

OHIO CIVIL RIGHTS COMMISSION

1980

21ST ANNUAL REPORT



COMMISSIONERS

RONALD C. MORGAN, CHAIRPERSON
700 Robertson Building
706 Walnut Street
Cincinnati, Ohio 45202

CLINGAN JACKSON
350 Jacobs Road
Youngstown, Ohio 44506

WADE H. FRANKLIN III
745 North Nelson Road
Columbus, Ohio 43219

CATHERINE ELLIS
21217 SR. 245
Marysville, Ohio 43040

DAISY FLOWERS
46 N. Ohio Avenue
Columbus, Ohio 43203

JAMES A. RHODES
Governor



OHIO CIVIL RIGHTS COMMISSION

CENTRAL OFFICE
220 Parsons Avenue
Columbus, Ohio 43215
1-614-466-2785

Robert D. Brown
EXECUTIVE DIRECTOR

REGIONAL OFFICES

NORTHEAST REGIONAL OFFICE
Finkl Lousche Building, Suite 825
615 West Superior Avenue
Cleveland, Ohio 44112
1-216-422-3130

SOUTH N.E. REGIONAL OFFICE
302 People's Federal Building
77 East Market Street
Akron, Ohio 44302
1-216-273-3147

NORTHWEST REGIONAL OFFICE
110 Gardner Building
500 Madison and Superior
Toledo, Ohio 43604
1-419-241-9184

SOUTHEAST REGIONAL OFFICE
220 Parsons Avenue
Columbus, Ohio 43215
1-614-466-2928

SOUTHWEST REGIONAL OFFICE
Masonry Office Building - 2nd Fl.
701 Race Street
Cincinnati, Ohio 45202
1-513-852-3344

NORTH S.W. REGIONAL OFFICE
800 Miami Tower
40 West 6th Street
Dayton, Ohio 45402
1-513-229-3612

The Honorable James A. Rhodes
Governor, State of Ohio

Dear Governor Rhodes:

In accordance with Section 4112.04 (A) of the Ohio Revised Code, I hereby transmit to you and to the General Assembly the Annual Report of the Ohio Civil Rights Commission for Fiscal Year 1980.

Our efforts toward eliminating discrimination, include acting upon all complaints alleging disparate treatment, as well as education of the public as to Ohio's laws. In order to achieve meaningful progress in the area of civil rights, we pledge to continue to put forth our best efforts, and with your and the General Assembly's encouragement and support, I am confident that we will succeed.

An examination of this report will show that Fiscal Year 1980 brought increases in the number of complaints filed as well as the number of cases resolved. These figures reflect the countless hours of dedicated service of the agency's Commissioners and staff, each of whom have made a unique contribution to the civil rights efforts of our state.

Respectfully,

FOR THE COMMISSION

A handwritten signature in black ink, appearing to read "Robert D. Brown".
ROBERT D. BROWN
EXECUTIVE DIRECTOR

TITLE OF AGENCY: The Ohio Civil Rights Commission

ESTABLISHED: 1959

STATUTORY AUTHORITY: Chapter 4112, Ohio Revised Code

CENTRAL OFFICE: 220 Parsons Avenue, Columbus, Ohio

ORGANIZATION STRUCTURE: Six Regional Offices located in Columbus, Akron, Cleveland, Cincinnati, Dayton and Toledo.

STAFF:

EXECUTIVE UNIT

Robert D. Brown, Executive Director
Francis Smith, Chief, Administrative Services
Emerson E. Cole, Chief, Compliance and Regional Operations

EEOC COORDINATOR

J. Jefferies Moon

LEGAL OPERATIONS

Frank C. Gibb, Chief

ADMINISTRATION

Sandra Porter, Personnel Officer
Richard D. Crawford, Finance Officer

AFFIRMATIVE ACTION UNIT

E. Aggie Randolph

COMPLIANCE

Gerald P. Wolfe, II Manager

EDUCATION AND COMMUNITY RELATIONS

Carol Hall

HANDICAP SPECIALIST

Claudia Bergquist

HEARING EXAMINERS

Franklin Martens, Chief

PLANNING AND RESEARCH

Gerrit J. Rietveld, Manager

TRAINING

Charles A. Williams, Training Officer

PUBLIC INFORMATION

Berna L. Brown, Public Information Officer

REGIONAL OFFICES

NORTHEAST REGIONAL OFFICE

Mr. Joseph Hunter, Director
Frank Lausche Building, Suite 885
615 West Superior Street
Cleveland, Ohio 44113
(216) 622-3150

NORTHWEST REGIONAL OFFICE

Mr. Ronald Pettaway, Director
Room 510 Gardner Building
Madison and Superior Streets
Toledo, Ohio 43604
(419) 241-9164

SOUTH NORTHEAST REGIONAL OFFICE

Mr. John A. Browne, Director
302 Peoples Federal Building
39 East Market Street
Akron, Ohio 44308
(216) 253-3167

SOUTHEAST REGIONAL OFFICE

Mr. William Betcher, Director
220 Parsons Avenue
Columbus, Ohio 43215
(614) 466-5928

SOUTHWEST REGIONAL OFFICE

Mr. Ray Paul, Director
Masonry Office Building
707 Race St., 2nd Floor
Cincinnati, Ohio 43202

NORTH SOUTHWEST REGIONAL OFFICE

Mrs. Rebecca K. Haley Ross, Director
800 Miami Valley Tower
40 West 4th Street
Dayton, Ohio 45402

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INTRODUCTION

The Ohio Civil Rights Commission enforces the state's anti-discrimination laws in Employment, Housing, Public Accommodations, and Credit. Protected classes under Ohio law include race, color, religion, sex, national origin, handicap, ancestry, or age (Marital status is currently a protected class under Credit jurisdiction only.)

In addition to work sharing arrangements with the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission participates in a Memorandum of Understanding with the United States Department of Treasury, Office of Revenue Sharing, and with the A-95 Project Notification and Review System. In these agreements, the Ohio Civil Rights Commission measures the civil rights impact and implications of Federally assisted programs or recipients of revenue sharing funds.

Beyond these enforcement responsibilities, Chapter 4112 requires the Commission to receive affirmative action progress reports from political subdivisions (county, municipal, and state), and to establish a Department of Education.

Some of the more significant events during this period were:

August 21, 1979 - Cincinnati Police Department -
Self-initiation

December 4, 1979 - Carol Hall, Director, Education
& Community Relations

January, 1980 - Pre-recorded Public Service
Announcements (P.S.A.'s)

January 30, 1980 - Affirmative Action Progress Report

April 16, 1980 - Focus on EEO Workshops

May 20, 1980 - Self-initiation against public
utilities

May 28, 1980 - Claudia Bergquist, QUOTA CLUB RECOGNITION

June, 1980 - Video taping - Training & Workshops

WORKSHARING

During 1980, the Ohio Commission continued to work with the federal Equal Employment Opportunity Commission (EEOC) under the terms of a Work Sharing Agreement. According to this agreement, both the Ohio Commission and EEOC maintained dual authority over employment charges jurisdictional under Title VII of the Civil Rights Act of 1964, as amended. These charges were jointly (dual) filed by complainants with both the Ohio Commission and EEOC, no matter with which office they were filed originally. To prevent duplicated effort and wasted resources, the dual caseload was divided between the two agencies. During fiscal year 1980, 4,248 dual filed charges were brought to both agencies. These dual filed charges constituted 89% of the Ohio Commission's total intake of new charges during the year.

Of the 4,248 dual filed charges received by the Ohio Commission in 1980, 1,303, or 69% were retained by it as primary jurisdiction.

Both the Ohio Commission and EEOC review each other's findings on dual filed charges and adopt them if respective standards are met. If standards are not met on dual filed charges handled by EEOC, the Ohio Commission activates its own investigation.

FACT FINDING

Starting in January 1980, the Commission implemented a Fact Finding Conference procedure which brings the complainant and respondent face-to-face to air their positions. The major purpose of the Fact Finding Conference is to achieve mutual settlement of the charge in the shortest possible time.

Since its inception, fact finding has been quite successful, achieving a settlement rate in excess of 30%. In subsequent years, the Commission expects the fact finding procedure to become more and more important as a tool in resolving charges of discrimination.

Much of the orientation and training received by Commission staff in conducting fact finding Conferences was provided by the Equal Employment Opportunity Commission which developed the concept.

THE CASE LOAD

During fiscal year 1980, the Ohio Civil Rights Commission (OCRC) received 4,784 new charges (see Table I). This total was 3.6% higher than during the previous fiscal year. (See Table II)

TABLE I. DISTRIBUTION OF CASELOAD BY
REGIONAL OFFICE DURING FISCAL YEAR 1980.

<u>Filed</u>	<u>Jurisdictions</u>	<u>Percent of Total</u>
Northeast Region	1010	21.1
Southwest Region	1056	22.1
Southeast Region	913	19.1
South Northeast Region	686	14.3
Northwest Region	602	12.6
North Southwest Region	517	10.8
TOTAL	4,784	100.

TABLE II. VERIFIED CHARGES FILED 1976/1980

<u>Year</u>	<u>Charges</u>	<u>Percent Change Between Fiscal Years</u>
Fiscal Year 1976	4886	+13.0
Fiscal Year 1977	5530	+13.2
Fiscal Year 1978	4854	-12.2
Fiscal Year 1979	4615	- 4.9
Fiscal Year 1980	4784	+ 3.6

THE CASE LOAD

Combining new charge intake with the cases pending completion at the close of fiscal year 1979 (June 30, 1979), the Commission faced a total caseload of nearly 8,000 during fiscal year 1980. (See Table III)

TABLE III. TOTAL CASELOADS 1976/1980

Year	Cases Carried Over	New Cases	Total Cases
Fiscal Year 1976	5084	4886	9970
Fiscal Year 1977	3465	5530	8995
Fiscal Year 1978	4146	4854	9000
Fiscal Year 1979	2572	4615	7187
Fiscal Year 1980	3165	4784	7949

CHARGE JURISDICTION AND BASIS
OF ALLEGED DISCRIMINATION

Repeating last fiscal year's experience, over 98% of all charges filed with the Commission were based on employment.

Although race and color allegations remained preponderate during 1980, sex discrimination allegations rose one percentage point reversing a downward trend that had existed for several years. The most significant gain was in the area of handicap discrimination where the number of allegations rose from 5.8% in 1979 to 7.3% in 1980. The Commission's newest jurisdiction of age, which took effect in November 1979, registered nearly 2%. (See Table IV)

TABLE IV. BASIS OF CHARGES OF ALLEGED
DISCRIMINATION FOR REPORT YEAR 1979-80

<u>Basis</u>	<u>1979</u>	<u>Percent of Total</u>	<u>1980</u>	<u>Percent of Total</u>
Race/Color	3045	66.0	2680	56.0
Religion	45	.9	76	1.6
Sex	1130	24.6	1229	25.7
National Origin/ and Ancestry	125	2.7	188	3.9
Handicap	270	5.8	349	7.3
Age	N.A.	N.A.	90	1.9
Marital Status	N.A.	N.A.	4	0.1
Retaliation	N.A.	N.A.	168	3.5
TOTAL	4615	100.0	4784	100.0

CASE PRODUCTION

During fiscal year 1980, the Commission closed just short of 4,000 charges (see Table V). Although the number of closed charges was less than the number of new charges filed during 1980, a substantial number of new charges were retained by EEOC.

Table VI shows that of the 3,957 charges closed during 1980, nearly 20% were settled within sixty days of receipt. A total of 1,127 were settled or conciliated, nearly 30% of all closures during the year.

See Table V attached *.

TABLE VI. CASE CLOSURES DURING FISCAL YEAR 1980

Closed	All Jurisdiction	Percent of Total
Closed Lack of Merit at Intake	494	12.5%
Pre-Determination Settlement	774	19.6%
Conciliated	353	9.0%
Closure Prior to Hearing	96	2.4%
Dismissed After Hearing	43	1.1%
No Jurisdiction	69	1.7%
No Probable Cause	1529	38.6%
Administratively Closed After Investigation	599	15.1%
<hr/> TOTAL	<hr/> 3957	<hr/> 100.00%

*TABLE V. SUMMARY OF CASES PROCESSED

TOTAL CASE LOAD	EMPLOYMENT	HOUSING	PUBLIC ACCOMMODATION	CREDIT	TOTAL
Charges Received	4700	22	50	12	4784
Brought Forward	3115	16	25	9	3165
PENDING CASELOAD	3909	26	46	11	3992
Probable Cause Found	124	0	0	0	124
Cases Pending Investigation	1841	26	46	11	1924
Retain By EEOC	1944	0	0	0	1944
TOTAL RESOLVED	3906	12	29	10	3957
Closed for Lack of Merit at Intake	487	2	2	3	494
Pre-Determination Settlements	744	4	22	4	774
Conciliated Closed	343	2	5	3	353
Settlement Prior to Hearing	96	0	0	0	96
Dismissed After Hearing	43	0	0	0	43
No Jurisdiction	69	0	0	0	69
No Probable Cause	1529	0	0	0	1529
Administratively Closed After Investigation	595	4	0	0	599

CASE CAPSULES

Here is a small sampling of cases resolved by the Ohio Civil Rights Commission during the Fiscal Year.

HANDICAPPED. Complainant filed a charge with the Commission alleging that due to Respondent's considerations of her previously experienced condition of mental illness, she was unlawfully terminated.

Complainant, who had been in Respondent's employ for sometime was committed to an institution for the criminally insane. After approximately eight months, it was determined that she had made a full recovery. Thus, she was released. However, upon being released, she was advised by Respondent that her employment had been terminated because of the acts which led to her criminal proceedings. Respondent further expressed concern that Complainant might, again, become mentally unstable and cause harm to Respondent's employees. It should be noted that Respondent was unable to provide a sound basis for such concern. Although Complainant had previously been deemed as fully recovered, she voluntarily submitted to a series of psychiatric tests to reaffirm her mental stability.

Upon reviewing the test results, Respondent assumed a conciliatory posture. Complainant was reinstated to her former position at a pay rate of \$8.25 per hour with full seniority benefits. She received a back pay award of approximately \$7,400.00. Further, she received medical cost benefits for the time she was in the mental institution.

CASE CAPSULES

RACE. A Black female worked as a temporary employee and had expected to be hired on a permanent basis by the company. Two positions were filled by Caucasian females, while she remained part-time and even trained the new persons. Respondent then terminated her. Respondent could provide no reasons as to why she had not been hired on a permanent basis. The Fact Finding Conference resulted in her immediate hire at \$700/month. During the next few weeks Complainant developed a poor attendance pattern and Respondent threatened to terminate her. Staff intervened and counseled Respondent and Complainant, resulting in improved communications between both parties and a drastic change in her attendance pattern. Complainant subsequently received a good evaluation and pay raise within the next 3 months.

NATIONAL ORIGIN. The Complainant filed a charge alleging a discriminatory employment practice on the basis of his national origin. Complainant was terminated from his position as Executive Manager following a poor evaluation from his supervisor.

Respondent submitted a Negotiated Settlement Agreement prior to any investigation offering Complainant a "make whole" remedy (job reinstatement, back pay and record expungement). However, Staff was unable to locate Complainant as he had moved and neglected to inform the Commission of such. Complainant was located after a period of one month at which time he signed the agreement and later refused to return to the facility he had previously been employed at.

CASE CAPSULES

RACE. A Black female with supervisory responsibilities was denied a position upgrade and salary increase. She stated Caucasian females with supervisory responsibilities had been upgraded and received increases or were offered upgrades and increases.

Respondent stated that she was not upgraded or given a raise because they were awaiting the results of a job analysis that would indicate where her job ranked. However, facts indicated the jobs of the Caucasian females were also in the job analysis yet they received the upgrades and increases.

Therefore, the Fact Finder was able to obtain a settlement of \$839.59 in backpay for the time she had not been promoted and her position upgraded.

SEX. A White female filed a charge alleging she was denied a promotion from Lab Analyst I to Lab Analyst II. Three openings were available. Two males were promoted, however. The Complainant was denied the third position allegedly because of her attendance record.

During the Intake proceedings, a review of the Complainant's attendance evaluations produced a mutual agreement whereby the Complainant was immediately promoted to Lab Analyst II. The annual monetary increase for the Complainant was \$1,801.40 from pay range #20 to #21, plus annual step increases.

CASE CAPSULES

RACE. Complainant alleged that she was terminated because of her race. According to Respondent she failed to chart properly on her patients in her capacity as a dietician and that this is why she was terminated. The investigation showed that the primary reason Complainant could not properly chart on her patients was because she was given duties outside the realm of her job description that were not given to her two Caucasian co-workers. Just prior to public hearing Respondent offered as settlement \$10,000.00 and an expunged record. Complainant accepted this offer.

AGE. A White male filed a charge alleging he was forced to resign from his job as a technician because of his age, 58.

The Complainant alleges that if he were 62 years old, or had thirty years service, he would have been eligible for full company retirement benefits, plus supplemental benefits. The Complainant states he would have had thirty years service had he not been discharged. During the Intake proceedings, by mutual agreement the Respondent reversed its decision concerning the Complainant's forced retirement.

Terms, the Complainant was placed on a leave of absence, allowed \$190.00 per week, unemployment benefits, until he would be eligible for full retirement and supplemental benefits. Complainant accepted offer to receive full retirement and supplemental benefits.

CASE CAPSULES

RACE. Complainant a Black female, filed a charge, alleging that she had been discharged because of race for mistakes made by a similarly situated Caucasian female. The Caucasian female was not discharged.

The investigation showed that Complainant was not on the job in question on the day the mistakes were made. The Caucasian female was on the job.

Subject Caucasian female testified to that fact. She also testified that she had made many such mistakes and was not discharged.

Several of Complainant's co-workers testified that Complainant was an excellent worker.

Through witness testimony, Respondent stated reasons for discharging Complainant were shown to be pretextual.

Probable Cause of discrimination on the basis of race was recommended and approved by the Commission.

Initial attempts at conciliation failed due to Respondent's refusal to conciliate.

The case was scheduled for public hearing. On the day of the hearing, Respondent requested another opportunity to conciliate the case.

This time conciliation was successful. Complainant, was employed elsewhere, accepted remedy of \$13,500 and record expungement.

CASE CAPSULES

SEX. A female alleges that she was denied employment at Respondents after a job interview for Lab Technician due to her sex.

Staff met with Respondent in regards to clarification of the Negotiated Settlement Procedures. At this time Staff and Respondent conducted a job analysis and Respondent requested Staff to confer with Complainant in an effort to explore what jobs she may be interested in accepting.

Respondent submitted the Negotiated Settlement Agreement and Complainant signed the terms of the agreement. The terms of the Negotiated Settlement Agreement included withdrawal of charge and hiring Complainant into the first position for which she qualified.

Respondent informed the Commission that its obligation to the Negotiated Settlement had been fulfilled.

Complainant became employed with Respondent and will receive a front pay amount of \$13,596.80.

MONETARY AWARDS

One of the more effective measures of the Commission's efforts to enforce the law is the amount of money awarded to complainants for losses due to discrimination. Table VII shows the actual dollar benefits ("backpay") for fiscal year 1980. Table VIII shows the projected benefits which are calculated by figuring the amount of money earned by a complainant over the period of one year because of Commission efforts to secure employment, promotion or fringe benefits for the complainant. These benefits are a legitimate gauge of the Commission's impact on eliminating discrimination.

Table IX shows the total benefits, actual and projected, awarded to Complainants during fiscal year 1980. The total of 1.80 million dollars should be interpreted as a strong deterrent to unlawful discrimination. (SEE TABLES VII, VIII, IX ATTACHED)

TABLE VII MONETARY AWARDS - ACTUAL BENEFITS OCRC

<u>MONTH</u>	<u>NORTH EAST</u>	<u>SOUTH WEST</u>	<u>SOUTH EAST</u>	<u>SOUTH NORTH EAST</u>	<u>NORTH WEST</u>	<u>NORTH SOUTH WEST</u>	<u>TOTAL</u>
July	2,333.20	36,765.77	8,306.40	17,832.00	104.16	8,029.09	73,370.62
Aug.	11,609.26	24,402.43	16,653.90	0	14,645.96	4,021.89	71,333.44
Sept.	30,347.68	14,286.21	17,328.96	13,565.38	2,600.00	666.83	78,795.06
Oct.	15,806.00	29,904.51	11,206.26	4,622.25	2,675.67	614.40	64,829.09
Nov.	4,867.89	0	15,340.35	7,400.00	15,422.70	5,387.60	48,418.54
Dec.	44,364.46	40,056.90	8,649.87	6,479.00	0	0	99,550.23
Jan.	5,885.00	32,195.00	1,498.76	7,505.52	605.00	405.88	48,095.16
Feb.	11,077.43	5,179.63	3,572.12	14,250.00	20,000.00	4,381.60	58,460.78
March	7,354.68	43,548.47	5,326.00	4,457.88	24,274.48	2,000.00	86,961.51
April	5,625.20	10,055.66	7,911.20	13,476.57	500.00	4,798.08	48,366.71
May	9,308.75	42,963.30	42,642.47	2,750.00	4,490.00	8,078.55	110,233.07
June	31,737.18	23,149.36	11,424.69	4,000.00	2,920.54	9,334.89	82,566.66
TOTAL	180,316.73	308,507.24	149,860.98	96,338.60	88,238.51	47,718.81	870,980.87

TABLE VIII MONETARY AWARDS - PROJECTED BENEFITS

MONTH	<u>NORTH EAST</u>	<u>SOUTH WEST</u>	<u>SOUTH EAST</u>	<u>SOUTH NORTH EAST</u>	<u>NORTH WEST</u>	<u>NORTH SOUTH WEST</u>	<u>TOTAL</u>
July	0	0	56,212.00	0	27,539.20	15,000.00	98,751.20
Aug.	0	0	59,877.00	0	30,140.80	37,854.40	127,872.20
Sept.	0	0	31,762.40	0	35,849.60	38,953.43	106,565.43
Oct.	0	0	91,547.92	0	14,206.40	0	105,754.32
Nov.	0	0	58,806.00	0	45,280.01	0	104,086.01
Dec.	0	0	0	0	0	0	0
Jan.	0	0	24,469.20	0	0	0	24,469.20
Feb.	0	0	32,865.00	0	28.43	0	32,893.43
March	0	0	49,731.00	0	20,446.46	0	70,177.46
April	0	0	65,880.00	0	16,344.00	1,056.00	83,280.00
May	0	0	71,315.20	0	12,799.00	33,264.56	117,378.76
June	0	0	18,552.96	0	12,614.00	43,570.80	74,737.76
TOTAL	0	0	561,018.68	0	215,247.90	169,699.19	945,965.77

TABLE IX TOTAL MONETARY BENEFITS FISCAL YEAR 1980

MONTH	<u>NORTH EAST</u>	<u>SOUTH WEST</u>	<u>SOUTH EAST</u>	<u>SOUTH NORTH EAST</u>	<u>NORTH WEST</u>	<u>NORTH SOUTH WEST</u>	<u>TOTAL</u>
July	2,333.20	36,765.77	64,518.40	17,832.00	27,643.36	23,029.09	172,121.82
Aug.	11,609.26	24,402.43	76,530.90		48,083.43	41,876.29	202,502.31
Sept.	30,347.68	14,286.21	49,091.36	13,565.38	38,449.60	39,620.43	185,360.66
Oct.	15,806.00	29,904.51	102,754.18	4,622.25	16,882.07	614.40	170,583.41
Nov.	4,867.89	0	74,146.35	7,400.00	61,942.71	5,387.60	153,744.55
Dec.	44,364.46	40,056.90	8,649.87	6,479.00	0	0	99,550.23
Jan.	5,885.00	32,195.00	25,967.96	7,505.52	605.00	405.88	72,564.36
Feb.	11,077.43	5,179.63	36,437.12	14,250.00	20,028.43	4,381.60	91,354.21
March	7,354.68	43,548.47	55,057.00	4,457.88	44,720.94	2,000.00	157,138.97
April	5,625.20	16,055.66	73,791.20	13,476.57	16,844.00	5,854.08	131,646.71
May	9,308.75	42,963.30	113,957.67	2,750.00	17,289.00	41,343.11	227,611.83
June	31,737.18	23,149.36	29,977.65	4,000.00	15,534.64	52,905.69	157,304.52
TOTAL	180,316.73	308,507.24	710,879.66	96,338.60	308,023.18	217,418.17	1,821,483.58

COMPLIANCE

The compliance function of the Ohio Civil Rights Commission consists of all activities related to the enforcement of Ohio's Laws Against Discrimination. The Commission's Compliance Department is the nerve center of the compliance function. The department operates under the Chief of Compliance and Regional Operations and the Compliance Manager, with four Compliance Officers.

Upon completion of all investigations, reports are prepared by regional staff and forwarded to the Compliance Department for review by Compliance Officers. Their primary function is to examine each case for adherence to statewide standards and law, and, if approved, to authorize further appropriate action. It is through the review process that the Commission exercises quality control over the increasing case-load. The Compliance Department also drafts and issues formal complaints when conciliation efforts fail.

The Special Investigation Unit falls within the purview of the Compliance Department. The Special Investigation Unit is responsible for conducting "systemic" type investigations self-initiated by the Commission.

As the Laws Against Discrimination are continuously impacted, altered, and adjusted by state and federal judicial rulings, the compliance function of review and monitoring of case activities is essential to the Ohio Commission's mandate to eliminate and eradicate unlawful discriminatory practices around the state.

COMPLIANCE

ORDER OF DISMISSAL JULY 1979 / JUNE 1980

RUFF v. FELDMAN, INC.
Issued 9-18-79

SANCHEZ v. INDEPENDENT PIPE & SUPPLY CO.
Issued 9-18-79

SMITH v. WESTINGHOUSE ELECTRIC CORPORATION
Issued 10-23-79

BURT v. CREDIT MANAGEMENT ASSOC. OF CENTRAL & NORTHEASTERN OHIO
Issued 11-19-79

PASCHKE v. HUSTLER MAGAZINE, INC., dba LARRY FLYNT PUBLICATIONS, INC.
Issued 11-19-79

JAFFE v. THE NATIONAL LIFE & ACCIDENT INSURANCE CO.
Issued 11-19-79

HUFF v. CHROMALLOY AMERICAN CORP. ELYRIA FOUNDRY DIV.
Issued 11-19-79

CEASE AND DESIST ORDERS JULY 1979 / JUNE 1980

IRVING v. NORTHWOOD POLICE DEPARTMENT
Issued 8-14-79

CHAPMAN v. CITY OF SPRINGFIELD
Issued 8-20-79

SMITH v. THE SHERMAN WILLIAMS COMPANY
Issued 9-18-79

KEELS v. LANCASTER BOARD OF EDUCATION
Issued 9-18-79

JOHNSON v. HOME SERVICE CLEANING
Issued 10-23-79

WILHELM v. RAMADA INN
Issued 11-27-79

WARREN v. COURT OF COMMON PLEAS, JUVENILE COURT DIV., COUNTY OF CUYAHOGA
Issued 1-10-80

SNEAD v. BORDEN, INC., D.B.A. BORDEN CHEMICAL CO.
Issued 1-16-80

CEASE AND DESIST ORDERS JULY 1979/JUNE 1980 (cont'd)

MINOT v. ROCKWELL INTERNATIONAL CORPORATION
Issued 3-17-80

JEFFRIES v. PACIFIC INTER-MOUNTAIN EXPRESS CO.
Issued 5-20-80

HEARD v. CUYAHOGA COUNTY WELFARE DEPARTMENT
Issued 6-17-80

ROSET v. CONSOLIDATION COAL CO., DBA OAKPARK COAL MINE
Issued 6-17-80

AFFIRMATIVE ACTION UNIT

Ohio Revised Code 4112.04 (A) (10), or Senate Bill 4, became effective in October, 1977. The law states "The Ohio Commission shall: Receive progress reports from agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or any of its political subdivisions and their agencies, instrumentalities, institutions, boards, commissions, and other entities regarding affirmative action programs for the employment of persons against whom discrimination is prohibited by Chapter 4112. of the Revised Code. All agencies, instrumentalities, institutions, boards, commissions, and other entities of this state or its political subdivisions that have undertaken affirmative action programs pursuant to a conciliation agreement with the commission, an executive order of the governor, any federal statute or rule, or an executive order of the president of the United States shall file progress reports with the commission annually on or before the first day of November, the commission shall analyze and evaluate the progress reports and report its findings annually to the general assembly on or before the thirtieth day of January of the year immediately following the receipt of the reports."

The Ohio Civil Rights Commission has submitted three reports to the Legislature since the enactment of the statute. An analysis of who was reporting and the deficiencies within the reports resulted in the Commission setting up fourteen seminars throughout the State to aid in resolving technical problems in the area of affirmative action for required reporting agencies. The seminars further emphasized increased awareness of handicapped workers, and an overview of Ohio Civil Rights Commission organization and statutory authority.

AFFIRMATIVE ACTION UNIT

The affirmative action portions of the seminars treated, in general, what should be in an affirmative action plan, writing of job descriptions, and personnel policies and practices that might be construed as having an adverse impact on those persons in the protected classes. The Affirmative Action Progress Reports, which are to be submitted to the Commission by November 1, each year, was explained, including how to determine underutilization, how to use the report to make decisions regarding selection and placement to remediate female and/or minority imbalances on staff, as well as how to determine which recruitment sources provide workers in the protected classes.

The seminars were held in Columbus, Akron, Canton, Chillicothe, Elyria, Sandusky, Toledo, Dayton, Mansfield, Zanesville, Springfield, Cleveland, and Warren, with a total attendance of 320. Evaluations completed by those in attendance reflected a need for more of this type of training and a need to reach personnel in policy-making positions.

HEARING UNIT

The Hearing Unit is responsible for processing all formal Complaints issued by the Commission to public hearing, conducting the public hearing, producing a written transcript of the hearing, and submitting a written report containing findings of fact, conclusions of law, and recommendations to the Commission.

The Unit is directed by the Chief Hearing Examiner who is assisted by two Associate Hearing Examiners, one Hearing Assistant and three Clerical Specialists. All of the hearing examiners are attorneys and full-time employees of the Commission.

Management of the public hearing docket is a major responsibility of the Hearing Unit. This involves ruling on all motions, holding pre-hearing conferences, notifying parties when cases are continued, settled or dismissed, securing appropriate facilities in which to conduct hearings, and maintenance and preservation of files, evidence and the record. In 1979 the Hearing Unit drafted amendments to the Commission Rules of Procedure, which were adopted by the Commission, to carry out these responsibilities.

At its inception in January, 1979 the Hearing Unit was assigned 158 Complaints which were awaiting public hearing. From January, 1979 through June 30, 1980 an additional 229 Complaints were assigned to the Unit for processing. The disposition of these Complaints is as follows:

TOTAL COMPLAINTS ASSIGNED

January 1, 1979 - June 30, 1980	387
Public Hearings Held	95*
Complaints Settled or Dismissed Prior to Hearing . . .	226

HEARING UNIT

Complaints Awaiting Hearing 61

Thirty-three Hearing Examiner Reports were submitted to the Commission by the Hearing Unit from May, 1979 through June 30, 1980. An additional seven Complaints were settled after public hearing, making it unnecessary to submit a report.

The Hearing Unit has reduced the Complaints pending to a manageable number and has eliminated the 158 case backlog which existed in 1979.

* Five Complaints were consolidated for hearing, thus 100 Complaints were heard.

DEPARTMENT OF EDUCATION AND COMMUNITY RELATIONS

In December 1979, a new Director of Education and Community Relations was appointed by the Commission. The first several months were spent in re-evaluating the programs of the Department, meeting with the Department Chiefs and Regional Directors and staff, and developing some new goals and objectives for the Department.

A massive state-wide mailing was conducted in January. Letters were sent to state and local organizations, and agencies concerned with human rights, to inform them of the staff changes, and to reconfirm the Department's commitment to be of assistance to those who may be planning civil rights related programs.

Chapter 4112.04 (A) (9), of the Ohio Revised Code, states that the Commission must:

"Prepare a comprehensive educational program, in cooperation with the department of education, for the students of the public schools of this state, and for all other residents thereof, designed to eliminate prejudice on the basis of race, color, religion, sex, national origin, handicap, age, or ancestry in this state..."

The State Board of Education has declared 1980 to be the "Year of the Schools in Ohio". The year-long event is aimed at improving communications between the schools and the public. Working jointly with the State Department of Education, the Department actively promotes the themes of "Strengthening Our Democracy: A View of Citizenship Education" in October, and "Investment in Education: A Commitment to the Future" in December.

DEPARTMENT OF EDUCATION AND COMMUNITY RELATIONS

The Educational Advisory Council (EAC) held its first meeting of 1980 in February. The Council, consisting of eighteen members selected from around the state, serves as an advisory body to the Commission, via the Department. It advises and makes recommendations to the Commission on those policies and procedures that are relevant to its educational programs. Meeting quarterly, the Council has been reviewing and analyzing the State Department of Education's new Standards for Colleges or Universities Preparing Teachers, that went into effect July 1, 1980.

The Department, in cooperation with the Ohio Department of Education and the Great Lakes Sex Desegregation Assistance Center, assisted the KEDS Desegregation Assistance Center in sponsoring its seventh annual "Minority Educators and Women in Administration Job Conference". Approximately 200 minority and female candidates met with officials from over 75 school districts in Ohio and surrounding states.

In conjunction with the Affirmative Action Unit, and the Handicap Unit, the Department conducted fourteen state-wide seminars entitled "Focus on Equal Employment Opportunity". Participants included representatives from state and local government, social organizations, educational institutions and private industry. All were given the opportunity to ask questions about the Commission, its policies and procedures, the rights of the handicapped, and affirmative action.

The Department of Education and Community Relations is always available to be of assistance to anyone desiring the services of the Commission, and use of its many resources. Several new films and filmstrips have been added to the Department's ever-growing library of media resources. All services of the Department are available without charge.

HANDICAP UNIT

The Handicap Unit has been in existence since August, 1977, when the Commission employed the Handicap Specialist to assist the entire Commission staff and all Ohioans of the various aspects of the handicap law, which became effective July 23, 1976. The Unit has been closely involved in continuing awareness to inform the public of the rights, responsibilities, and concerns of handicapped persons, with major emphasis on employment practices, public accommodations, housing, and credit.

TECHNICAL ASSISTANCE

In efforts to reach this vital objective, several goals were met during 1979-80. Since July, 1979, over fifty (50) inservice training programs, workshops, speeches, and media interviews were completed. Seminars on handicap related topics were conducted with individual agencies, statewide. The recipients of this training include educational institutions, commissions, and public and private employers.

At the request of the Commission's Affirmative Action Unit, the Handicap Unit sent out over 1500 letters to inform public employers of the technical assistance available to them with respect to handicap issues and affirmative action in employment. The response was tremendous, and as a result, the Handicap Specialist and an EEO Officer from the Affirmative Action Unit met with responding employers and their representatives to assist with writing and re-writing of the respective agency's affirmative action plan.

HANDICAP UNIT

Because of the overwhelming demand for such technical assistance in handicap and affirmative action, and general information about the Commission itself, the Handicap Unit, in conjunction with the Affirmative Action Unit and the Department of Education and Community Relations conducted a series of thirteen all day training sessions throughout the state, "Focus on Equal Employment Opportunity".

LITERATURE

Four (4) items of Commission literature (Laws Against Discrimination, OCRC Rules, General Guide to the Procedures of the Ohio Civil Rights Commission, and the Handicap Consumers' Guide to the Ohio Revised Code Chapter 4112) have been transferred into braille for consumers and staff members who are visually impaired and read braille. A complete set of the brailled literature is located in each regional office as well as in the central office.

IN HOUSE

Representatives from the staff of the Southeast Regional Office and the Central Office received inservice training on the proper usage of the Commission's teletypewriter (TTY), located within the Handicap Unit. TTY is a device used by persons who are deaf to communicate via telephone to another person who also has this device.

Central Office and the Southeast Region also underwent an accessibility check from an Accessibility Review Team. The team consisted of five (5) members, three (3) consumers who were physically impaired and two (2) staff persons. Recommendations for architectural modifications have been submitted to ensure total accessibility for handicapped persons who wish to file a civil rights complaint or to visit the Commission offices.

HANDICAP UNIT

Day-to-day activities within the Handicap Unit include continual service as a consultant, advisor, counselor, spokesperson, advocate with respect to all handicap issues for Ohioans who are physically or mentally handicapped. Even though more than 95% of handicap charges received by the Commission are employment related, the Handicap Unit continues endlessly to strive to increase awareness and quality for all.

TRAINING UNIT

In the Spring of 1979, the Ohio Civil Rights Commission established an internal Training Division. This division has the responsibility for developing and providing a comprehensive in-house training program for all Commission employees. In the Summer and Fall of 1979, the Training Unit conducted a series of surveys and questionnaires to determine the training needs of the Commission staff. From these surveys, five target training populations were identified. In priority order these populations are:

1. newly-hired Investigators
2. members of the Managerial Staff
3. members of the Clerical Staff
4. members of the Supervisory Staff
5. the Commissioners

From September, 1979 until June 30, 1980, the Training Unit devoted its time and energy to the development and implementation of the Investigators' and Clerical Training Programs.

INVESTIGATOR TRAINING

Newly-hired investigators have a need to integrate into their everyday operating procedures a divergence of complex, conflicting and often contradictory concepts. In order to be knowledgeable and efficient, the application of these concepts must be clearly defined in the mind of the newly-hired investigator in a relatively short period of time. With the assistance of experienced civil rights investigators, the Training Unit fashioned a training program that provided the new investigator with a working knowledge of the civil rights concepts and experience in applying these concepts. In addition to conquering the complex concepts of civil

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rights investigation, each newly-hired investigator was well trained in the legal background and precedents that undergird civil rights investigation.

This training program consisted of two hours of an Overview of the Civil Rights Investigation, four hours in Intake Procedures, and six hour in Investigative Techniques; four hours in Data Analysis, four hours in Conciliation Techniques, and four hours in Compliance Procedures; two hours in Hearing Unit Procedures, two hours in the History and Development of 4112 of the Ohio Revised Code, four hours in Federal Civil Rights Law, two hours in Legal Precedents, and two hours in Current Civil Rights Rulings.

Each Regional Director deserves a round of applause for providing the instructors for the various training sessions. Each region contributed at least one instructor to the overall training program. In this way each region was able to introduce its ideas and tricks of the trade to the new investigators. This variety of approaches to the same problem allowed new investigators to select those concepts that best suit their individual personalities. In all, more than fifty new investigators were awarded Certificates of Completion in June, 1980.

CLERICAL TRAINING

If the work of the Commission is done by investigators, then the investigator's work is done by the clerical personnel within the Commission. The clerical personnel's contribution to the work of the Civil Rights Commission is absolutely essential. Series of the Clerical Training Program focused on Verbal and Written Communications (twelve hours); Interpersonal Relations Skills (twelve hours); and, Career Planning

TRAINING UNIT

(twelve hours). More than twenty-five of the Commission's clerical personnel attended the Clerical Training Program, and twenty Certificates of Completion were awarded. Training sessions for the clerical personnel were lively and interesting sessions. Many of the suggestions for improvement have been forwarded to the Regional Directors and to the Executive Director of the Commission. One result of these training sessions is the encouragement of clerical personnel to advance their ideas for improvement through their supervisor to their Regional Director or to the Executive Director of the Commission.

MULTI-MEDIA PRESENTATION

In late Fall of 1979, the Training Unit developed a multi-media presentation on the role of the Commission. This multi-media presentation was incorporated into a two-hour session orienting new employees to the Commission. This orientation program was given to new investigators and to the clerical personnel of the Commission. Input was sought from Regional Directors and members of the Central Office staff for the orientation program. The responsibilities for each office was woven into the fabric of the presentation. The presentation included pictures of Central Office staff members and Regional Office staff members. As a result of the encouragement of members of the investigators' training sessions and of the clerical training sessions, a section is being planned to include responsibilities of the Regions in the orientation program. The Fall, 1980 orientation program will include those responsibilities and will be updated to represent personnel and staff changes that have come into being since January, 1980.

TRAINING UNIT

VIDEOTAPES IN TRAINING

Probably the most challenging venture the Training Unit has embarked upon this year has been the introduction of television and videotape equipment as an adjunct to the training arm of the Commission. Training sessions in compliance, conciliation, and data analysis have been recorded on tape and are available for use by members of the Commission as well as by other legitimate sources. The Commission is preparing to purchase a videotape studio in order to make its own training tapes. Once these training tapes have been developed they will be available for use in the Regions in order to augment the formal training sessions held at the Central Office level.

The Training Unit is encouraged by its development and by its accomplishments in its first year of operation. It plans to continue the Basic Investigators' Training Program that has been in operation for almost a year, and its current plans call for the initiation of a Supervisory Training Program (forty hours of supervisory training) in September, 1980. Since the turnover is relatively low in clerical personnel, the training need there seems to be an update of the Clerical Training Program to, what we are calling at this point, Clerical Training Program II. One of the more interesting concepts on the horizon for the Training Unit is the development of the "Quarterly Training Issue" section of the Commission Newsletter. The first "Quarterly Training Issue" was presented in the summer of 1980. This section is devoted to those issues raised in the training sessions that represent Commission-wide areas of discussion. For three consecutive months the Training Unit will present and examine an issue raised in the Training sessions. This promises to be an exciting training tool and the Unit is looking forward to its development.

HOUSING ACCOMMODATIONS

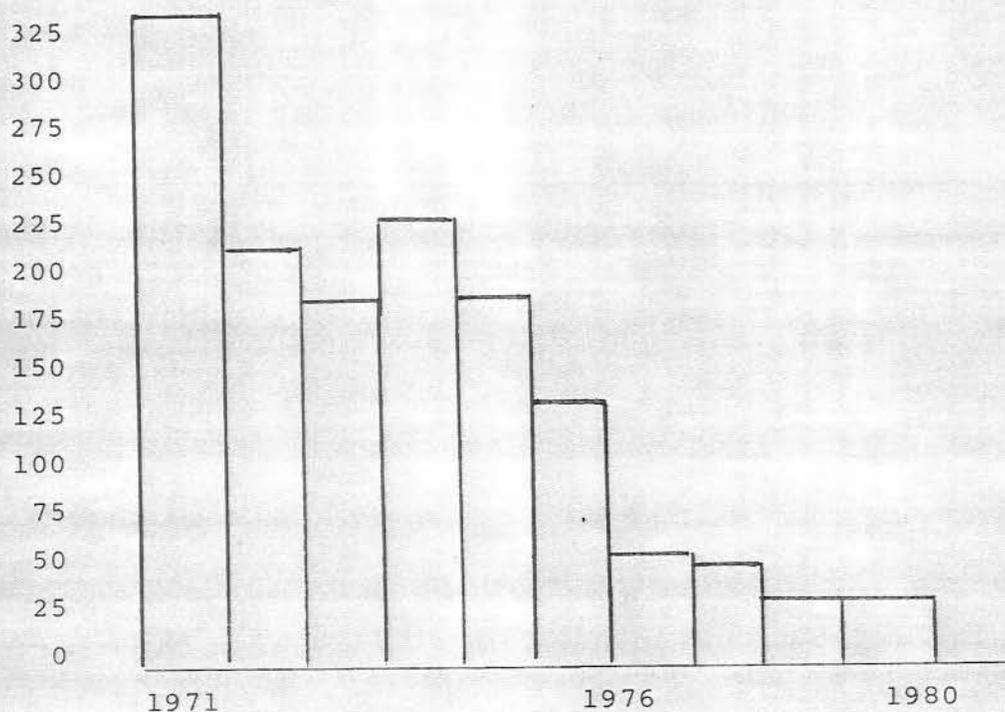
Is There Housing Discrimination.

Is housing discrimination the failure of a person to grant another person the equal opportunity to obtain housing accommodations without regard to race, color, religion, national origin, ancestry, sex, or handicap? While the obvious answer is yes, the practical answer is no.

The Law and the Practice in General.

The pattern for filing housing complaints over a decade is indicative of a lack of awareness of persons as to what impact a renting, buying, or selling procedure may have in whether or not there is equal opportunity to acquire housing.

HOUSING INTAKE PATTERN FOR THE THE DECADE OF THE 70'S.



Indeed, this State has been a prime subject in research supporting the contention that housing discrimination in the United States is wide spread. Steering and redlining are factors indicating systemic problems.

HOUSING ACCOMMODATIONS

In the beginning of the decade the United States Supreme Court supported the proponents of civil rights by affirming that systems and practices which appear neutral on their face may have adverse impact or disparate effect on particular classes of people. Ohio law gives the Commission the privilege to initiate employment investigation. The latter privilege juxtaposed with the affirmation of the court provided an environment which made it clear to employers, that if they discriminated even at levels too sophisticated for the average employee, the Commission was privileged to step in and initiate its own complaints. It has and is following that trend in employment.

Housing Law

Since 1971, there has been legislative effort to bring about the same environment for those in the housing business as there is for employers. The courts have recognized that discrimination can occur because of the design of housing practices but this Commission has not been able to investigate where complaints fail to see the sophisticated discrimination.

We may not initiate a charge. Hence systemic discrimination in housing can go on unharmed. Indeed, the appearance is that since persons in Ohio do not file complaints, and since this Commission may not self initiate, there is no systemic discrimination in Ohio.

What This Commission is Doing.

This Commission is staying within the boundaries of the law; but, we are combating and gradually winning the battles. We fight to eliminate discriminating first and foremost. We investigate the charges that are filed with the agency. The investigation calls for the same detailed process we use in handling our employment cases. While the housing caseload is low the closure rate for housing cases is high. We are closing 60% of our housing intake within the fiscal year (intake = 22; closures = 12).

HOUSING ACCOMMODATIONS

To buttress the investigative process, this agency handles a good deal of non-enforcement housing activity.

In cooperation with the Department of Economic and Community Development's, Office of Housing, we are participating in developing a statewide policy for fair housing. Through the A-95 program, we are able to pass on and review the applications for those applying for the federal dollars from the United States Department of Housing and Urban Development.

Through the State revenue sharing program, we are able to pass on and review housing applicant's requesting State dollars. The agency has established a higher visibility in housing matters by participating in seminars, conferences, and training programs throughout the State.

While continuing to investigate and use the non-enforcement means available, we are in hopes of obtaining self-initiating authority in housing. It will not solve all our problems but it is a step in the right direction. House Bill number 1223 was introduced to the 113th General Assembly in regular session during 1979 - 1980. If passed it would provide self initiating power. It is with awe and cautious enthusiasm that we await the outcome of the bill.

LEGISLATIVE SUMMARY

Legislation described below, directly or indirectly affecting Chapter 4112, Ohio Revised Code and civil rights in the State of Ohio, was inacted during or pending at the end of the 1979-1980 fiscal year.

- H.B. 19 Introduced by Representative Stinziano.
To ammend Ohio Laws Against Discrimination.
To end employment discrimination on the
basis of pregnancy. Effective January 10,
1980.
- H.B. 70 Introduced by I. Thompson. To permit
the State or a political subdivision
to award deposits of Federal Funds to
minority banks. Effective September 12,
1979.
- H.B. 150 Introduced by Representative Karmol.
To eliminate the female labor laws.
Passed House, In Senate Commerce and
Labor Committee at end of fiscal year.
- H.B. 230 Introduced by Representative T. James
To make discrimination on the basis of
age (40-70) unlawful. Effective November 13,
1979.
- H.B. 330 Introduced by Representative Locker.
To grant to deaf persons and their
hearing dogs the same rights and
privileges currently granted to blind
persons and their seeing-eye dogs
Effective January 1, 1980

LEGISLATIVE SUMMARY

H.B. 347

Introduced by Representative Christman.
To increase the educational requirements for persons taking the Real Estate Broker's or the Real Estate Salesman's examination, to establish a continuing education requirement for licensees, and to require the Real Estate Commission to suspend or revoke the license of a broker or salesman for violations of real estate law and certain civil rights laws. Effective November 7, 1979.

H.B. 584

Introduced by Representative T. Orlett.
To create the Ohio Minority Business Development Commission and to make loans to minority business enterprises in the State. Passed House, pending Senate vote at end of fiscal year.

H.B. 656

Introduced by Representative Deering.
Provides excise tax for motor vehicle fuel and prohibits state highway construction contracts not providing for affirmative action. Effective December 13, 1979, certain provisions effective January 1, 1980.

LEGISLATIVE SUMMARY

S.B. 21

Introduced by Senator Bowen. To provide tax incentives, reduce unemployment and set aside a certain percentage of state contracts for small and minority businesses. Passed Senate, in House Ways and Means Committee at end of fiscal year.

S.B. 74

Introduced by Senator Butts. Provides for state contracts for minority and small business. In Senate Commerce and Labor Committee at end of fiscal year.

S.B. 97

Introduced by Senator Meshel. To require that all buildings covered by the Ohio Building Code be accessible to the handicapped. In Senate Commerce and Labor Committee at end of fiscal year.

S.B. 131

Introduced by Senator Bowen. To require the state to set aside certain construction contracts and contracts for goods and services for minority business enterprises and to assist minority business enterprises. In Senate Commerce and Labor at end of fiscal year.

LEGISLATIVE SUMMARY

S.B. 225

Introduced by Senator Meshel. To provide for barrier free polling places, permit handicapped persons to vote in their vehicles or at the door of polling places in certain circumstances and to publicize available election services to handicapped persons. Effective January 16, 1980.

RECOMMENDED LEGISLATION

Having been refined for over 20 years, Chapter 4112, Revised Code, the Ohio Laws Against Discrimination, has become one of the most effective laws on the state level for the elimination of discrimination. However, the Commission's experience in administering and enforcing the law has revealed the necessity or desirability of making certain additions or corrections to more fully achieve its purpose. The Commission's recommendations for legislative action is as follows:

COMMISSION DETERMINATION OF PUBLIC EMPLOYER AFFIRMATIVE ACTION PROGRESS REPORTING DATES

On October 11, 1977, a law came into effect requiring that all public employers at all levels of government in Ohio who are required to have an Affirmative Action Program in employment file annual progress reports with the Commission. As currently set forth, the law requires that these reports be filed by November 1st each year and that the Commission analyze them and make a report to the General Assembly by the following January 30th - a period of three months. This time limitation requires that the Commission hire a special staff for the period in order that the Commission may submit its own report on time. An amendment permitting the Commission to establish staggered reporting dates for reporting agencies throughout the year would allow the Commission to report to the General Assembly on time without the necessity of using temporary staff and without any lessening of the validity of the report. Further, the reporting law as structured contains

no provisions for assuring the authenticity of information received. The Commission recommends an amendment permitting the use of Commission subpoena and investigatory powers in connection with its analysis function.

SELF INITIATION IN HOUSING

Ohio has had a Fair Housing law since 1965 which has been of great help to many people who have been denied housing, because of their race. However, the healthy integration of neighborhoods, with the attendant benefits of naturally desegregated schools proceeded slowly in the State of Ohio. In its analysis of a comprehensive nationwide study of the practices of real estate brokers, the United States Department of Housing and Urban Development noted that "If a black were to visit four apartment complexes or four real estate firms the probability of encountering discrimination would be 72% and 48% respectively, for the rental and sales markets." ("The Housing Market Practices Survey", U. S. Department of Housing and Urban Development.") The Ohio Fair Housing law currently permits the Commission to investigate and take action in housing matters only when charges are filed. The Commission recommends an amendment authorizing it to investigate housing matters on its own initiative so that broad patterns of unlawful housing discrimination may be identified and eliminated.

LIMITATION ON PROTECTION AGAINST SELF-INCRIMINATION

The Commission has been impeded in its investigation of many corporate respondents because the Ohio Laws Against Discrimination, as currently interpreted by the Ohio Supreme court, permit a corporate

respondent to assert the right to not testify against itself and to deny Commission investigators corporate record information necessary to determine the issues. This is because, first, current law makes no distinction between a corporation and a natural person with respect to the prohibition against self-incrimination and, secondly, because the current law has criminal law aspects by virtue of the criminal penalties attached, Constitutional prohibitions against self-incrimination have been applied. The Commission recommends an amendment limiting application of the provision against self-incriminations to natural persons and removing the criminal penalties which have not proved useful.

DAMAGES FOR DISCRIMINATION

Under the current interpretation, the Ohio Laws Against Discrimination do not permit the Commission to make awards of monetary relief to persons injured by discrimination excepting those awards of back pay referred to specifically in the statute. In the case of Ohio Civil Rights Commission v. Lysyj (1974), 38 Ohio St. 2d217, the Ohio Supreme Court stated, "we find nothing...which indicates that the General Assembly attempted to authorize Appellant to award either compensatory or punitive damages...if the General Assembly had intended to authorize the Commission to grant compensatory or punitive damages, it would have been a simple matter to explicitly so provide... Appellant does not now have the power to award either compensatory or punitive damages."

The Commission believes that it was the intent of the General Assembly in enacting the Ohio Laws Against Discrimination that persons unlaw-

fully discriminated against be made economically whole when discrimination has caused financial loss beyond back pay. The Commission recommends an amendment to the Ohio Laws Against Discrimination to establish that the cost of discrimination need not be born by its victims and to provide that such matters as living expenses, increased apartment rent, loss of economic opportunity, increased travel expenses and other tangible and intangible losses, if caused by unlawful discrimination, be compensable by monetary awards. Further, the Commission has experienced in a number of cases an attitude on the part of respondents that if continuation of unlawful practices is economically feasible, such practices may be continued. The Commission believes that this attitude would be eliminated by an amendment to a law providing for punitive damages when it is found that the discrimination practice is wilful, wanton, and intentional.

ACCOMMODATION OF THE HANDICAPPED

A basic principle of the Ohio Laws Against Discrimination as they have developed with respect to race, color, religion, sex, national origin and ancestry has been that there is no relevant distinction based on these factors with respect to ability to perform a job. Therefore, no special accommodation has been required in order that persons denied employment by reason of such factors be hired. With the advent of the inclusion of the handicapped as a protected class under the law in July, 1976, it became evident that many traditional approaches to job structuring and work environment were, in fact, evolved for the convenience of the nonhandicapped at the expense of the handicapped and that, unless effective measures are taken to accommodate, an anti-discrimination law protecting the handicapped is illusory under many

circumstances. The Commission recommends an amendment establishing the standards under which accommodation must be made in order to assure equal employment opportunity for the handicapped.

COMMISSION ISSUED RESTRAINING ORDERS

As a practical matter, the Commission has found in many cases that, because the proceedings required by law to prove unlawful discrimination and secure its elimination are lengthy, relief is available to injured individuals only at a time when its meaning is lost or when loss to the victim is no longer fully compensable. This is particularly true in housing cases in which the opportunity to buy a house is irretrievably lost upon its sale. The Commission recommends an amendment permitting the Commission to issue and immediately enforce restraining orders at any stage of proceeding when it appears that any person, complainant or otherwise, will suffer substantial and irreparable injury by some contemplated act of a respondent.

COMMISSION ISSUANCE OF COMPLAINTS

The Ohio Supreme Court has interpreted the Ohio Laws Against Discrimination to the effect that, once an investigation has commenced, the Commission may not issue a complaint in any matter until a finding of probable cause has been made and attempts at conciliation have failed. This permits respondents, through the use of dilatory tactics and otherwise, to delay investigations and other activities beyond the statutorily imposed two-year time period within which complaints must be issued, effectively impeding the Commission's proceedings. The Commission recommends an amendment specifically permitting it, upon good cause shown, to issue complaints at any time during its proceedings.

SERVICE OF SUBPOENA BY COMMISSION STAFF

Currently, the Commission's administrative subpoenas may not be served by Commission investigators but must be served only by those empowered to serve subpoenas in court matters. An amendment permitting Commission subpoenas would greatly reduce time and expense in investigation.

APPROPRIATION & EXPENDITURES

FISCAL YEAR 1980 7/1/79 - 6/30/80

Budget Appropriation and Expenditure		2,991,380
E.E.O.C. Rotary Contract		739,208
Salaries, Hearings & Court Reporters	2,946,344	
Budget Reduction	94,076	
Seminar	10,653	
Office Supplies	40,266	
Motor Vehicle Expense	18,072	
Travel	21,585	
Postage, Telephone, Shipping	125,395	
Utilities	4,245	
Office Equipment Maintenance	22,635	
Office Rental & Xerox Rental	181,978	
Printing	22,040	
General Expense	14,221	
Encumbrances 6/30/80	35,201	
Equipment	74,932	
Total Expenditures (General Revenue)		3,611,643
Total E.E.O.C. (Rotary Expenditures)		<u>525,812</u>
Total Expenditures		4,137,455