

4112-3-01

Charge.

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

(B) Form of charge.

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.~~ in the manner prescribed in 4112-1-01 of the Administrative Code.

(1) A signature may be made in electronic format in accordance with the Uniform Electronic Transactions Act, Chapter 1306 of the Revised Code.

(2) An oath may be made in any form of affirmation the person deems binding on the person's conscience. Acceptable forms of oath include attestation before a notary public or persons duly authorized by law to administer oaths, as well as a signature made under a written declaration of penalty of perjury or other statements binding the person's conscience.

(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.

(D) Time of filing.

- (1) Charges filed after April 15, 2021 alleging unlawful discriminatory practices related to employment under divisions (A), (B), (C), (D), (E), (F), (G), (I), and (J) of section 4112.02 of the Revised Code must be filed within two years after the unlawful discriminatory practice alleged in the charge were committed. ~~and charges.~~ Charges alleging violations of sections 4112.021, ~~and~~ 4112.022, and division (G) of section 4112.02 of the Revised Code; must be filed within six months after the unlawful discriminatory practices alleged in the charge were committed. Charges alleging unlawful discriminatory practices not relating to employment under divisions (I), and (J) of section 4112.02 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 U.S. equal employment opportunity commission (EEOC) or the U.S. 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~~two years 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 in person or by mail, facsimile, or online at <http://civ.ohio.gov/>. A charge is deemed filed upon date of receipt by the Commission. ~~A charge may be filed with the commission at any of its offices in person or by mail or online at <http://www.erc.ohio.gov/>.~~
- (F) Forms. Charge forms may be obtained at any of the offices of the commission or online at <http://www.erc.civ.ohio.gov/>, but the use of any particular form is not required for the proper filing of a charge.
- (G) Amendment of charges. A charge may be amended to cure technical defects or omissions, including failure to ~~swear or affirm to the charge~~, sign the charge as prescribed by 4112-1-01 of the Ohio Administrative Code or to clarify and amplify allegations made therein, or to add or substitute respondents or complainants. Amendments relate back to the original filing date. 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 charge. In charges alleging violations of division (H) of section 4112.02 of the Revised Code, persons ~~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.

In charges alleging violations of division (H) of section 4112.02 of the Revised Code, all ~~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. In charges alleging violations of division (H) of section 4112.02 of the Revised Code, any ~~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. 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.

Effective:

Five Year Review (FYR) Dates: 10/12/2024

Certification

Date

Promulgated Under: 119.03
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