33RD ANNUAL REPORT

OF

THE OHIO CIVIL RIGHTS COMMISSION
June 1992

The Honorable George V. Voinovich
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 33rd Annual Report.

Respectfully,

FOR THE COMMISSION

[Signature]
Rev. E. Theophilus Caviness, Chairman
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APPROPRIATIONS AND EXPENDITURES
The Ohio Civil Rights Commission (OCRC) was established July 1959 by the Ohio Legislature. The powers, duties, jurisdiction, 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, disability, age, ancestry or familial status. The Commission 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; or with OCRC’s Middletown satellite office. 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 in credit

NOVEMBER 13, 1979
Law prohibiting discrimination by reason of age 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

JUNE 30, 1992
Familial status added as a protected class in housing discrimination; housing discrimination law amended to bring state law into conformity with Title VIII of the Fair Housing Act of 1968, as amended

State law brought into conformity with federal Americans With Disabilities Act
The five-member board of Commissioners are the final arbiters in the Ohio Civil Rights Commission's internal process. They are appointed to staggered five year terms 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 decisions of the Commission.

Rev. E. Theophilus Caviness of Cleveland is the Commission Chair. Remaining Commissioners serving during fiscal year 1992 were John H. Burlew III, Cincinnati; Alyce D. Lucas, Dayton; Grace Ramos, Beavercreek; and Nirmal K. Sinha, Columbus.
During fiscal year 1992, major federal and state legislation was implemented which increased the civil rights protection of persons with disabilities and families with children.

The federal Americans With Disabilities Act (ADA) began its multi-phase implementation in January. The ADA establishes accessibility requirements for both the public and private sector. Making the work, play and living environs more amenable to the needs of persons with disabilities will enable them to lead fuller, more active and productive lives in the American society. OCRC’s enforcement responsibilities of the ADA are for Title III of the Act, Public Accommodations, effective this past January; and Title I of the Act, Employment, which becomes effective in fiscal year 1994.

On the state level, passage of Amended Substitute H.B. 321 in June made significant and immediate changes to the Ohio Revised Code. Ohio’s fair housing statute was brought into conformity with federal fair housing legislation. Familial status, or persons with children, was added as a protected class under the Commission’s jurisdiction as was a one year filing period for housing discrimination charges. H.B. 321 also brought the Revised Code into conformity with the provisions of the ADA, such as the addition of the ADA’s definition of disability to Ohio law and made numerous other technical changes.

There are now 9 protected classes under OCRC’s jurisdiction. Discrimination is prohibited on the bases of race, color, sex, religion, national origin, disability, ancestry, age and familial status in the areas of employment, public accommodations, housing, credit and higher education. We anticipate discrimination charges based upon race, sex, disability and age to continue leading the approximately 6,000 charges filed with OCRC annually, and that discrimination charges in housing will increase.

Our efforts on behalf of the rights of all Ohioans continues. This third report of our fourth decade of service documents who we are, what we do and our accomplishments. It also presents data on the number of discrimination charges filed with us; the resolution of those charges; and monetary rewards recovered.

It is a pleasure to submit this report for your reading.
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 is the driving force behind the Agency and is accountable to the Commissioners. The Executive Director has the responsibility for overseeing the implementation of the policies and determinations of the Commission; submits the Commission's budget to the Ohio Legislature and gives budget testimony before its committees. 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 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, consisting of Human Resources, including Personnel, Micrographics, Labor Relations and Staff Development/EEO; Management Information Systems (MIS); and Fiscal; and Technical Services, consisting of Education and Community Relations; Quality Assurance; Compliance; and Federal Programs. OCRC's Chiefs of Administration and Technical Services and the six Regional Office Directors report to the Executive Director, as do the Hearings, Special Enforcement and Public Information offices.

Also housed in Central Office is the Commission on Socially Disadvantaged Black Males, the oversight and coordination responsibilities for which was given to OCRC in fiscal year 1991. The Commission was codified by the General Assembly during fiscal year 1992, thereby establishing it as a permanent body. Its focus is on how state government can address the needs of Ohio's African American males in employment, health, education and criminal justice.
HEARINGS

The work of the Hearings Unit begins after the Commission issues a Formal Complaint in the disposition of a charge of discrimination. The Formal Complaint means the Commission found probable cause (it is likely that an act of discrimination did occur) and conciliation efforts (attempts to reach a workable solution between the two parties) failed. The next step in the process is the holding of a public hearing, which is a quasi-judicial forum presented before a Hearing Examiner. 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 UNIT (SEU)

The Special Enforcement Unit 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 investigate, monitor and make 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.

PUBLIC INFORMATION

Public Information is responsible for designing and implementing a multi-faceted statewide program that includes media relations, responding to requests for information from the various publics the Commission serves, special projects, and producing Agency publications such as annual reports, newsletters and brochures. This office also works closely with Education & Community Relations in addition to providing technical assistance to OCRC’s Regional Offices.
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. Micrographics is responsible for microfilming Regional and Central Office files.

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.

STAFF DEVELOPMENT/EEO

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 to monitor the Commission's own EEO practices, policies and procedures.

MANAGEMENT INFORMATION SYSTEMS (MIS)

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 Distribution and Central Office's copying services. Distribution receives, stores and maintains inventories of Commission equipment and supplies in addition to maintaining mail services.
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 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.
The Akron Regional Office services eight (8) counties with its staff of 25 persons. Summit and Mahoning Counties provide the bulk of charges filed with this office. There were 1,379 new charges filed during fiscal year 1992, an increase from the 1,159 new charges filed during fiscal year 1991. Monetary awards recovered by the Akron Regional Office were $602,161. Of particular note was a settlement of more than $26,000 for an age discrimination case. The Akron office has experienced an increase in the number of charges filed based on disability, sexual harassment and housing discrimination, as well as an increase in the number of requests to review case files.

Akron’s outreach efforts include presentations to students at the Adult Public School Vocational Division, Kent State University, Waynedale High School, Perkins Middle School, and the College of Wooster; and discussing unlawful discrimination with members of the United Auto Workers union.
The Cincinnati Regional Office services five (5) counties and has a staff of 23 employees. Hamilton County generates the majority of charges filed with this office. Cincinnati received 812 new charges, an increase from the 753 new charges filed during fiscal year 1991. This region had one of the highest settlement rates of all six OCRC regions and recovered $1,255,640 in monetary benefits.

Cincinnati’s major outreach efforts during fiscal year 1992 were seminars for The Concerned City Employees for Equal Opportunity and being involved in the development of an Affirmative Action Plan for the Franciscan Health System of Cincinnati Inc. Additionally, staff made presentations to the Purcell Marian School, Blue Chip Chapter Women’s American ORT, AFL-CIO Conference, Uptown Towers Tenant’s Association and Employment Services Network.
The Cleveland Regional Office has jurisdiction over five (5) counties and has a staff of 30 persons. Lake, Geauga and Ashtabula Counties generate the most charges for this region. The office received 872 new charges of discrimination in fiscal year 1992, an increase from the 794 new charges filed in fiscal year 1991. Monetary awards recovered by the Cleveland staff were $327,454.

Cleveland’s Regional Director in particular was heavily involved in conducting training in the Cleveland area and throughout the State. Presentations were made to such organizations and businesses as the Cleveland Job Corps Center, Baldwin Wallace College, Southern Ohio Correctional Facility, The Cuyahoga Plan, Kirtland High School, City of Strongsville Housing Conference, Ohio Lottery Commission, the Ohio Department of Administrative Services, AFSCME, and the Cleveland Employers Equal Opportunity Association.
The Columbus Regional Office has jurisdiction over 35 counties and has a staff of 25 employees. Franklin and Licking Counties generated the most charges filed. There were 1,202 new charges filed with this office during fiscal year 1992, an increase from the 1,068 new charges filed in fiscal year 1991. The office recovered $488,292 in monetary awards. During fiscal year 1992 the charge filing process was restructured. The staff went from scheduled appointments to no appointments during core work hours. As a result of this change, case inventory increased dramatically.

The majority of Columbus Region's outreach efforts were providing sexual harassment training and presentations, particularly to private industry.
The Dayton Regional Office services nine (9) counties. Montgomery County generates the most charges for the Dayton office. There were 605 new charges filed with this region, an increase from the 559 new charges filed in fiscal year 1991. The office had the highest production rate in the state and recovered $763,995 in monetary awards. The Dayton Regional Office established a satellite office in Springfield to provide discrimination investigations for the Springfield Human Relations Department.

Dayton staff responded to 32 requests for training. Employment discrimination seminars were provided to such organizations as the Miami Valley Regional Transit Authority, Miami Valley Personnel Association, Dayton Bar Association’s Labor Law Committee, AFL-CIO-United Way, Wright State University, Trotwood Madison Schools and Kettering Medical Center.
The Toledo Regional Office services 26 counties with its staff of 25. Lucas and Allen Counties generated the most charges filed. The Toledo office received 1,085 new charges of discrimination in fiscal year 1992, an increase from the 952 new charges filed the previous fiscal year. Over 24% of Toledo’s cases were resolved by settlements; staff recovered $1,215,528 in monetary awards.

The staff provided training or presentations to the Toledo Bar Association, University of Toledo, Northwest Ohio Chapter of the American Society for Public Administration, Ohio State Apprenticeship Council, Sandusky High School, Marion Correctional Institute and South Toledo Kiwanis Club.
THE CHARGE
An individual (Charging Party) who feels he or she has 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, the 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 OCRC rules, 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) reveals that it is probable discrimination occurred, staff must attempt to negotiate a settlement between the parties. The types of remedies available through OCRC 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, the Commissioners are informed that conciliation efforts failed and are asked to issue a FORMAL COMPLAINT AND NOTICE OF PUBLIC HEARING.

PUBLIC HEARING

The charge(s) and evidence supporting the charge(s) are presented at the public hearing (a quasi-judicial forum) before a Hearing Examiner. The Ohio Attorney General's Office represents OCRC, 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. 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, any objections filed by the parties, and issue 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.

Should the Respondent fail to comply with the FINAL ORDER of the Commission, it can seek the enforcement of the order through the Court of Common Pleas.

JUDICIAL REVIEW

The Charging Party or the Respondent can appeal the FINAL ORDER of the Commission by petitioning the Court of Common Pleas for a judicial review. The petition must be filed in the county where the act of discrimination and subject of the Commission order took place or in the county where the Respondent resides or transacts business. Either party can pursue appeals through the civil court system, up to and including to the U.S. Supreme Court.
Alleged Bases of Discrimination
July 1, 1991 - June 30, 1992

- Race/Color: 2533
- Sex: 1607
- Handicap: 1061
- Age: 889
- Retaliation: 619
- National Origin: 261
- Religion: 92

Total = 7,062

Alleged Issues of Discrimination
July 1, 1991 - June 30, 1992

- Discharge: 2769
- Terms/Conditions: 1007
- Harassment: 622
- Other: 464
- Hiring: 392
- Promotion: 367
- Lay Off: 349
- Discipline: 290
- Sexual Harrasment: 255
- Suspension: 231
- Wages: 208
- Demotion: 195
- Maternity: 134
- Recall: 106
- Exclusion: 67
- Reinstatement: 56
- Benefits: 51
- Intimidation: 47
- Training: 39
- Union Representation: 38
- Job Classification: 27
- Pay Comparability: 16

Total = 7730

NOTE: Individual charges can be filed alleging multiple bases/issues of discrimination
Types of Charges Closed
July 1, 1991 - June 30, 1992

- Employment: 5346
- Housing: 177
- Public Accom.: 79
- Credit: 19
- Handicap/Educ.: 8

Total = 5,629

Case Dispositions
July 1, 1991 - June 30, 1992

- No Probable Cause: 3305
- Negotiated Agreement: 748
- Withdrawal With Benefits: 593
- Withdrawal, No Benefits: 433
- Issue Formal Complaint: 246
- Admin. Closure: 146
- No Jurisdiction: 61
- Conciliation: 55
- Fail to Loc/Res/Coop: 42

Total = 5629

Loc = Locate      Res = Respond      Coop = Cooperate
Summary of Regional Charges Filed
July 1, 1991 - June 30, 1992

Total # of Charges Filed = 5,955

Monetary Benefits Collected
July 1, 1991 - June 30, 1992

Total Dollar Amount = $4,654,570

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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TOTAL GRF APPROPRIATIONS $6,803,951.00

EXPENDITURES

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TOTAL EXPENDITURES $6,803,951.00
Fund 334 represents spending authority as a result of worksharing agreements with the the U.S. Department of Housing and Urban Development, the U.S. Equal Employment Opportunity Commission and the Ohio Civil Rights Commission. These agencies defer charges of discrimination filed with them to the OCRC for processing and investigation.

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**EXPENDITURES**

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**TOTAL FUND 334 EXPENDITURES** $2,422,266.00
THE OHIO CIVIL RIGHTS COMMISSION
220 PARSONS AVENUE
COLUMBUS, OHIO  43266-0543
614/466-2785
614/466-9353 VOICE/TTY

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COMMISSIONER ALYCE D. LUCAS
DAYTON
COMMISSIONER GRACE RAMOS
BEAVERCREEK
COMMISSIONER NIRMAL K. SINHA
COLUMBUS

JOSEPH T. CARMICHAEL
EXECUTIVE DIRECTOR