

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4112-1-07
Rule Type: Amendment
Rule Title/Tagline: Incorporation by reference.
Agency Name: Ohio Civil Rights Commission
Division:
Address: 30 East Broad Street Fifth floor Columbus OH 43215
Contact: Stephanie Demers
Email: stephanie.demers@civ.ohio.gov **Phone:** 614-466-6255

I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 9/21/2018
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?**

Five-year review cycle.
Review Date: 09/21/2018
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule addresses incorporation by reference of statutes, regulations, standards, guidelines, and civil rules.

The agency seeks to make the following amendments:

â€ Change "as it exists at the effective date of the rules and as it may from time to time be amended" to "on the date of the alleged unlawful discriminatory practice." as of the time the rules went into effect. (The agency desires to clarify that if a charging party files a charge on January 1, 2019 and a standard relied upon (for example ANSI), changes on February 2, 2019, the agency will examine the ANSI standard(s) in place on the date the charge was filed and not the date of the effective date of the administrative rule (September 21, 2018) or on the date of the regulation change (February 1, 2019). The amendment simply clarifies current OCRC practice and statutory construction.

â€ Change the word "such" provision to "the" provision, purely for grammatical purposes. The word, "such," is nebulous and is used throughout the 4112 Administrative Code provisions.

8. **Does the rule incorporate material by reference? No**
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.**

Resubmitted as XML document instead of PDF as originally filed.

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.

0

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)

4112-1-07
Rule Number

Existing – Five-year review (Amended)
TYPE of rule filing

Rule Title/Tag Line

Incorporation by reference.

Ohio Civil Rights Commission
Agency Name

Stephanie Bostos Demers
Contact

30 East Broad St., 5th Floor
Columbus, Ohio 43215
Agency Mailing Address

614-466-6255
Phone

stephanie.demers@civ.ohio.gov
Email

RULE SUMMARY

1. Is this a five-year rule review?

Yes.

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

09/21/2018

2. Is this rule the result of recent legislation?

No.

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

Bill Number: **N/A**

General Assembly: **N/A**

Sponsor: **N/A**

3. What statute is this rule being promulgated under?

R.C. 119.03, 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 addresses incorporation by reference of statutes, regulations, standards, guidelines, and civil rules.

The agency seeks to make the following amendments:

- **Change “*as it exists at the effective date of the rules and as it may from time to time be amended*” to “*on the date of the alleged unlawful discriminatory practice*.” The rule is antiquated as it was written in 1971 and was likely intended to clarify incorporation as of the time the rules went into effect.**

 - **The agency desires to clarify that if a charging party files a charge on January 1, 2019 and a standard relied upon (for example ANSI), changes on February 2, 2019, the agency will examine the ANSI standard(s) in place on the date the charge was filed and not the date of the effective date of the administrative rule (September 21, 2018) or on the date of the regulation change (February 1, 2019). The amendment simply clarifies current OCRC practice and statutory construction.**

- **Change the word “*such*” provision to “*the*” provision, purely for grammatical purposes. The word, “*such*,” is nebulous and is used throughout the 4112 Administrative Code provisions.**
 - **The agency is seeking multiple changes through this revision cycle to change the word “*such*” to “*the*” or “*a or an*” for this purpose.**

8. Does the rule incorporate material by reference?

No.

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.