ACTION: FINAL
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4112-3-01 **Charge.**

(A) Who may file. Any person may make, sign, and file with the commission at any of its offices a written charge. Assistance in drafting and filing charges shall be available to ~~complainants~~ persons at all commission offices.

(B) Form of charge.

(1) For charges other than those governed by paragraph (B)(2) of this rule, the charge shall be in writing, the original being signed and sworn to or affirmed by the complainant before a notary public or other person duly authorized by law to administer oaths. Notarial service, when available, shall be furnished without charge by the commission.

(2) For charges that allege a violation or violations of division (H) of section 4112.02 of the Revised Code, the charge shall be in writing, the original being signed and affirmed by the complainant. The affirmation shall state: "I declare under penalty of perjury that the foregoing is true and correct."

(C) Contents. A charge shall contain the following:

(1) The full name and address of the person making the charge.

(2) The full name and address of the person against whom the charge is made.

(3) A concise statement of the facts which the complainant believes indicates an unlawful discriminatory practice.

(4) The date or dates of the alleged unlawful discriminatory practice; or if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which said continuing acts are alleged to have occurred.

~~(5) A statement as to any other action, if any, civil or criminal, instituted in any other forum based upon the same grievance as is alleged in the charge together with a statement as to the status or disposition of such other action.~~

~~(6) A statement as to any other action or proceeding in any other forum based upon the same facts as are alleged in the charge, together with a statement as to the status or disposition of such other action.~~

(D) Time of filing. ~~A charge alleging unlawful discriminatory practices under division (A) of section 4112.02 of he Revised Code must be filed within six months after the unlawful discriminatory practices alleged in the charge were committed. Charges alleging violations of division (H) of section 4112.02 of the Revised Code must be filed within the year after the alleged unlawful discriminatory practice was committed. In cases of recurring or continuing violations, the statutory six-month period begins to run anew with each new discriminatory act or with each new day of the continuing violation, as the case may be. A charge filed with the equal employment opportunity commission (EEOC) or with the department of housing and urban development (HUD) which indicates it is also filed with the commission is deemed filed with the Ohio civil rights commission on the date it is received at one of the commission offices. Notwithstanding the above, any charge that is filed with the EEOC within six months, or HUD within one year, of the alleged unlawful discriminatory practice is deemed timely filed with the commission, regardless of when it is received.~~

(1) Charges alleging unlawful discriminatory practices under divisions (A), (B), (C), (D), (E), (F), (G), (I), and (J) of section 4112.02 of the Revised Code, and charges alleging violations of sections 4112.021 and 4112.022 of the Revised Code, must be filed within six months after the unlawful discriminatory practices alleged in the charge were committed. Charges alleging violations of division (H) of section 4112.02 of the Revised Code must be filed within one year after the unlawful discriminatory practices alleged in the charge were committed.

(2) In cases of recurring or continuing violations, the filing period begins to run anew with each new discriminatory act or with each new day of the continuing violation.

(3) A charge filed with either the Equal Employment Opportunity Commission (EEOC) or the Department of Housing and Urban Development (HUD) which lists the commission as the deferral/referral agency, or which is received by the commission for investigation, is deemed filed with the commission on the date the charge is received at one of the commission's offices. A charge filed with the EEOC or with HUD is deemed timely filed with the commission provided that the charge is filed with EEOC within six months of the alleged discriminatory acts or with HUD within one year of the alleged unlawful discriminatory acts.

(E) Place of filing. A charge may be filed with the commission at any of its offices ~~or by delivery to a commissioner~~.

(F) Forms. Charge forms may be obtained at any of the offices of the commission, but the use of any particular form is not required for the proper filing of a charge. ~~A charge~~

~~is deemed filed when the commission receives a written statement sufficiently precise to identify the parties and to describe generally the action or practices complained of~~.

(G) Amendment of charges. A charge may be amended to cure technical defects or omissions, including failure to swear or affirm to the charge, or to clarify and amplify allegations made therein, or to add or substitute respondents or complainants. Such ~~, and such~~ amendments relate back to the original filing date. ~~; provided, however~~However, an amendment alleging additional acts constituting unlawful discriminatory practices not related to or growing out of the subject matter of the original charge will be permitted only where, at the date of the amendment, the allegation could have been timely filed as a separate charge.

(H) Joinder of parties in same ~~complaint~~ charge. Persons complaining of unlawful discriminatory practices arising out of the same transaction, occurrence, or succession or series of transactions or occurrences may join as complainants in a single charge. All persons charged with unlawful discriminatory practices arising out of the same transaction, occurrence, or succession or series of transactions or occurrences may be joined as respondents in the same charge. ~~Persons~~ Any person may be joined as a party if in the person's absence complete relief cannot be accorded among those who are already parties.

(I) Withdrawal of charge. A charge or any part of a charge may be withdrawn only with the written consent of the commission at any time prior to the issuance of a complaint by the commission or final disposition of the charge. The commission may delegate the authority to the director or the director's designee, to grant consent to a request to withdraw a charge, other than a commissioner charge, where the withdrawal of charge will not defeat the purpose of Chapter 4112. of the Revised Code. If substantial investigative work has been completed when the request to withdraw a charge is received, the commission may proceed to make a finding of probable cause, no probable cause, or other appropriate finding, notwithstanding the pending request to withdraw the charge.

Replaces: 4112-3-01

Effective: 10/17/2002

R.C. 119.032 review dates: 8/1/2002 and 08/01/2007

CERTIFIED ELECTRONICALLY

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Certification

10/07/2002 08:50 AM

Date

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Statutory Authority:	4112.04(A)(4)
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