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Ohio Revised Code

Section 4112.052 Employment discrimination civil action.

Effective: April 15, 2021
Legislation: House Bill 352 - 133rd General Assembly

(A) Subject to division (B) of this section, and except as provided in division (D)(2) of section 4112.14 of the Revised Code, a person alleging an unlawful discriminatory practice relating to employment in violation of section 4112.02 of the Revised Code may bring a civil action in a court of competent jurisdiction.

(B)(1) Except as otherwise provided in division (B)(2) of this section, a person may file a civil action under this section alleging an unlawful discriminatory practice relating to employment or a violation of division (A) of section 4112.14 of the Revised Code only if the person satisfies both of the following conditions:

(a) The person has first filed a charge with the Ohio civil rights commission under section 4112.051 of the Revised Code with respect to the practice complained of in the complaint for the civil action within the time period required under that section.

(b) One of the following occurs:

(i) The person receives a notice of right to sue from the Ohio civil rights commission pursuant to section 4112.051 of the Revised Code.

(ii) The person has requested a notice of right to sue from the Ohio civil rights commission, and the commission fails to issue the notice of right to sue within forty-five days after the date the commission is permitted to grant the request under division (N) of section 4112.051 of the Revised Code.

(iii) The Ohio civil rights commission, after a preliminary investigation conducted pursuant to a charge filed under section 4112.051 of the Revised Code, determines that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the complainant, after being informed by the commission of the right to file a civil action under this chapter, elects to file a civil action and notifies the commission of that fact.

(2) A person may file a civil action under this section alleging an unlawful discriminatory practice relating to employment or a violation of division (A) of section 4112.14 of the Revised Code without satisfying the conditions of division (B)(1) of this section if either of the following apply:

(a) The person seeks only injunctive relief.

(b) All of the following occur:

(i) The person has filed a charge with the Ohio civil rights commission under section 4112.051 of the Revised Code with respect to the practice complained of in the complaint for the civil action within the time period required under that section.

(ii) The person has filed a charge with the equal employment opportunity commission or its successor organization with respect to the practice complained of in the complaint for the civil action within the time period required under federal law.

(iii) The person has received a notice from the equal employment opportunity commission or its successor organization that states that the person may bring a civil action against the employer and the notice was sent in connection with the charge filed with the equal employment opportunity commission or its successor organization.

(3) With respect to an action described in division (B)(2)(a) of this section, the person may amend the complaint to include damages, but the amendment will relate back to the original filing date of the complaint in the action only after one of the following occurs:

(a) The person receives a notice of right to sue from the Ohio civil rights commission pursuant to section 4112.051 of the Revised Code.

(b) The person has requested a notice of right to sue from the Ohio civil rights commission, and the commission fails to issue the notice of right to sue within forty-five days after the date the commission is permitted to grant the request under division (N) of section 4112.051 of the Revised Code.

(c) The Ohio civil rights commission, after a preliminary investigation conducted pursuant to a charge filed under section 4112.051 of the Revised Code, determines that it is probable that an unlawful discriminatory practice relating to employment has occurred or is occurring and the complainant, after being informed by the commission of the right to file a civil action under this chapter, elects to file a civil action and notifies the commission of that fact.

(4) With respect to an unlawful discriminatory practice relating to employment described in division (A)(24)(b) of section 4112.01 of the Revised Code, a charge filed with the Ohio civil rights commission or the equal employment opportunity commission satisfies division (B)(1)(a) or divisions (B)(2)(b)(i) and (ii) of this section if both of the following apply:

(a) The charge is related to the conduct alleged in the complaint for the civil action;

(b) The charge is filed against the person who committed the unlawful discriminatory practice, the employer of the person who committed the unlawful discriminatory practice, or both the person who committed the unlawful discriminatory practice and the person's employer.

(C) (1) Except as provided in division (C)(2) of this section, a civil action brought under this section shall be filed within two years after the alleged unlawful discriminatory practice was committed.

(2) The time period to file a civil action shall be tolled for one of the following periods, as applicable:

(a) If a charge that is based, in whole or in part, on the same allegations and practices was filed under section 4112.051 of the Revised Code less than sixty days before the time period specified under that section expires, the time period to file a civil action is tolled for the period beginning on the date the charge was filed and ending on the date that is sixty days after the charge is no longer pending with the commission.

(b) If a charge that is based, in whole or in part, on the same allegations and practices was filed under section 4112.051 of the Revised Code sixty or more days before the time period specified under that section expires, the time period to file a civil action is tolled for the period beginning on the date the charge was filed and ending on the date the charge is no longer pending with the commission.

(D) A civil action based on 42 U.S.C. 1981a, 42 U.S.C. 1983, and 42 U.S.C. 1985 shall be brought within two years after the cause of action accrues. The period of limitations set forth in this division does not apply to causes of action based on 42 U.S.C. 1981 as amended by the "Civil Rights Act of 1991," Pub. L. No. 102-166.

(E) The Ohio civil rights commission may intervene in a civil action if the commission determines that the case is of public importance.