31ST ANNUAL REPORT

OF

THE OHIO CIVIL RIGHTS COMMISSION
June, 1990

The Honorable Richard F. Celeste  
Governor, State of Ohio

The Honorable Stanley J. Aronoff  
President of the Ohio Senate

The Honorable Vernal G. Riffe  
Speaker of the Ohio House of Representatives

Gentlemen:

Pursuant to Section 4112.04 (A) (8) of the Ohio Revised Code, The Ohio Civil Rights Commission respectfully submits this 31st Annual Report.

Respectfully,

FOR THE COMMISSION

William G. Sykes  
Chairman
TABLE OF CONTENTS

LETTER OF TRANSMITTAL

TABLE OF CONTENTS

INTRODUCTION

HISTORY OF OHIO'S LAWS AGAINST DISCRIMINATION

COMMISSIONERS

MESSAGE FROM THE EXECUTIVE DIRECTOR

TABLE OF ORGANIZATION

CENTRAL OFFICE

REGIONAL OFFICES

COMPLAINT PROCEDURE

STATISTICS

ALLEGED BASES OF DISCRIMINATION
ALLEGED ISSUES OF DISCRIMINATION
TYPES OF CHARGES CLOSED
CASE DISPOSITIONS
SUMMARY OF CHARGES FILED WITH REGIONAL OFFICES
MONETARY BENEFITS COLLECTED

FINANCIAL DATA

APPROPRIATIONS AND EXPENDITURES
TABLE OF CONTENTS

LETTER OF TRANSMITTAL
TABLE OF CONTENTS
INTRODUCTION
HISTORY OF OHIO'S LAWS AGAINST DISCRIMINATION
COMMISSIONERS
MESSAGE FROM THE EXECUTIVE DIRECTOR
TABLE OF ORGANIZATION
CENTRAL OFFICE
REGIONAL OFFICES
COMPLAINT PROCEDURE
STATISTICS
  ALLEGED BASES OF DISCRIMINATION
  ALLEGED ISSUES OF DISCRIMINATION
  TYPES OF CHARGES CLOSED
  CASE DISPOSITIONS
  SUMMARY OF CHARGES FILED WITH REGIONAL OFFICES
  MONETARY BENEFITS COLLECTED
FINANCIAL DATA
  APPROPRIATIONS AND EXPENDITURES
INTRODUCTION

The Ohio Civil Rights Commission (OCRC) was established July, 1959 by the Ohio Legislature. The duties, responsibilities, practices and procedures of the Commission are specified in Section 4112 of the Ohio Revised Code.

The primary function of The Ohio Civil Rights Commission is to enforce state and federal laws against discrimination. OCRC receives and investigates charges of discrimination in employment, public accommodations, housing, credit and higher education on the bases of race, color, religion, sex, national origin, handicap, age or ancestry. The Commission also has statutory authority to:

- initiate investigations of discriminatory practices

- formulate policies to effectuate the purposes of sections 4112.01 to 4112.11 of the Ohio Revised Code, and make recommendations to agencies and officers of the state or local subdivisions of government to effectuate such policies

- make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, national origin, handicap, age or ancestry on the enjoyment of civil rights by persons within the state

- 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

Anyone who lives or works in Ohio and feels he/she has been discriminated against can file a charge with one of OCRC's regional offices located in Akron, Cincinnati, Cleveland, Columbus, Dayton or Toledo. There is no fee for OCRC's services.

The Commission consists of a five-member board of Commissioners and approximately 215 employees. By contract or established relationship, OCRC has linkages with a variety of private, state and federal organizations or agencies, such as the U.S. Department of Housing and Urban Development (HUD) and the U.S. Equal Employment Opportunity Commission (EEOC).
JULY 29, 1959
Enactment of Ohio’s Fair Employment Practices Law prohibiting discrimination by reason of race, color, religion, national origin or ancestry

The Ohio Civil Rights Commission was established by the Ohio Legislature as the state agency responsible for enforcing the laws against discrimination

OCTOBER 24, 1961
Enactment of law prohibiting discrimination in places of public accommodation

OCTOBER 30, 1965
Enactment of law prohibiting discrimination in housing

NOVEMBER 12, 1969
Housing discrimination law amended and broadened
Enactment of law prohibiting discrimination in burial lots

DECEMBER 19, 1973
Enactment of law prohibiting discrimination by reason of sex

JANUARY 14, 1976
Enactment of law prohibiting discrimination in credit

JULY 23, 1976
Enactment of law prohibiting discrimination by reason of handicap

AUGUST 18, 1976
Enactment of law prohibiting discrimination by reason of age

NOVEMBER 13, 1979
Credit discrimination law broadened

JULY 26, 1984
Enactment of law prohibiting discrimination by institutions of higher education by reason of handicap

SEPTEMBER 28, 1987
Housing discrimination law further amended and broadened

MAY 31, 1990
Discrimination by reason of age limit from ages 40 to 70 changed to 40 and above
The five-member board of Commissioners are the final arbiters in the Ohio Civil Rights Commission's internal process. They are appointed to staggering five year terms (unless appointed to serve out the unexpired term of a previous Commissioner) by the Governor with the advice and consent of the Senate. Per the Ohio Revised Code, no more than three Commissioners can be of the same political party. The Governor designates one of the Commissioners to serve as the Chairperson.

Commissioners meet regularly to rule on the recommendations from OCRC's six regional offices regarding charges of discrimination filed with them. Commissioners also hear appeals from persons filing the charge(s) of discrimination or the agency/organization/entity filed against for reconsideration of staff recommendations or Commission rulings. Commissioners are responsible for selecting the Agency's Executive Director, who implements the policies and determinations of the Commission.

In addition to Chairman William G. Sykes, Commissioners serving during fiscal year 1990 were John H. Burlew, III, Cincinnati; Alyce D. Lucas, Dayton; José A. Peña, Cleveland; and Kathleen A. Whelan, Cincinnati.
As The Ohio Civil Rights Commission (OCRC) enters its fourth decade of service on behalf of all Ohioans, the issue of discrimination, unfortunately, remains an evil and ever-growing presence in this American society.

From our initial beginnings in 1959 until today, we have witnessed an expansion of the nature and types of discriminatory practices for which any individual living or working in Ohio can file a charge of discrimination with us. This annual report presents data on the discrimination charges filed with us on the bases of race, color, religion, sex, national origin, handicap, age or ancestry in the areas of employment, public accommodations, housing, credit and higher education; the resolution of those charges; and monetary rewards recovered.

This is also an annual report documenting an agency in transition. In our attempt to maximally serve the people of Ohio and to fulfill our responsibilities as delineated in Section 4112 of the Ohio Revised Code, it is necessary to consistently re-evaluate organizational structure, policies and procedures. Contained herein is information on the who and what we are, so that the public we serve not only has a better understanding of us, but better realizes their rights to fair and equitable treatment and opportunity in practically every phase of their lives.

I, too, am part of the transition of this Agency, having become the Executive Director during the middle of fiscal year 1990. My thrust has been to build upon the work of my predecessors while guiding the planning and preparation of this Agency to meet the civil rights challenges of the 21st century.

It is a pleasure to present this first report of our fourth decade.
TABLE OF ORGANIZATION

COMMISSIONERS

EXECUTIVE DIRECTOR

CENTRAL OFFICE

HEARINGS

SPECIAL ENFORCEMENT

ADMINISTRATION
  - HUMAN RESOURCES
  - MANAGEMENT INFORMATION SERVICES
  - FISCAL
  - STAFF DEVELOPMENT/EO
  - LABOR RELATIONS

TECHNICAL SERVICES
  - EDUCATION & COMMUNITY RELATIONS
  - QUALITY ASSURANCE
  - COMPLIANCE
  - FEDERAL PROGRAMS

REGIONAL OFFICES
  - AKRON
  - CINCINNATI
  - CLEVELAND
  - COLUMBUS
  - DAYTON
  - TOLEDO
OCRC COMMISSIONERS

As previously noted, the OCRC Commissioners are the final arbiters in OCRC’s internal process. The Commissioners are an integral part of the Civil Rights Commission, rendering decisions on the recommendations coming from OCRC's six regional offices. They are a working board of Commissioners, having to be familiar with the cases presented as well as remaining abreast of state and federal civil rights laws. The Commissioners also help set the overall tone and direction of the Agency, in consultation with the Executive Director.

EXECUTIVE DIRECTOR

The Executive Director has the responsibility for overseeing the implementation of the policies and determinations of the Commission. As the Chief Operating Officer, he or she is the driving force behind the Agency and is accountable to the Commissioners. The Executive Director submits the Commission’s budget to the Ohio Legislature and gives budget testimony before the House General Subcommittee. Additionally, the Executive Director represents the Commission in special projects or tasks as designated by the Governor or Chair and is frequently called upon for a variety of local, state and sometimes national speaking engagements or conference participation.

CENTRAL OFFICE

OCRC’s Central Office is located at 220 Parsons Avenue in Columbus, Ohio. The organizational structure for Central Office is the Executive Director, Administration and Technical Services. Two offices - Hearings and Special Enforcement - report to the Executive Director. Administration and Technical Services are each managed by a Chief who has responsibilities for specific offices/units as well as for providing support to the Executive Director. OCRC’s six regional offices simultaneously fall under Administration and Technical Services.

HEARINGS

When the Commission has made a probable cause finding (it is likely that discrimination did occur) and attempts to reach an agreement, a conciliation, between the person filing the discrimination charge and the entity filed against have failed, they then issue a Formal Complaint and Notice of Public Hearing. The public hearing is a quasi-judicial forum which is presented before
a Hearing Examiner, who is an attorney. The Hearings Unit schedules the hearings; rules on pre-trial motions; holds pre-trial hearing conferences; notifies the parties regarding the status of the complaints; secures appropriate facilities in which to conduct the hearings; and maintains as well as preserves the files, case evidence and the case record.

SPECIAL ENFORCEMENT

Special Enforcement investigates systemic charges of discrimination that are initiated by the Commission and conducts special studies or inquiries as requested by the Commission or Executive Director. They also conduct periodic compliance reviews to monitor the implementation progress of conciliation agreements as well as investigates, monitors and makes recommendations on Bona Fide Occupational Qualifications (BFOQ's). SEU complements the work of the regional offices by conducting investigations requiring specialized training and by providing case processing assistance.

ADMINISTRATION

Administration oversees Human Resources; Management Information Services; Fiscal; Staff Development/EEO; and Labor Relations.

HUMAN RESOURCES

Human Resources' primary responsibility is receiving and processing all employment applications for the Commission. Specific duties include all personnel related matters; processing and maintaining payroll records; providing information on personnel rules, regulations, and adherence to civil service law; updating all benefits information for union and exempt employees; and disseminating Commission and other state agencies' employment opportunities information.

MANAGEMENT INFORMATION SERVICES

MIS maintains and stores Commission statistics and case data information, prepares statistical analysis, and disseminates reports to the regions and to other governmental agencies. MIS is also responsible for spearheading the automation of the Commission's regions and offices statewide and the implementation of a computerized information network system.
FISCAL

Fiscal prepares, reviews and administers the Commission budget; administers fiscal matters as regulated by the State of Ohio's Office of Budget and Management; and oversees the work of Micrographics, Distribution and Central Office's copying services. Micrographics microfilms regional and central office files while Distribution receives, stores and maintains inventories of Commission equipment and supplies in addition to maintaining mail services.

STAFF DEVELOPMENT/EOO

This office coordinates in-service and external training programs for staff including new employee orientation, management training, and specialized training for Commission investigators. The EEO function of this office is the monitoring of the Commission's own EEO practices, policies and procedures.

LABOR RELATIONS

Labor Relations assists management in the interpretation of collective bargaining agreements; trains staff in administration of labor contracts; oversees agency policies and procedures; and maintains and coordinates labor management committees. Labor Relations also handles union grievances and represents the Commission in grievance hearings.

TECHNICAL SERVICES

Technical Services oversees Education and Community Relations; Quality Assurance; Compliance and Federal Programs.

EDUCATION AND COMMUNITY RELATIONS

Education and Community Relations conducts on-going education programs to keep Ohio's communities informed and aware of civil rights laws; the Commission, its work, responsibilities and procedures; and the process for filing discrimination charges. This office also coordinates logistics and programs for Commission meetings held around the state; special events; displays, speaking engagements; educational programs for school students; and distribution of Commission publications.
QUALITY ASSURANCE

Quality Assurance prepares the agenda for Commission meetings and receives all cases to be placed on the agenda. They are responsible for making sure the cases filed with the Commission have been properly submitted and follow designated format. Their technical level of monitoring is instrumental in improving and maintaining Commission case quality and productivity.

COMPLIANCE

Compliance performs compliance reviews and assessments, completes notification to all parties of Commission findings, and performs selected quality control assessments in case submissions. Compliance also reviews block grant project requests for civil rights complaint activity. Within Compliance is the Commission’s Affirmative Action Unit, which receives affirmative action plans and progress reports from agencies, instrumentalities, institutions, boards, commissions and other entities of the state or any of its political subdivisions, and submits a summary report to the General Assembly. This unit also provides technical assistance upon request for the development of affirmative action plans.

FEDERAL PROGRAMS

Federal Programs administers and monitors the Commission’s contracts with the U.S. Equal Employment Opportunity Commission and the U.S. Department of Housing and Urban Development. The Commission maintains work sharing agreements with both of these agencies, whereby they defer charges of discrimination filed with them to OCRC for processing and investigation.
The primary functions of OCRC's six regional offices are to (1) receive and investigate charges of discrimination and submit recommendations of finding to the Commission and (2) conduct community outreach services to the specific geographical areas they serve.
AKRON REGIONAL OFFICE
Akron Government Center
161 S. High Street, Suite 205
Akron, Ohio 44308
(216) 379-3100 (VOICE/TTY)
(216) 379-3120 (FAX)
Harold Ware
Regional Director

The Akron Regional Office services eight (8) counties with its staff of 23 persons. Mahoning, Stark, Summit and Trumbull counties provide the bulk of charges filed with this office. Ninety-five percent (95%) of charges filed with this office are by "walk-ins." There were 1,144 new charges filed during fiscal year 1990, compared to 1,124 in fiscal year 1989. Akron processed 916 cases and currently maintains an average total processing time of 146 days. Monetary awards recovered by the Akron Regional Office was $279,913.33.

The regional office provided in-depth EEO training to several major industrial companies and employment counseling to potential new employees through the Private Industry Council recruiting program.

During the early stages of the Persian Gulf crisis, staff demonstrated concern for friends and relatives who were part of Operation Desert Shield by sending them "care" packages. Their actions opened up two way communications with the recipients.
The Cincinnati Regional Office services five (5) counties and has a staff of 24 employees. Out of fiscal year’s 1990 case production of 980 cases, only one was returned to the regional office for additional investigation. A satellite office was established in Middletown to provide the public with increased accessibility to the Commission.

Cincinnati is the first and only OCRC regional office to obtain a $5,000 settlement in a housing case under the new federal Housing Law which allows persons discriminated against in housing to pursue punitive and compensatory damages. It has experienced an increased assignment rate of 200 cases for the fiscal year and an increase in negotiated settlement agreements. This office recovered $922,159.45 in monetary awards and reduced its total processing time average from 207 days to 134.
CLEVELAND REGIONAL OFFICE
Frank Lausche Building
615 W. Superior Avenue, Suite 885
Cleveland, Ohio 44113
(216) 787-3150 (VOICE/TTY)
(216) 787-4121 (FAX)
John A. Browne
Regional Director

The Cleveland Regional Office has jurisdiction over five (5) counties with its staff of 28 persons. This region received 559 charges on the basis of race; 219 on sex; 138 on handicap; 107 on age; 41 on national origin; 16 on religion; 65 on retaliation and 2 on the basis of "other" for a total of 1,147 charges. The region reduced its total processing time from fiscal year 1989’s 183 days to 170 days. Cleveland recovered $432,281.00 in settlements for aggrieved individuals.

The regional office conducted seminars for Lake Erie Community College, Oberlin College, and the Hotel and Service Workers Union as well as for other companies and/or respondents in the region. Two major interests of the public were for information on age and handicap discrimination.

Cleveland’s outreach project was a pilot video project done in English and Spanish. The video provided information on the Civil Rights Commission’s procedures, function and operation. Staff served as the video’s cast.
The Columbus Regional Office has jurisdiction over 35 counties. The majority of charges filed with this regional office come from Franklin, Licking, Fairfield and Coshocton counties. The office went through a massive reorganizational process in fiscal year 1990; staff size was 23 employees. Their charge intake increased by 25%; case production increased by 46% and probable cause findings increased between 12-15%.

The region was particularly proud of two monetary awards it recovered in age discrimination cases - $50,000 and $39,000.
The Dayton Regional Office services nine (9) counties, with Montgomery County generating the most charges for their staff of 23 persons. The region received 259 charges of discrimination on the basis of race; 185 on sex; 65 on age; 52 on handicap; 19 on retaliation; 8 on national origin; 4 on religion; 3 on color and 1 on ancestry, for a total of 596. Over $500,000 in monetary awards were recovered by the Dayton region. Dayton has the distinction of having the lowest processing time in the state - 96 days.

Staff spent a substantial amount of time providing training and educational programs as part of its outreach efforts to public and private sector employees and employers; high school, college and university students; churches; and union officials and their membership.

In addition to their job responsibilities and outreach efforts, the Dayton staff pursued training and development through educational institutions and professional organizations.
The Toledo Regional Office services 26 counties. Most of the charges filed with the Toledo Regional Office come from Lucas, Allen, Marion, Hancock, Richland and Erie counties. Toledo's staff of 26 persons received over 945 new cases during fiscal year 1990, 23.1% of them cited more than one basis of alleged discrimination. The office recovered $1,419,922.00 in monetary awards for its clients.

Major thrusts of this office's outreach efforts were speaking engagements, including video presentations, participating in panel discussions, or serving as workshop or seminar facilitators. Audiences reached include criminal justice personnel, nursing home and health care administrators, college and university students, city and state government management staffs as well as private industry management and line staff.
THE CHARGE

Individuals (Charging Party) who feel they have been discriminated against must file a charge of discrimination with OCRC within six (6) months of the alleged act of discrimination. Upon contacting the Commission's regional office located nearest to them, a staff member (Charge Taker) discusses the complaint and determines if the allegations fall within the Commission's jurisdiction. The Charge Taker helps the individual draft the wording of the Charge Affidavit, and prepares it in legal form for the individual to review, approve and sign under oath.

THE INVESTIGATION

The responsibility for investigating a charge or charges is assigned to a Civil Rights Field Representative (Investigator). During the investigation, the Investigator contacts the Respondent (the person(s) or company/entity responsible for the alleged act of discrimination). The Investigator also contacts the Charging Party and any identified witnesses to discuss the allegations in detail. The Investigator determines if there is sufficient evidence to conclude that it is probable Ohio's Laws Against Discrimination have been violated. The Investigator will attempt to negotiate a voluntary settlement prior to making any determination on the merits of the charge(s).

Once enough evidence to support a recommendation has been accumulated, the Investigator discusses the recommendation with the Charging Party, and answers any questions. Generally speaking the recommendation will be either NO PROBABLE CAUSE or PROBABLE CAUSE. The recommendation is then submitted in written form to the Investigator's supervisor, then to the Regional Director and finally to the Commissioners, who must approve the report before it becomes the official finding of the Commission.

If the preponderance of evidence is insufficient to substantiate charge(s) of discrimination, the Commissioners must make a finding that it is NOT PROBABLE a violation of the law has occurred and dismiss the charge(s) with a finding of NO PROBABLE CAUSE.
If the preponderance of evidence is sufficient to substantiate that discrimination has occurred, Commissioners make a finding that it is PROBABLE a violation of the law has occurred, and issue a PROBABLE CAUSE finding.

REQUEST FOR RECONSIDERATION

After a formal LETTER OF DETERMINATION concerning a charge has been issued, each side (Charging Party and Respondent) has the right to ask the Commissioners to reconsider their decision. The LETTER OF DETERMINATION contains a form explaining the method for making such a request. As per the Ohio Revised Code, the request for reconsideration must be submitted within fifteen (15) days of the date on the LETTER OF DETERMINATION. No one has the authority to extend this deadline, or to grant any party an exception to this rule.

If the request for reconsideration is received within the time limit, Commissioners review the request and the case file to decide whether to grant the request. If the Commissioners decide to grant the request, the case is returned to the regional office where the charge was filed for further investigation. Once the investigation is completed, the original recommendation could be upheld or a new recommendation submitted to the Commission. If the Commissioners vote to deny the request, no further action is taken.

Each side to a charge of discrimination is entitled to only one request for reconsideration.

CONCILIATION

If the investigation of the charge(s) evidences that it is probable discrimination occurred, staff must attempt to negotiate a settlement between the parties. The types of remedies available through OCRRC are explained to the Charging Party. When settlement is possible, the terms offered by the Respondent are discussed with the Charging Party and he/she must agree to them before they can be accepted. The Charging Party is asked to sign an agreement showing acceptance of the offer and understanding that the matter has been settled to his/her satisfaction.

If settlement is not possible, Commissioners are informed that conciliation efforts failed and are asked to issue a FORMAL COMPLAINT AND NOTICE OF PUBLIC HEARING.
PUBLIC HEARING

The charges and evidence supporting the charges are presented at the public hearing (a quasi-judicial forum) before a Hearing Examiner. The Ohio Attorney General’s Office represents OCRG, and presents its case in favor of the decision. The Respondent presents its defense. Witnesses are called to testify under oath, documents and other written evidence is presented, and the attorneys for both sides offer legal arguments to the Hearing Examiner. Sometime after the hearing has been concluded, the Hearing Examiner issues FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATIONS to the Commission. Both sides have opportunity to file written objections to these.

The Commissioners review the FINDINGS OF FACT, CONCLUSIONS OF LAW, and RECOMMENDATIONS, and any objections filed by the parties, and issues a FINAL ORDER in the case. This may be an ORDER OF DISMISSAL, which means that evidence does not substantiate that discrimination has occurred, or a CEASE AND DESIST ORDER, which means that discrimination has been substantiated. At that time, the Commission orders the Respondent to take certain remedial steps.
Alleged Bases of Discrimination
July 1, 1989 - June 30, 1990

- Race/Color: 2380 cases
- Sex: 1485 cases
- Age: 753 cases
- Handicap: 752 cases
- National Origin: 286 cases
- Religion: 190 cases

# of Cases

Alleged Issues of Discrimination
July 1, 1989 - June 30, 1990

- Discharge: 2468 issues
- Terms/Conditions: 819 issues
- Other: 594 issues
- Harassment: 497 issues
- Hiring: 379 issues
- Promotion: 335 issues
- Discipline: 248 issues
- Wages: 236 issues
- Lay Off: 224 issues
- Suspension: 220 issues
- Sexual Harassment: 201 issues
- Demotion: 136 issues
- Recall: 98 issues
- Exclusion: 62 issues
- Intimidation: 60 issues
- Pay Comparability: 58 issues
- Reinstatement: 53 issues
- Maternity: 48 issues

Total = 6706

# of Issues

NOTE: Individual charges can be filed alleging multiple bases/issues of discrimination
Types of Charges Closed
July 1, 1989 - June 30, 1990

- Employment: 4816
- Housing: 137
- Public Accom.: 63
- Credit: 14
- Handicap/Educ.: 8

Total = 5038

Case Dispositions
July 1, 1989 - June 30, 1990

- No Probable Cause: 3164
- Negotiated Agreement: 782
- Withdrawal With Benefits: 524
- Withdrawal, No Benefits: 235
- Issue Formal Complaint: 115
- Conciliation: 58
- No Jurisdiction: 57
- Admin. Closure: 42
- Refused Full Remedy: 34
- Fail to Loc/Res/Coop: 27

Total = 5038

Dispositions

Loc = Locate  Res = Respond  Coop = Cooperate
Summary of Regional Charges Filed
July 1, 1989 - June 30, 1990

- Akron (19.8%)
- Toledo (18.7%)
- Cincinnati (12.9%)
- Dayton (11.4%)
- Cleveland (16.9%)
- Columbus (20.3%)

Monetary Benefits Collected
July 1, 1989 - June 30, 1990

- Special Enforcement ($63,327)
- Toledo ($1,140,159)
- Attorney General ($686,886)
- Akron ($427,783)
- Dayton ($672,680)
- Cincinnati ($947,724)
- Cleveland ($432,281)
- Columbus ($413,932)

NOTE: The Attorney General's Office and OCRC's Special Enforcement Unit settle cases and recover monetary benefits but do not receive charges of discrimination
GENERAL REVENUE FUND (GRF)

The General Revenue Fund are monies appropriated to the Ohio Civil Rights Commission by the Ohio General Assembly.

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<th>Amount</th>
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**TOTAL GRF APPROPRIATIONS** $7,649,905

EXPENDITURES

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**TOTAL EXPENDITURES** $7,649,905