

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4112-1-01

Rule Type: Amendment

Rule Title/Tagline: Definitions.

Agency Name: Ohio Civil Rights Commission

Division:

Address: 30 East Broad Street Fifth floor Columbus OH 43215

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 1/3/2019
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4112.04
5. What statute(s) does the rule implement or amplify? 4112.04, 4112.05
6. What are the reasons for proposing the rule?

The agency seeks to add two amendments, one is the result of changes to the statute resulting from HB 463, 131st GA.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule outlines definitions as used throughout Chapter 4112. of the Revised and Administrative Codes. The agency seeks to make the following amendments:

* Add a definition for alternative dispute resolution. ADR was officially added to Chapter 4112 (4112.05) as a means for the commission to resolve cases. The agency

seeks to give ADR a definition to limit ADR to mediation, defined as as a collaborative process facilitated by a mediator (typically an employee of the OCRC) designed to reach a mutually agreeable resolution. ADR under the Commission's process does not include arbitration, summary trials, or other forms of ADR. ADR is also different from conciliation, which is a jurisdictional prerequisite for the agency prior to issuing a formal complaint.

* Change the definition of "unlawful discriminatory practice" from referencing specific statutes to the catch all of any act prohibited under Chapter 4112 of the Revised Code. This is not a substantive change. It is merely a change to contemplate potential legislation introduced but not yet passed that would eliminate 4112.14 or potentially add other statutes referencing an unlawful discriminatory practice.

- 8. Does the rule incorporate material by reference? Yes**
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

Not applicable.

- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not applicable.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? No
- 16. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

Rule Summary and Fiscal Analysis

(Part A – General Questions)

4112-1-01

Rule Number

Existing – Five-year review (Amended)

TYPE of rule filing

Rule Title/Tag Line

Definitions.

Ohio Civil Rights Commission

Agency Name

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RULE SUMMARY

1. Is this a five-year rule review?

Yes.

a. If so, what is the rule's five-year review date?

01/05/2019

2. Is this rule the result of recent legislation?

No. However, a proposed amendment is.

a. If so, what is the bill number, General Assembly and Sponsor?

Bill Number: **HB 463**

General Assembly: **131st GA**

Sponsor: **Rep. Dever**

3. What statute is this rule being promulgated under?

R.C. 4112.04.

4. What statute (s) grant the rule writing authority?

R.C. 119.03.

5. What statute(s) does the rule implement or amplify?

Sections 4112.04 and 4112.05 of the Revised Code.

6. What are the reasons for proposing (i.e., why are you filing,) the rule?

Five-year review.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The rule outlines definitions as used throughout Chapter 4112. of the Revised and Administrative Codes.

The agency seeks to make the following amendments:

- **Add a definition for alternative dispute resolution. ADR was officially added to Chapter 4112 (4112.05) as a means for the commission to resolve cases. The agency seeks to give ADR a definition to limit ADR to mediation, defined as a collaborative process facilitated by a mediator (typically an employee of the OCRC) designed to reach a mutually agreeable resolution. ADR under the Commission's process does not include arbitration, summary trials, or other forms of ADR. ADR is also different from conciliation, which is a jurisdictional prerequisite for the agency prior to issuing a formal complaint.**
- **Change the definition of "unlawful discriminatory practice" from referencing specific statutes to the catch all of "any act prohibited under Chapter 4112 of the Revised Code." This is not a substantive change. It is a change to contemplate potential legislation introduced but not yet passed that would eliminate 4112.14 or potentially add other statutes referencing an unlawful discriminatory practice.**

8. Does the rule incorporate material by reference?

Yes. Chapter 4112 generally and sections 4112.02, 4112.021, 4112.022, 4112.03, 4112.04, 4112.05, 4112.10, and 4112.14 specifically, as well as, Ohio Admin. Code Chapters 4112-1 and 4112-3 generally and sections 4112-3-01 and 4112-3-05 specifically.

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not applicable.

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed rule.

Not applicable.

Fiscal Analysis

11. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

Not applicable.

12. What are the estimated costs of compliance of all persons and/or organizations directly affected by the rule?

None.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).

No.

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA, Part C).

No.

Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common-Sense Initiative Office?

Not applicable.

16. Does this rule have an adverse impact on business?

No.

- a. Does this rule require a license, permit or any other prior authorization to engage in or operate a line of business?
- b. Does this rule impose a criminal penalty, a civil penalty or another sanction, or create a cause of action for failure to comply with its terms?
- c. Does this rule require specific expenditures or the report of information as a condition of compliance?

No to all.