

4112-5-02

Definitions.

When used in Chapter 4112. of the Revised Code and Chapters 4112-5 to 4112-7 of the Administrative Code:

(A) "Accommodation" as applied to ~~employers means a reasonable adjustment made to a job and/or the work environment that enables a qualified disabled person to safely and substantially perform the duties of that position.~~

(1) Employers means a reasonable adjustment made to a job and/or the work environment that enables a qualified disabled person to safely and substantially perform the duties of that position and is further outlined in rule 4112-5-08 of the Administrative Code.

(2) Places of public accommodation is outlined in rule 4112-5-06 of the Administrative Code.

(3) Housing accommodations is outlined in rule 4112-5-07 of the Administrative Code.

(4) Institutions of higher education is outlined in rule 4112-5-09 of the Administrative Code.

(B) "Adverse impact" means a neutral policy or practice of an employer or other entity covered by Chapter 4112. of the Revised Code which has a disproportionate impact (or can reliably be predicted to have a disproportionate impact) on a protected class. ~~Such A~~ policy or practice constitutes an unlawful discriminatory practice, unless it can be justified by business necessity.

(C) "Animal assistant" means any animal which aids the disabled. Specific examples include:

(1) A dog which alerts a hearing impaired person to sounds;

(2) A dog which guides a visually impaired person;

(3) A monkey which collects or retrieves items for a person whose mobility is impaired.

(D) "Bona fide occupational qualification" (hereinafter denoted BFOQ) means those special job situations where an employer may hire employees or take other employment related actions on the basis of sex, age, religion, or national origin, ~~or disability~~ justified by business necessity.

- (E) "Business necessity" means a practice or policy essential to job performance such that no acceptable or alternative practice or policy with lesser discriminatory impact exists.
- (F) "Employee" means any person employed on the date of the alleged discriminatory practice. ~~includes, but is not limited to, An an~~ individual compensated by an employment agency for work to be performed for an employer contracting with the employment agency. ~~Such persons~~ may be considered an employee of the contracting employer for ~~such~~ terms, conditions and privileges of employment under the control of that employer. ~~Such and an individual is~~ an employee of the employment agency with regard to ~~such~~ terms, conditions and privileges of employment under the control of the employment agency.
- (G) "Fringe benefits" include medical, hospital, accident, life insurance, and retirement benefits; profit-sharing and bonus plans; leave and other terms, conditions, and privileges of employment.
- (H) "Disabled person" as applied to sections 4112.02, 4112.021 and 4112.022 of the Revised Code, includes any person who presently has a disability as defined by division (A)(13) of section 4112.01 of the Revised Code or any person who has had a disability as defined by division (A)(13) of section 4112.01 of the Revised Code, who no longer has any functional limitation, but who is treated by a respondent as having ~~such~~ a disability, or any person who is regarded as disabled by a respondent.
- (I) "Place of public accommodation" includes, but is not limited to, all places included in the meaning of ~~such~~ the terms as inns, taverns, road houses, hotels, motels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest; restaurants or eating houses, or any place where food is sold for consumption on the premises; buffets, saloons, barrooms, or any store, park or enclosure where spirituous or malt liquors are sold; ice cream parlors, ~~confectionaries~~ confectioneries, soda fountains and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; wholesale and retail stores, and establishments dealing with goods or services of any kind, including, but not limited to, the credit facilities thereof; banks, savings and loan associations, establishments of mortgage bankers and brokers, all other financial institutions, and credit information bureaus; insurance companies and establishments of insurance policy brokers; dispensaries, clinics, hospitals, bathhouses, health spas, swimming pools, laundries and all other cleaning establishments; barber shops, beauty parlors, theaters, motion picture houses, ~~air domes~~ air domes, roof gardens, music halls, race courses, skating rinks, amusement and recreation parks, trailer camps, resort camps, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, video arcades; garages, all public conveyances operated on land or water or

in the air, as well as the stations and terminals thereof; travel or tour advisory services, agencies or bureaus; public halls and public elevators of buildings and structures, occupied by two or more tenants, or by the owner and one or more tenants; or any place that offers accommodations, advantages, facilities or privileges to a substantial public on a nonsocial, sporadic, impersonal and nongratuious basis.

- (J) "~~Private housing~~ Housing accommodations" mean any building, structure, or portion thereof which is occupied as or designated or intended for occupancy as a home, residence, or sleeping place of one or more persons, whether or not living independently of each other. Such term also includes any real property which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (K) "Qualified disabled person" means, with respect to employment, a disabled person who can safely and substantially perform the essential functions of the job in question, with or without reasonable accommodation, and who is not excluded from the coverage of Chapter 4112. of the Revised Code.

Effective:

Five Year Review (FYR) Dates: 9/21/2018

WITHDRAWN ELECTRONICALLY

Certification

01/18/2022

Date

Promulgated Under: 119.03
Statutory Authority: 4112.04
Rule Amplifies: 4112.04, 4112.05
Prior Effective Dates: 11/15/1977, 07/12/1989, 01/11/1998, 03/25/2013