
EXECUTIVE DIRECTOR

Introduction

Many charges of employment discrimination filed with the Ohio Civil Rights Commission are also within the jurisdiction of the Equal Employment Opportunity Commission, which receives and processes charges alleging Violation of Title VII of the Civil Rights Act of 1964. According to Section 706 of the Equal Employment Opportunity Commission's enabling legislation, allegations of unfair employment practices that are within the jurisdiction of the Equal Employment Opportunity Commission and also fall within the jurisdiction of a state which have laws substantially equivalent to the Federal law; these charges may be processed by the state agency rather than by the Federal Commission. Such 706 agencies may receive charges of employment discrimination on behalf of the Equal Employment Opportunity Commission. The Equal Employment Opportunity Commission also defers processing of charges to the 706 enforcement agencies. The Ohio Civil Rights Commission is recognized as a Deferral Agency.

Charges of employment discrimination which are filed with the Commission; the complainant may simultaneously file the charge with the Equal Employment Opportunity Commission. These charges are called dual filed charges. The Equal Employment Opportunity Commission defers processing of charges to the Ohio Civil Rights Commission, but, may assume jurisdiction if they wish to do so. Also, since the Ohio Civil Rights Commission has Certification, there is a different procedure that is now followed. The Equal Employment Opportunity Commission is now required only to do a random or periodic review of Ohio Civil Rights Commission cases which is called a Substantial Weight Review.

In addition to work sharing arrangements with the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission participates in a Memorandum of Understanding with the United States Department of Treasury Office of Review Sharing and with the A-95 Project Notification and Review System. In this agreement the Ohio Civil Rights Commission measures the civil rights impact and implications of Federally assisted programs of recipients receiving revenue sharing funds.

Beyond these enforcement responsibilities, Chapter 4112 requires the Commission to receive affirmative action progress reports from political subdivisions (county, municipal, and state), and to establish a Department of Education.

The Ohio Civil Rights Commission investigates complaints and through conciliation and formal proceedings bring the offender into compliance with the law.

The Equal Employment Opportunity Commission may also review an Ohio Civil Rights Commission case at request of the Complainant.

State and Federal Worksharing

The Ohio Civil Rights Commission has again satisfied its contract with the Equal Employment Opportunity Commission. During fiscal year 1985, 4009 final actions on individual Title VII charges and 574 final actions on individual Age Discrimination charges were submitted to the Equal Employment Opportunity Commission. Thus, the numerical requirement of 4000 and 500 was met. Certainly worthy of note is that the Equal Employment Opportunity Commission "quality" standards for charge processing has been achieved without violence to the Ohio Civil Rights Commission's own timely processing stan-

dard; without the one year statute of limitation effected.

Seven plus years of worksharing has caused an amalgamation of the two agencies. The benefit accruing to remedies for many victims of unlawful discrimination. The Ohio Civil Rights Commission and the Equal Employment Opportunity Commission are currently homogenizing an electronic data system which will further enhance case processing.

This year as in the past, the success experienced can or rather should be ascribed to the untiring determination of Managers and the committed efforts of competent staff.

The Case Load

During fiscal year 1985 (July 1, 1984, through June 30, 1985) the Ohio Civil Rights Commission received 5,622 new charges of discrimination. This total represents 21% increase over the previous year (See Tables I and II).

Charge Jurisdiction and Basis of Alleged Discrimination

Matters of Employment discrimination make up the vast majority of charges received and investigated by the Commission. In 1985, over 97% of all charges involved employment.

During 1985, 47% of newly filed charges were based on race or color, down from 45% in 1984. Charges of sex discrimination also increased from 22% in 1984 to 25% in 1985. Again, as in 1984, the number of age charges increased, from 14% in 1984 to 15% in 1985. Handicapped charges increased somewhat in 1985; but not a significant amount compared to 1984.

TABLE I DISTRIBUTION OF NEW CHARGE INTAKE DURING FISCAL YEAR 1985

REGION	NEW CHARGES	PERCENT OF TOTAL
Northeast (Cleveland)	1,076	19.14
Southwest (Cincinnati)	1,254	22.30
Southeast (Columbus)	877	15.60
South Northeast (Akron)	740	13.16
Northwest (Toledo)	999	17.80
North Southwest (Dayton)	676	12.00
TOTAL	5,622	100.00%

TABLE II NEW CHARGES FILED 1980-1985

YEAR	CHARGES	PERCENT CHANGE BETWEEN FISCAL YEARS
1980	4,784	— —
1981	4,873	+ 1.8%
1982	3,859	-20.8%
1983	4,256	+ 10.3%
1984	4,613	+ 8.4%
1985	5,622	+21.9%

TABLE III TYPES OF CHARGES FILED FISCAL YEAR 1985

JURISDICTION	NUMBER	PERCENTAGE OF TOTAL
Employment	5,454	97.00
Public Accommodations	106	1.90
Housing	46	.80
Credit	16	.30
TOTAL	5,622	100.00%

TABLE IV BASIS OF CHARGES OF ALLEGED DISCRIMINATION FOR FISCAL YEARS 1984 AND 1985

BASIS	1984	PERCENT OF TOTAL	1985	PERCENT OF TOTAL
Race/Color	2,087	45.20	2,679	47.12
Religion	62	1.30	64	1.03
Sex	1,031	22.40	1,394	24.50
National Origin	135	2.90	157	2.81
Handicap	440	13.90	598	9.50
Age	640	4.70	660	11.60
Retaliation	216	.10	0	3.40
Marital Status	2	0.00	2	0.00
Ancestry	0			0.04
	4,613	100.00%	5,687	100.00%

The reason for the disparity between charges filed and bases is that some charges were filed on more than basis, e.g., race and sex. One region did not report any charges based on retaliation.

Case Production

The Commission closed 4,797 charges during fiscal year 1985. Processing time for the average case in 1985 dropped to less than 120 days.

Monetary Benefits

Table VI shows the total monetary benefits which accrued to persons who filed charges with the Commission during 1985, for losses due to unlawful discrimination. Monetary benefits include back pay awards and calculated benefits that reflect hiring, promotion or fringe benefits. The total amount collected during 1985, over three million dollars, should be seen as a strong incentive for employers—to insure that all Ohio citizens are equally under the law.

Case Capsule

Sex/Discharge:

Charging Party's Allegations:

Charging Party alleged that she was hired by a small transportation company and told by the Owner-President that she would be trained in all phases of the business. Within a week, Charging Party became subject to suggestive sexual language and touching by the owner. When Charging Party objected to this behavior, the owner began to harshly criticize Charging Party about her work, without allowing for adequate training to be complete. Charging Party continued objections to the owner's sexual language and propositions, which ended in her discharge. There were no witnesses to the sexual harassment.

Commission's Findings:

The investigation revealed that Respondent has employed a minimum of fifteen females, in a three person office, over the past eighteen months, with an average of five weeks employment before termination. Contacts with several of

TABLE V SUMMARY OF CASE PRODUCTION — CLOSED MATTERS

	NUMBER	PERCENT
Negotiated Settlement	793	16.53
Conciliation Agreement	63	1.31
Withdrawal of Charge		
With Settlement	318	6.63
No Probable Cause	2,774	57.83
Withdrawal of Charge	516	10.75
No Jurisdiction	80	1.68
Administrative Closure	253	5.27
TOTAL	4,797	100.00%

TABLE V MONETARY BENEFITS COLLECTED DURING FISCAL YEAR 1985

OHIO CIVIL RIGHTS COMMISSION	DOLLAR AMOUNT
Northeast (Cleveland)	\$ 559,103.16
Southwest (Cincinnati)	734,495.48
Southeast (Columbus)	271,122.00
South Northeast (Akron)	354,049.36
Northwest (Toledo)	740,840.39
North Southwest (Dayton)	584,565.00
	\$3,244,175.39

these female ex-employees substantiated Charging Party's allegations that the Owner/President engaged in suggestive sexual language and touching, as well as severe criticism of those who resisted his advances. There was a general consensus among the females contacted that Respondent purposely discharged females before they became eligible for Respondent's insurance coverage.

Disposition of the Case:

The case was found Probable Cause and Charging Party received a check for \$2,400.00 and chose not to be reinstated.

Sex/Discharge: A charge of sex discrimination was brought by a female part-time school crossing guard against her employer, the police department of one of Cleveland's suburbs. Complainant was supposedly terminated due to her becoming pregnant, and told that once she was no longer pregnant, she would have to reapply for her

job to get it back, if an opening arose.

Respondent conceded that Complainant was terminated and would have to reapply for her job as alleged above. Moreover, it stated that its policy was to deny maternity leave to part-time female employees like Complainant. Respondent's rationale related to its policy of having officers fill in for absent guards to promote the safety of school children. It reasoned that since such a policy impairs public safety generally, that its need for available guards justifies denying maternity leave to such individuals. Yet by having such a policy, Respondent violates 4112-5-05-(G)(1) of the Commission's Rules and Regulations, which prohibits policies denying such leave to female employees for any reason. The result was a Probable Cause Finding of sex discrimination.

Race/Hire:

Complainant who is an attorney, associated with a civil rights organization, stumbled across a fairly well-known physical fitness facility when in search of a part-time job as an instructor.

According to the Complainant, she was treated with great indignity by the Respondent's owner and assistant spa manager after they realized that she was a Black applicant. According to the Complainant, the Respondent had indicated during a phone interview that she would be hired, but was now being denied the position.

After the Complainant informed the Respondent that she felt that she was being discriminated against due to her race and planned to report the incident to authorities, the Respondent sent her a certified letter re-offering her the spa instructor job.

Once the Complainant did file an OCRC charge, the Respondent offered the Complainant full remedy, which included back pay, the position and \$109.00 representing reimbursement of a membership fee that the Complainant had paid to the Respondent's facility as a regular member.

Discharge/Religion:

On February 19, 1985, Complainant, who is a person with Jehovah Witness religious beliefs, filed a charge with the Ohio Civil Rights Commission alleging that her discharge on September 29, 1984 was an act of unlawful discrimination because of her religion.

On May 31, 1985 a Settlement Agreement was ratified by the Complainant and Respondent which awarded Complainant vacation and severance benefits which totaled \$2,322.60.

Sex/Handicap:

Complainant filed charge on the basis of sex, male and handicap, lower back injury (requiring lifting and bending limitations). Complainant was the Audio Visual

Department Director for a small private college. He took a leave of absence for a back injury sustained on the job (from lifting heavy A-V equipment).

Complainant could have returned to the job, after two operations and one year leave of absence, except that Respondent had indicated that the Complainant must be able to lift up to 60 pounds. The Complainant believed that the Respondent failed to make a reasonable accommodation for his handicap and further that the Respondent replaced the Complainant with a female who was able to utilize work study students and the Respondent's maintenance men to lift the Department's heavy equipment.

The Respondent stated that the lifting requirement was part of the position and denied that the female who replaced Complainant was able to utilize other employees for the Respondent (maintenance workers) to lift the Department's heavy equipment. The Respondent stated that it reasonably accommodated the Complainant by allowing the Complainant to take a leave of absence that extended beyond one school year.

Investigation substantiated that the female who replaced the Complainant utilized Respondent's maintenance workers frequently for lifting heavy equipment, whereas, when Complainant was Director he was instructed not to call Respondent's maintenance workers for lifting equipment. Evidence substantiated that Respondent failed to reasonably accommodate the Complainant by removing the lifting requirements for the position of Director of its Audio Visual Department. Further, the Respondent treated the female who replaced Complainant in a more favorable manner with respect to lifting requirements for the position.

This case went Probable Cause and then Issue Formal Complaint.

Handicap/Hire:

Complainant filed a complaint of handicap discrimination alleging that she was denied hire due to her condition of hypertension. Complainant was examined by Respondent's doctor during a pre-employment physical examination at which time Complainant's blood pressure was abnormally high. Complainant alleged that Respondent informed her that she would not be hired because of the abnormal reading.

Respondent denied discrimination against Complainant on the basis of her handicap. It was Respondent's position that Complainant was never denied hire but that Respondent simply "post-poned" hiring until she saw her doctor. Respondent felt that Complainant's blood pressure was "dangerously" high. The parties to the complaint settled the matter soon after the charge was filed. Complainant began working as a phlebotomist soon after she had her blood pressure checked and brought under control.

Sex:

Charging Party was a female and discharged from the position she held as Manager. The company treated her differently and retained males who had done the same/similar acts as Charging Party.

An investigation and a No Probable Cause finding was recommended and approved by the Commission on April 10, 1984. Subsequently, Charging Party requested reconsideration and said was granted. A subsequent finding of Probable Cause was established and Conciliation ensued. During the Conciliation process, the matter was resolved and Charging Party withdrew her charge.

Charging Party was awarded \$4,000.00 cash and \$9,600.00 benefits and forgiveness of a promis-

sory note, neutral letter of reference, and her termination changed to resignation. Total amount of monetary award, \$13,600.00.

Handicap:

Charging Party is a handicapped person and suffers from brain damage. He was discharged from his position in Janitorial.

An investigation and a finding of Probable Cause followed. Respondent requested reconsideration and was denied. Conciliation efforts were pursued and a resolution was reached.

Charging Party was awarded \$13,445.77 full back pay with interest, reinstated with a front pay of \$11,627.00, and expungement of records. Total amount of monetary award, \$25,072.97.

Retaliation/Race:

Charging Party, a black female, believed she was terminated from her position because of her race and in retaliation for filing a previous charge.

An investigation ensued; however, before a recommendation on the merits of the case could be determined, an agreement was reached by both parties.

Charging Party was awarded \$1,380.00 back pay, reinstated with a front pay award of \$10,649.60 and adverse material removed from her record. Her full monetary award was \$12,029.00.

Sex/Sexual Harassment:

Charging Party was employed by Respondent as an Assistant Manager. She was discharged from her position. Charging Party alleged in her complaint that prior to her discharge she was sexually harassed by her male manager. Charging Party alleges that she was discharged because she is a female and because she resisted her manager's sexual advances.

Charging Party's case was settled during the investigation. The Respondent reinstated Charging Party to her former position.

Charging Party's annual salary is \$16,380.00. She was paid \$3,240.00 in back pay. Respondent also agreed to provide Charging Party and all employees with a work environment free of sexual harassment.

Age:

Charging Party was employed by Respondent for approximately eight (8) years as a Senior Graphic Inside Salesperson. Charging Party was discharged from his position. Prior to Charging Party's discharge, he requested that he be transferred to Respondent's Central Division location; however, Charging Party was denied the transfer. Charging Party alleged in his complaint that he was terminated and denied a transfer due to the consideration of his age, fifty-three (53).

Charging Party's case was settled during the investigation. The Respondent reinstated Charging Party to his former position at their Central Division location. Charging Party's annual salary is \$23,753.60. Charging Party also received \$600.00 for moving expenses.

Sex/Pregnancy:

Charging Party, a pregnant female, alleged that she was denied hire by Respondent due to considerations based on her sex, female, and pregnancy.

In less than sixty (60) days Charging Party's case was settled. Charging Party was placed into the position she applied for. Her annual salary is \$13,260.00.

Race/Terms/Conditions:

Charging Party alleges that he was hired by Respondent as a Meat Cutter. Charging Party alleges that since being hired he has been rotated from store to store working on a part-time basis. Charging Party alleges that in response to his inquiry a Supervisor indicated that when a new store opened, Charging Party would probably receive a full-time position at that store.

Charging Party alleges that Respondent opened two stores and

that instead of being placed at either of these facilities, Respondent left Charging Party working on the road often receiving less than forty hours of work. Charging Party alleges that Respondent staffed the two new facilities with four employees from Respondent's other local stores, plus adding approximately 14 new hires. Charging Party alleges that Respondent employs 34 Meatcutters and that all except Charging Party are Caucasian.

The Commission entered into its records a finding of Probable Cause.

As a result of further discussion of the settlement issues, a proposed Negotiated Settlement Agreement was drawn. By the terms of the Agreement, Respondent will place Charging Party into a position as Meatcutter in their facility, with seniority and guarantee Charging Party 400 hours of continuous employment. In detail the agreement states:

1. Place the Charging Party into a Special Store within ten days.
2. Give Charging Party immediate seniority.
3. Guarantee the Charging Party 400 hours of continuous employment as a Meatcutter.
4. Charging Party shall be a full-time employee.

Handicap:

Charging Party is a handicapped person with a balance problem. He was denied the right to return to work from medical leave.

The investigation pursued; however, before determining a recommendation on the merits, both parties resolved this matter.

Charging Party was awarded reinstatement with front pay of \$22,796.00.

Age:

Charging Party is a fifty (50) year old male. He was denied hire.

An investigation was pursued; however, prior to a recommendation on the merits of the case, both

parties reached a resolution in this matter.

Charging Party was hired with a front pay of \$20,612.80.

Race:

Charging Party is a Caucasian female who was demoted and her terms and conditions of employment changed.

An investigation was initiated; however, prior to a recommendation on the merits of the charge being made, a resolution had been reached between both parties. Charging Party, subsequently, withdrew her charge.

Charging Party was awarded back pay of \$1,222.40, reinstated to her previous position with a front pay of \$15,350.40 and expungement of records. Charging Party's full monetary award consisted of \$16,572.80.

Handicap:

Charging Party, a handicapped person who suffers from a Spine Disorder, alleged that he was terminated from his position as a Painter.

Prior to a complete investigation, conciliation efforts were discussed with Respondent. The matter was resolved with Charging Party being reinstated to his former position. Charging Party's annual salary is \$29,120.00.

Compliance

The Compliance Division of the Ohio Civil Rights Commission handles the enforcement activities of the Agency as defined in the Ohio Revised Code Section 4112. The Division is headed by the Chief of Compliance with six Compliance Officers.

The Compliance Division reviews all case reports submitted by the regional offices. The Compliance Officers carefully examine each case recommendation to insure that the statewide standards are adhered to and that the correct legal concepts have been applied.

Upon approval of a case recommendation, the Compliance Division may authorize further action, including conciliation endeavors, or if appropriate, the issuance of formal complaints and notices of public hearing. As a part of its qual-

ity control function, the Compliance Division may return cases to the regional offices for correction of procedural or legal defects.

Since the Laws against Discrimination are continuously being affected by legal precedents and

interpretations, the compliance function is essential to the effective discharge of the Ohio Commission's mission which is to eradicate unlawful discriminatory practices throughout Ohio.

**Cease and Desist Orders Issued
July, 1985 — June, 1986**

Habeeb-Ullah	v.	Canteen Corporation	07-31-84
Perdue	v.	University Hospital of the University of Cincinnati	09-11-84
Walker	v.	South Wind Motel	09-11-84
Colson	v.	Ohio City Manufacturing Company	09-11-84
Ilhardt	v.	Clermont Northeastern Board of Education	09-11-84
Thompson	v.	Revco Drug Stores, Inc.	09-11-84
Robby	v.	The House of LaRose, Drenik Division	10-16-84
Binzley	v.	Department of Mental Rehabilitation and Developmental Disabilities Warrensville Developmental Center	10-16-84
Condos	v.	Perry Township Board of Trustees Perry Township Police Department	10-16-84
Thomas	v.	P.H. Glatfelter Company	11-13-84
Lest	v.	City of Cleveland, Division of Police	11-13-84
Barnett	v.	Ashtabula Metropolitan Housing Authority	11-13-84
Brantley	v.	Columbus Technical Institute	12-11-84
Smith	v.	Crippled Children's Center of Central Ohio, Inc.	12-11-84
Bateman	v.	Bateman vs. St. Rita's Home for the Aged, Inc.	12-11-84
Anderson	v.	Holzoepfel's, Inc.	01-09-85
(Simpson) Ricks	v.	Little Angels Growth & Development Center, Subsidiary of Coleman Homes	01-09-85
Miller	v.	Atomic Employees Credit Union, Inc.	02-12-85
Durbin	v.	Village of Powell, Department of Police, Ohio Peace Officer Training Counsel	02-12-85
Shields	v.	South Summit Publishing Company	03-12-85
Prather	v.	The Dayton Power and Light Company	03-12-85
Barren	v.	The William Powell Company	03-12-85
Gansen	v.	Stark County Sheriff's Company	03-12-85

Smith	v.	Orkin Exterminating Company	04-09-85
Smith	v.	North Shore Road's, Inc., dba Perkins Cake & Steaks	05-14-85
Rose	v.	City of Zanesville, Civil Service Commission	05-14-85
Maniscalco	v.	Cuyahoga County Welfare Department	06-11-85
Fingerhut	v.	Willis Day Industries Park, Inc., dba Ampoint, Inc.	06-11-85

**Orders of Dismissal Issued
July, 1985 — June, 1986**

Spates	v.	H.H. Donnelly & Associates	07-31-84
Cunningham	v.	Columbus Jack Corporation	09-11-84
Arashfakhr	v.	Brookside Golf & Country Club	09-11-84
Kelley	v.	Owens-Corning Fiberglas Corporation	09-11-84
Theobald	v.	Ohio City Manufacturing Company	09-11-84
Kallenberger	v.	Ohio City Manufacturing Company	09-11-84
Giancola	v.	Warren General Hospital	09-11-84
Heacock	v.	Thompson Newspaper Co., dba The Marion Star	09-11-84
Howard	v.	Orkin Exterminating, Incorporated	09-11-84
Garner	v.	P & S Management Co., Inc., Holiday Inn Cleveland-Airport West	09-11-84
Clark	v.	Economy Forms Corporation	10-16-84
Rogers	v.	Columbus Technical Institute	10-16-84
Rayman	v.	Lucas County Sheriff's Department	10-16-84
Bowman, et. al.	v.	Ohio Valley Electric Corporation	01-09-85
Conethan	v.	Peabody Coal Company	01-09-85
Johns	v.	Fayette County Memorial Hospital	01-09-85
Alleman	v.	Youngstown State University	01-09-85
Constant	v.	Goodyear Aerospace Corporation	02-12-85
Volmer	v.	Western & Southern Life Insurance Company	02-12-85
Hunt	v.	State of Ohio, County of Stark Commu- nity Treatment & Correction	02-12-85
Wesson	v.	Monarch Machine Tool Company	02-12-85
Kline	v.	The Clorox Company	03-12-85
Rice	v.	Carpet Connection, Incorporated	03-12-85
Campbell	v.	Central Ohio Psychiatric Hospital	03-12-85
Zietlow	v.	Enterprise Group Planning	03-12-85

CIVIL RIGHTS COMMISSION

Foster	v.	Colerain Township	03-12-85
Hoover	v.	State of Ohio, Department of Mental Health, Central Ohio Psychiatric Hospital	03-12-85
Patterson	v.	University of Cincinnati Hospital	04-09-85
Roy	v.	Federated Department Stores, Inc., dba Gold Circle Stores	04-09-85
Andrus	v.	State of Ohio, Bureau of Employment Services	04-09-85
Brittingham	v.	Summit County Department of Welfare	05-14-85
Jones	v.	Purex Corporation	05-14-85
Lahita	v.	The W.T. Walsh Equipment Company	05-14-86
Summer	v.	Van Huffel Tube Corporation	05-14-85
Hewitt	v.	Portage County Welfare Department	05-14-84
Thomas	v.	Ekco Housewares Company	05-14-85
Schumacher	v.	City of Columbus, Division of Fire	05-14-85
Reid			
Walters			
Babcock			

Affirmative Action Unit

The Affirmative Action Unit of the Ohio Civil Rights Commission receives many requests for technical assistance relative to Affirmative Action/Equal Employment Opportunity. The Unit has prepared data on the following: Development of an Affirmative Action Plan, Policy Statement, Basic EEO Laws and Regulations, Validation Techniques, Basic Steps in Utilization Analysis, Goals and Timetables, Recruitment, Adverse Impact and an Outline of the Major Points for Interviewing.

Training sessions were given to governmental and private agencies as requested. Some were: Women's Work in City Government for the City of Columbus, Planning and Service Area II of Lima, THP Limited of Cincinnati.

The Affirmative Action Progress reports were received from Townships, Villages, Cities (including

individual reports from the various Departments — commissioners, Engineer, Sanitation, Recorder, Treasurer, Health, Human Services) as well as schools, vocational schools, colleges, universities and State agencies. The reports were analyzed and reported to the Legislature by January 30th.

The Unit participated in taking possible charges via the telephone and was involved in charge taking in the Southeast Regional Office.

The Unit is available to answer questions relative to Equal Employment Opportunity and distribute requested information. All services of the Unit are available with no charge.

Special Investigative Unit

During the fiscal year 1985, the Special Investigative Unit conducted final compliance reviews on seven (7) of the nine (9) utility companies against whom the Commis-

sion had self-initiated. They are: 1. Columbus and Southern Electric, 2. Dayton Power and Light, 3. Cincinnati Gas and Electric, 4. Toledo Edison Company, 5. Cleveland Illuminating Company, 6. Columbia Gas Company and 7. East Ohio Gas Company. Two (2) utility companies are scheduled for final compliance review, they are Ohio Edison Company and Ohio Power Company. These reviews are expected to be completed by the end of calendar year 1985.

Respondent's Representatives of the seven (7) utility companies where final compliance reviews were conducted provided adequate documentation to substantiate that they were in compliance of their individual Conciliation Agreements and Consent Orders. These cases have been closed by the Commission.

The agreements are in the areas of the following:

- Recruiting

- Housing and Appointment
- Selection
- Job Placement
- Promotion
- Tenure and Pay
- Working Conditions and Assignments
- Testing Standards and Procedures: and any other matter directly or indirectly related to employment in regard to minority group persons or females

The Ohio Civil Rights Commission self-initiated a charge of unlawful discrimination against the Village of Lisbon, Ohio. An investigation was conducted and Probable Cause was found. Conciliation efforts are presently underway. Should conciliation efforts fail, a formal complaint will be issued and the matter scheduled for public hearing.

Hearing Examiners Unit

The hearing unit processes all formal complaints issued by the Commission. The unit operates independently and performs a quasi-judicial function for the Agency. The unit is directed by the chief hearing examiner. The chief hearing examiner is assisted by one associate hearing examiner, one hearing assistant and one clerk typist. Both hearing examiners are attorneys and full-time employees of the Commission.

Management of the public hearing docket is the major responsibility of the hearing unit. The hearing unit schedules the hearing, rules on all pre-hearing motions, holds pre-hearing conferences, notifies the parties regarding the status of the complaint, secures appropriate facilities in which to conduct hearings, and maintains and preserves the files, evidence and the record.

The hearing examiner conducts the public hearings and prepares a written report for the Commission.

The report contains findings of fact, conclusions of law and recommendations. The Commission may adopt, reject or modify the hearing examiner's report.

The Commission issued 179 complaints in fiscal year 85. The hearing unit held 64 hearings and issued 68 hearing examiner reports. In addition, 99 complaints were settled and the Commission dismissed 6 complaints at the request of the attorney general prior to a public hearing because of lack of jurisdictional or insufficient evidence to proceed. One hundred fifty complaints were pending at the end of fiscal year 85.

Handicap Unit

A person with a disability is—first and foremost—a person. While a particular disability may limit certain types of activities, it does not make an individual any less a person. An attitude is a feeling or emotion which a person has towards a person. Positive attitudes and awareness help non-disabled persons in their contacts and relationships with people who have disabilities. The First Biennial Governor's Conference on Disability Issues addressed these issues and others.

The goal of the conference was to bring together persons with a spectrum of disabilities and their family members to discuss issues of concern to them as well as the general public.

The Commission participated in Seminars during Handicap Week at Veterans Medical Center, Chillicothe, Ohio and the City of Columbus "Disability Independence Days." Topics at seminars related to both Federal and State Laws, Supervision and Interviewing specifically related to disabled employees. Also the Commission participated in the State-wide National Head Injured Conference.

A booth displaying the Commission's literature was set up at each seminar.

Department of Education and Community Relations

The Department of Education and Community Relations complements the Ohio Civil Rights Commission's enforcement responsibilities by fostering increased public awareness of the Commission's goal of full compliance with the State's laws and regulations against discrimination.

The Department's educational programs are designed to provide assistance to employers and other interested groups in answering questions about affirmative action and other discriminatory practices in employment, housing, public accommodation and credit.

Some of the requests for speakers, printed materials and audio/visual aids were from the following:

- CMACO (Columbus)
- Center for New Direction
- City of Columbus
- Dial Industries
- International Harvester Company
- Logan Business and Professional Women's Club
- OAPSE/AFSME
- Ohio Bureau of Employment Services
- Ohio Department of Transportation
- PREP - Ohio
- PUCO
- Rehabilitation Services Commission
- Springfield Urban League
- Urbana College
- Wright State University

A major activity undertaken by the Department during this past

fiscal year was the development and organization of the Commission's first "informational booth" at the 1984 Ohio State Fair. Over fifty Commission staff members distributed over 3,000 pieces of Commission literature to approximately 1,500 people who stopped at the booth. All who participated felt the project was successful, and recommended that the booth be an annual event.

The programs and services of the Department of Education and Community Relations are available to the public, free of charge.

Training Unit

During Fiscal Year 1984-85 the Training Unit, in conjunction with the Equal Employment Opportunity Commission, sponsored a series of seminars for investigators.

The seminars covered Title VII, the Work Sharing Agreement, Age Discrimination Employment Act, and the Intake process.

The Training Unit was able to utilize the expertise of the Civil Rights Section of the Attorney General's Office, the Equal Employment Opportunity Commission Coordinator, Regional Directors and Senior Investigators, in addition to the Equal Employment Opportunity Commission staff members, to make the seminars quite informative for all participants.

Ohio Civil Rights Commission Supervisors and Managers throughout the state attended training sessions that covered Chapter 4117 of the Ohio Revised Code. The purpose of these training sessions was to inform Supervisors of their responsibilities under Chapter 4117. (Collective Bargaining).

For Fiscal Year 1985-86 the Training Unit will offer training sessions in the areas of Office Procedures, Office Safety, Time

Management, Stress Management, Basic Concepts, Extended Investigation, Conciliation and Age Discrimination.

Communications Unit

Working to make OHIO THE HEART OF IT ALL for everyone has been the goal of the Ohio Civil Rights Commission since its inception in 1959. Dedicated and conscious legislators as well as committed and hardworking citizens saw the need for state enforcement against unlawful discrimination—and diligently worked to see that such a body was founded. Today, 26 years later, we are proud to have earned the respect of Ohioans as well as citizens throughout the country for our unrelenting efforts to make certain that each and every individual in this great state receive equal treatment in employment, housing, public accommodation and credit without regard to their race, color, sex, religion, national origin, ancestry or handicap.

The Communications Unit of the Ohio Civil Rights Commission participates in this effort by disseminating information on the agency and discrimination laws throughout the state through a variety of ways. Among the methods used to reach citizens in small communities as well as large urban areas—we have found radio talk shows, public service announcements and news segments to be highly effective. The following is a partial list of radio stations that have aided us in our outreach efforts during the 1984-1985 fiscal year:

- WMPO — Middleport, Ohio—
"Kaleidoscope"
- WRQC — Cleveland, Ohio—
"Behind The Lines"
- WBTC — Uhrichsville, Ohio—
"Dial & Speak"

- WKRC — Cincinnati, Ohio—
News Interview
- WRAC — West Union, Ohio—
"The Virginia Purdy Show"
- WWOW — Conneaut, Ohio—
Call-In Talk Show
- WZLE — Lorain, Ohio—
"Victory 105 Talks"
- WOKG — Warren, Ohio—
"It's Your Opinion"
- WCOV — New Albany, Ohio—
"Sound Off"
- WMHE — Toledo, Ohio—
"The 925 News Special"
- WFAH — Alliance, Ohio—
Talk Show
- WKBN — Youngstown, Ohio—
Talk Show
- WJMO — Cleveland, Ohio—
News Interview
- WQLS — Painesville, Ohio—
"Perspective"
- WZZP — Cleveland, Ohio—
Public Service Announcements
- WBBW — Youngstown, Ohio—
Talk Show
- WYMJ — Xenia, Ohio—
"Miami Valley Forum"
- WONE — Dayton, Ohio—
"Discussion '85"
- WSAI — Cincinnati, Ohio—
"Contact"
- WOHO — Oregon, Ohio—
"Toledo Concern"
- WBLZ — Cincinnati, Ohio—
"All About People"
- WNCO — Ashland, Ohio—
"Anything Goes"

Many television stations throughout the state provided a valuable public service to their viewers by airing shows featuring the Ohio Civil Rights Commission. Most major network stations statewide aired Public Service Announcements. The following stations produced several feature shows on OCRC:

- WJKW TV8—Cleveland, Ohio
- Erie County Cablevision TV7—
Sandusky, Ohio

In addition, newspapers throughout the state joined the electronic media in providing their readers with information on our agency and specific civil rights cases and current legislation.

Another highly effective means of reaching the public and making citizens aware of their rights and responsibilities is through speaking engagements. We have an active speaker's bureau prepared to speak on a wide variety of topics in the area of civil rights. We have found audiences to be extremely attentive and responsive . . . and to express a genuine concern to learn about what constitutes unlawful discrimination. The Communications Unit addressed the following groups:

The Columbus Paraprofessional

Institute—Columbus, Ohio

The Fifth Annual Ohio
Conference of NAACP

Branches—

Dayton, Ohio

U.A.W. Local 696—Dayton, Ohio

Midwestern Association of

Student Employment Adminis-

trators—(joint project with

EEOC)—Columbus, Ohio

Sandusky High School—

Sandusky, Ohio

Distribution of agency literature allows recipients to take their time and obtain a clear understanding of the agency. The Communications Unit distributed over 1,200 pieces of literature this year. Like all services of the Commission there is no fee for literature.

To keep abreast of current Public Relations trends, we participated in a number of workshops and seminars including the Public Relations Workshop Series sponsored by the Federation for Community Planning in Cleveland, Ohio.

The Communications Unit looks forward to serving the citizens of this great state during the next fiscal year!

Legislative Summary

Legislation listed below may directly or indirectly affect Chapter 4112, Ohio Revised Code and civil rights in the State of Ohio.

H.B. 89

Introduced by Representative Hartley. Eliminates spousal immunity in rape. Intro. 1-17-85; assigned to House Judiciary & Criminal Justice Committee.

SUB H.B. 108

Introduced by Representative Pringle. Authorizes closing preliminary hearings on certain sex offenses involving a child. Passed House; assigned to Senate Judiciary Committee.

H.B. 149

Introduced by Representative Blessing. Revises child support enforcement law. Intro. 1-30-85; assigned to House Children & Youth Committee.

AM H.B. 191

Introduced by Representative Beatty. Adopts the discovery rules for actions arising from the use of IUD's. Passed House; assigned to Senate Judiciary Committee.

H.B. 315

Introduced by Representative Sheerer. Revises nursing law. Intro. 2-27-85; assigned to House Health & Retirement Committee.

H.B. 319

Introduced by Representative Luebbers. Requires notification of certain abortions. Intro. 2-27-85; assigned to House Civil & Commercial Law Committee.

H.B. 349

Introduced by Representative Sykes. Strengthens penalties for child abuse. Passed House; assigned to Senate Health, Human Service & Aging Committee.

AM H.B. 358

Introduced by Representative Boster. Permits the modification of the amount or terms of alimony decreed in a divorce or dissolution

of marriage action, only if the parties consent in specified manners. Passed House; assigned to Senate Judiciary Committee.

H.B. 372

Introduced by Representative Sheerer. Permits withholding of income tax refunds to pay child support, expands and improves quality of state services to single women household heads. Intro. 3-13-85; assigned to House Human Resources Committee.

S.B. 16

Introduced by Senator Fisher. Permits use of videotaped statements rather than court appearances in certain sex offense cases. Intro. 1-8-85.

S.B. 98

Introduced by Senator Aronoff. Expands circumstances for aggravated murder convictions, expands the rape law to include spouses and increases penalties for certain sex offenses. Intro. 2-28-85.

S.B. 169

Introduced by Senator Drake. Changes O.R.C. re: acts committed by juveniles that would be felonies if committed by adults: requires notification of victim if juvenile has life or health threatening disease or health problem. Intro. 5-1-85.

S.B. 191

Introduced by Senator Pfeiffer. Requires court ordered support payments to be made in cash or certified checks. Intro. 5-22-85.

S.B. 228

Introduced by Senator Drake. Creates an educational grant program for part-time single parents. Intro. 6-28-85.

H.B. 415

Introduced by Representative Panehal. Requires physicians to provide information on alternative treatments to breast cancer. Intro. 3-21-85.

H.B. 466

Introduced by Representative Jacobs. Requires publication of persons defaulting on support payments. Intro. 4-18-85.

H.B. 498

Introduced by Representative Pringle. Imposes mandatory prison term for felony rape conviction. Intro. 4-25-85.

H.B. 513

Introduced by Representative J. Williams. Requires peace officers to receive training in investigating sex offenses. Intro. 5-8-85.

H.B. 398

Introduced by Representative Miller. Provides for child support enforcement remedies in an interstate situation. Intro. 3-19-85; assigned to House Interstate Cooperation Committee.

S.B. 9

Introduced by Senator White. Makes Statutory rape punishable by a minimum of 25 years in prison. Intro. 1-8-85; assigned to Senate Judiciary Committee.

S.B. 17

Introduced by Senator White. Eliminates spousal immunity from rape. Intro. 1-8-85; assigned to Senate Judiciary Committee.

AM S.B. 19

Introduced by Senator Pfeiffer. Provides for recognition and enforcement of foreign country money judgements. Effective 8-29-85.

S.B. 64

Introduced by Senator Zimmers. Improves state services to single women heads of households and permit withholding state income tax refunds for delinquent child support payments. Intro. 2-5-85; assigned to Senate Health, Human Services & Aging Committee.

SUB S.B. 80

Introduced by Senator Steinbrenner. Requires the Department of Human Services to collect past-due child support from state income tax refunds. Passed Senate; assigned to House Children & Youth Committee.

AM S.B. 84

Introduced by Senator Pfeiffer. Makes the requirement that police have training in handling missing children, child abuse and neglect cases apply to police appointed after April 9, 1985. Effective 4-4-85.

S.B. 87

Introduced by Senator Suhadolnik. Specifies that actions in Ohio brought under federal civil rights must be brought within two years of the incident. Passed Senate; assigned to House Civil & Commercial Law Committee.

SUB S.B. 136

Introduced by Senator Ney. Increases penalties for non-support of dependent children. Intro. 4-2-85.

S.B. 144

Introduced by Senator Hobson. Revises child day-care standards. Intro. 4-5-85.

S.B. 162

Introduced by Senator Drake. Allows an income tax credit for child care necessary for work. Intro. 4-24-85.

S.B. 190

Introduced by Senator Fisher. Makes spouses competent to testify against each other in criminal proceedings. Intro. 5-22-85.

H.B. 1

Introduced by Representative Sheerer. Allows an income tax credit for child and dependent care services necessary for gainful employment. Passed House; assigned to Senate Health, Human Services & Aging Committee.

H.B. 34

Introduced by Representative Gilmore. Allows Civil Rights Commission to issue a formal complaint when conciliation efforts are delayed by the Respondent. Intro. 1-17-85; assigned to House State Government Committee.

H.B. 63

Introduced by Representative Sheerer. Eliminates spousal immunity in rape cases. Intro. 1-17-85;

assigned to House Judiciary & Criminal Justice Committee.

SUB H.B. 66

Introduced by Representative P. Jones. Adds nurses and senior service providers to the list of persons who must report abuse of elderly persons. Passed House; assigned to Senate Health, Human Service & Aging Committee.

H.B. 75

Introduced by Representative P. Jones. Requires the court to consider the existence of abuse or neglect in determining child custody or visitation. Intro. 1-17-85; assigned to House Children & Youth Committee.

Recommended Legislation

Having been refined for more than 20 years, Chapter 4112, Revised Code the Ohio Laws Against Discrimination has become one of the most effective laws on the state level for the elimination of discrimination. However, the Commission's experience in administering and enforcing the laws has revealed the necessity or desirability of making certain the additions or corrections to more fully achieve its purpose. The Commission's recommendations for legislative actions are as follows:

Commission Determination of Public Employers Affirmative Action Progress Report Dates

On October 11, 1977, a law came into effect requiring that all public employers at all levels of government in Ohio who are required to have an Affirmative Action Program in employment file annual progress reports with the Commission. As currently set forth, the law requires that these reports be filed by November 1, each year and that the Commission analyze them and make a report to the General Assembly by the following January

30, a period of three months. This time limitation requires that the Commission hire a special staff for the period in order that the commission may submit its own report on time. An amendment permitting the commission to establish staggered reporting dates for reporting agencies throughout the year would allow the Commission to report the General Assembly on time without the necessity of using temporary staff and without lessening of the validity of the report. Further, the reporting law as structured contains no provisions for assuring the authenticity of information received. The Commission recommends an amendment permitting the use of Commission subpoena and investigatory powers in connection with its analysis.

Self Initiation in Housing

Ohio has had a Fair Housing Law since 1965 which has been of great help to many people who have been denied housing, because of their race. However, the healthy integration in neighborhoods, with the attendant benefits of naturally desegregated schools proceeded slowly in the State of Ohio. In its analysis of a comprehensive nationwide study of the practices of real estate brokers, the United States Department of Housing and Urban Development noted that "If a black were to visit four apartment complexes of four real estate firms, the probability of encountering discrimination would be 72% and 48% respectively, for the rental and sales markets." (The Housing Market Practices Survey, U.S. Department of Housing and Urban Development.) The Ohio Fair Housing matters only when charges are filed. The Commission recommends an amendment authorizing it to investigate housing matters on its own initiative so that broad patterns of unlawful housing discrimination may be identified and eliminated.

Limitation on Protection Against Self-Incrimination

The Commission has been impeded in its investigation of many corporate respondents because the Ohio Laws Against Discrimination, as currently interpreted by the Ohio Supreme Court, permit a corporate respondent to assert the right not to testify against itself and to deny Commission investigators corporate record information necessary to determine the issues. This is because, first, current law makes no distinction between a corporation and a natural person with respect to the prohibition against self-incrimination and secondly, because the current law has criminal law aspects by virtue of the criminal penalties attached, Constitutional prohibitions against self-incrimination have been applied. The Commission recommends an amendment limiting application of the provision against self-incrimination to natural persons and removing the criminal penalties which have not proved useful.

Damages for Discrimination

Under current interpretation, the Ohio Laws Against Discrimination do not permit the Commission to make awards of monetary relief to persons injured by discrimination excepting those awards of back pay referred to specifically in the statute. In case of *Ohio Civil Rights Commission v. Lysyl* (1974), 30 Ohio St. 2d 217, the Ohio Supreme Court stated, "we find nothing . . . which indicates the General Assembly attempted to authorize Appellant to award either compensatory or punitive damages . . . If the General Assembly had intended to authorize the Commission to grant compensatory or punitive damages, it would have been a simple matter to explicitly so provide . . . Appellant does not now have the power to award

either compensatory or punitive damages."

The Commission believes that it was the intent of the General Assembly in enacting the Ohio Laws Against Discrimination that persons unlawfully discriminated against be made economically whole when discrimination has caused financial loss beyond back pay. The Commission recommends an amendment to the Ohio Laws Against Discrimination to establish that the cost of discrimination need not be borne by its victims and to provide that such matters as living expenses, increased apartment rent, loss of economic opportunity, increased travel expenses and other tangible and intangible losses, if caused by unlawful discrimination, be compensable by monetary awards. Further, the Commission has experienced in a number of cases an attitude on the part of respondents that if continuation of unlawful practices is economically feasible, such practices may be continued. The Commission believes that attitudes would be eliminated by an amendment to a law providing for punitive damages when it is found that the discrimination practice is willful, wanton, and intentional.

Accommodation of the Handicapped

A basic principal of the Ohio Laws Against Discrimination as they have developed with respect to race, color, religion, sex, national origin and ancestry has been that there is no relevant distinction based on these factors with respect to ability to perform a job. Therefore, no special accommodation has been required in order that persons denied employment by reason of such factors be hired. With the advent of the inclusion of the handicapped as a protected class under the law in July, 1976, it became evident that many traditional approaches to job structur-

ing and work environment where, in fact, involved for the convenience of the non-handicapped at the expense of the handicapped and that unless effective measures are taken to accommodate, an anti-discrimination law protecting the handicapped is illusory under any circumstances. The Commission recommends an amendment establishing the standards under which accommodation must be made in order to assure equal employment opportunity for the handicapped.

Commission Issued Restraining Orders

As a practical matter, the Commission has found in many cases that, because the proceedings required by law to prove unlawful discrimination and secure its elimination are lengthy, relief is availa-

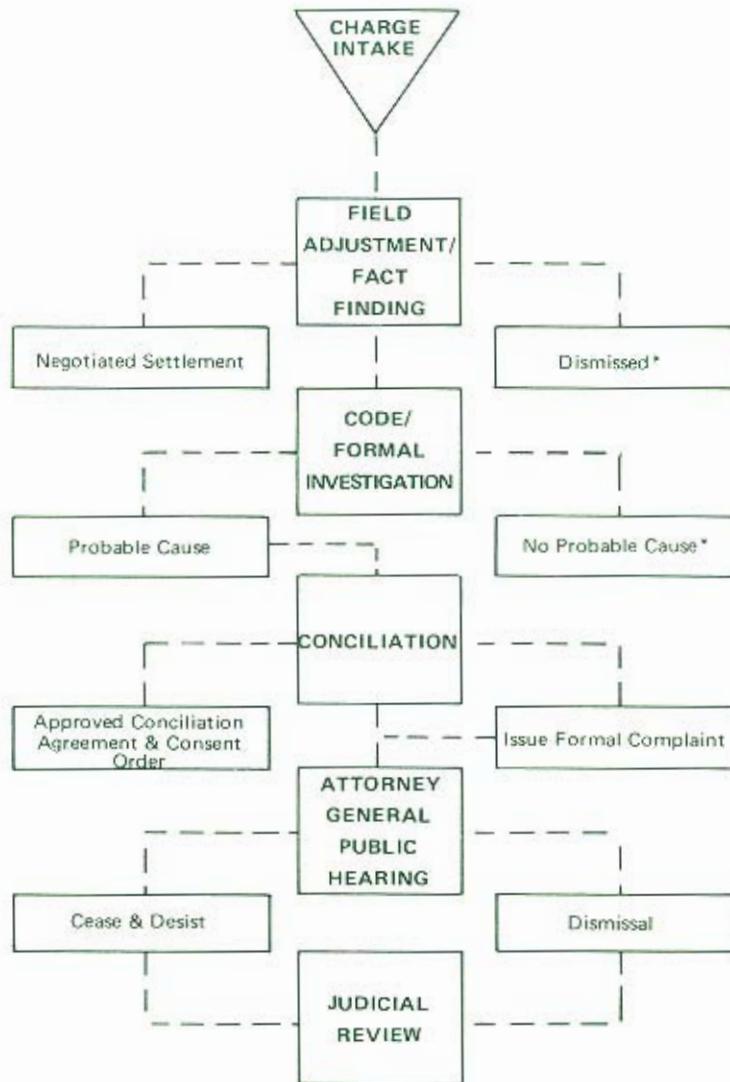
ble to injured individuals only at a time when its meaning is lost or when loss to the victim is no longer fully compensable. This is particularly true in housing cases in which the opportunity to buy a house is irretrievably lost upon its sale. The Commission recommends an amendment permitting the Commission to issue and immediately enforce restraining orders at any stage of proceeding when it appears that any person, complainant or otherwise, will suffer substantial and irreparable injury by some contemplated act of a respondent.

Commission Issuance of Complaints

The Ohio Supreme Court has interpreted the Ohio Laws Against Discrimination to the effect that,

once an investigation has commenced, the Commission may not issue a complaint in any matter until a finding or probable cause has been made and attempts at conciliation have failed. This permits respondents, through the use of dilatory tactics and otherwise, to delay investigations and other activities beyond the statutory imposed one-year time period within which complaints must be issued, effectively impeding the Commission's proceedings. The Commission recommends an amendment specifically permitting it, upon good cause shown, to issue complaints at any time during its proceedings.

General Charge Process Procedures



* Request for Reconsideration

Appropriations & Expenditures

Fund 10 Fiscal Year 1985

Revenue

Federal Grants Received from EEOC — FY 1985 (Includes ADEA Contract)	2,315,326
---	-----------

Expenditures:

Salaries & Wages	1,082,407.93	
Purchased Personal Services	157,086.96	
Supplies & Materials	41,623.40	
Motor Vehicle	15,582.95	
Travel	23,482.25	
Communications	118,791.18	
Utilities	2,400.55	
Equipment Maintenance	20,570.76	
Rentals	63,102.21	
Printing	44,669.63	
General Expenses	185,977.63	
Equipment	61,341.70	
Computer Hardware Allocations	387,000.00	
Operating Encumbrances	108,461.18	
Unexpended FY 85 Appropriations	<u>2,827.54</u>	
Total Expenditures		2,315,326

Fund 11 Fiscal Year 1985

Revenue:

Budget Allocations	4,225,364
2% Cut	(84,507)
Net General Revenue	4,140,857
Fund 11 Paybill	<u>180,028</u>
Adjusted Appropriation	4,320,885

Expenditures:

Salaries & Wages	3,717,447.77	
Purchased Personal Services	40,849.07	
Supplies & Materials	13,510.00	
Motor Vehicle	16,197.06	
Travel	5,805.09	
Communications	90,795.40	
Utilities	1,929.92	
Equipment Maintenance	21,978.19	
Rentals	385,404.55	
Printing	9,196.10	
General Expenses	10,951.56	
Equipment Purchases	4,998.15	
Unexpended FY 85 Appropriations	<u>1,822.14</u>	
Total Expenditures		4,320,885