

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4112-3-01
Rule Type: Amendment
Rule Title/Tagline: Charge.
Agency Name: Ohio Civil Rights Commission
Division:
Address: 30 East Broad Street Fifth floor Columbus OH 43215
Contact: Stephanie Demers
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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?** 10/18/2018
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. The rule itself is not the result of recent legislation, but some of the proposed amendments are the result of changes to the statute (Ref. HB 463, 131st GA, Rep. Dever, sponsor).

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

The rule outlines who may file a charge; the requisite contents and form of charges; the place, manner and mode of filing charges; the statute of limitations for filing charges; amendments relating back to the original filing date; and withdrawal of charges.

The agency seeks to make the following amendments:

Amend paragraph (B)(1), which distinguishes the types of charges filed, and delete paragraph (B)(2) to bring the Administrative Code in line with the most recent statutory amendments to R.C. Chapter 4112.

**Specifically, HB 463 amended R.C. 4112.05(B)(1) to add the following two subparagraphs:

(a) An oath under this chapter may be made in any form of affirmation the person deems binding on the person's conscience. Acceptable forms include, but are not limited to, declarations made under penalty of perjury.

(b) Any charge timely received, via facsimile, postal mail, electronic mail, or otherwise, may be signed under oath after the limitations period for filing set forth under division (B)(1) of this section and will relate back to the original filing date.

**The language in the rule is no longer necessary.

Amend (B)(1) to delete "notarial service, when available, shall be furnished without charge by the commission." Charges may be perfected by signing under oath or by notarization.

Amend paragraphs (E) and (F) to recognize the Commission's current practice of accepting charges by mail and online filings and to inform constituents of the website to access online charge forms.

Strike the word, "such" in paragraph (G) for grammatical purposes.

Strike the language, "at any time prior to the issuance of a complaint by the commission or final disposition of the charge," in paragraph (I) to reflect the fact the commission, though infrequently, does sometimes allow charging parties to withdraw charges after a complaint has been issued.

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)

4112-3-01
Rule Number

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

Rule Title/Tag Line

Charge.

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?

10/21/2018

2. Is this rule the result of recent legislation?

The rule is not the result of recent legislation. However, some of the proposed amendments are the result.

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

Bill Number: **HB 463** General Assembly: **131st** Sponsor: **Representative 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 who may file a charge; the requisite contents and form of charges; the place, manner and mode of filing charges; the statute of limitations for filing charges; amendments relating back to the original filing date; and withdrawal of charges.

The agency seeks to make the following amendments:

- **Amend paragraph (B)(1), which distinguishes the types of charges filed, and delete paragraph (B)(2) to bring the Administrative Code in line with the most recent statutory amendments to R.C. Chapter 4112. Specifically, HB 463 amended R.C. 4112.05(B)(1) to add the following two subparagraphs:**

(a) An oath under this chapter may be made in any form of affirmation the person deems binding on the person's conscience. Acceptable forms include, but are not limited to, declarations made under penalty of perjury.

(b) Any charge timely received, via facsimile, postal mail, electronic mail, or otherwise, may be signed under oath after the limitations period for filing set forth under division (B)(1) of this section and will relate back to the original filing date.

****The language in the rule is no longer necessary.**

- **Amend (B)(1) to delete “notarial service, when available, shall be furnished without charge by the commission.” Charges may be perfected by signing under oath or by notarization. The agency’s employees administer oaths to perfect charges. They do not typically notarize charge forms. In fact, most of our employees are not notaries. The agency is also not in the business of notarizing other types of documents for individuals, and this provision makes it seem as if the agency provides that additional service. On occasion, the attorneys in the agency may notarize a settlement document for the parties, but this is a rare situation.**
- **Amend paragraphs (E) and (F) to recognize the Commission’s current practice of accepting charges by mail and online filings and to inform constituents of the website address to access online charge forms.**
- **Strike the word “such” in paragraph (G) for grammatical purposes.**

- **Strike the language “at any time prior to the issuance of a complaint by the commission or final disposition of the charge,” in paragraph (I) to reflect the fact the commission, though infrequently, does sometimes allow charging parties to withdraw charges after a complaint has been issued.**

8. Does the rule incorporate material by reference?

Yes. R.C. 4112.02(A), (B) (C), (D), (E), (F), (G), (H), (I), and (J); 4112.021; 4112.022

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.