

Rule Summary and Fiscal Analysis (Part A)**Ohio Civil Rights Commission**

Agency Name

Division

Matt Miko

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4112-5-05

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Sex discrimination.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4112.04 (a) (4)**

5. Statute(s) the rule, as filed, amplifies or implements: **4112.01 (B)**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

The rule is being amended to clarify the rights of pregnant employees and the obligations of employers.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The Commission recommends that this rule be amended in order to clarify the rights of pregnant employees and the obligations of employers. In summary, the

proposed revision provides clear and unambiguous guidance on the issue of leave and states precisely how much leave??12 weeks??an employer needs to provide in order to avoid a finding that its pregnancy/maternity leave policy or practice has a disparate impact on the basis of pregnancy. The proposed revision also makes clear that a pregnant employee must be treated the same as other employees who are similar solely in their ability or inability to work, and that it is irrelevant whether a pregnant employee is also similar in all other material respects.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

The original revision did not clarify an employer's obligation to provide a minimum amount of pregnancy/maternity leave in order to avoid a finding that its pregnancy/maternity leave policy or practice has a disparate impact on the basis of pregnancy. This version provides clear and unambiguous guidance on the issue of leave and states precisely how much leave an employer needs to provide. This version also makes clear that a pregnant employee must be treated the same as other employees who are similar solely in their ability or inability to work, and that it is irrelevant whether a pregnant employee is also similar in all other material

respects.

12. 119.032 Rule Review Date: **1/19/2007**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. 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.

This will have no impact on revenues or expenditures.

\$0

\$0

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

\$0

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

\$0

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

