

OHIO CIVIL RIGHTS COMMISSION

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FY 2019
**ANNUAL
REPORT**

July 1, 2018 -
June 30, 2019



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Commissioners



Lori Barreras, Chair (Columbus)
Commissioner - Nov. 2013 - Mar. 2018
Chair - Mar. 2018 - Present
(Term expiring July 2023)



William W. Patmon, III (Gahanna)
Commissioner
Aug. 2012 - expiring July 2022



Madhu Singh (Akron)
Commissioner
Aug. 2015 - expiring July 2024



Juan Cespedes (Columbus)
Commissioner
Feb. 2016 - expiring July 2020



Dr. Carolyn Peters (Dayton)
Commissioner
May 2018 - expiring July 2021



OHIO CIVIL RIGHTS COMMISSION

Governor Mike DeWine

Commissioners: Lori Barreras, Chair | Juan Cespedes | William Patmon, III | Dr. Carolyn Peters | Madhu Singh
Executive Director G. Michael Payton

June 30, 2019



To Governor DeWine, Members of the 133rd General Assembly, and Citizens of Ohio:

On behalf of our Commissioners and staff, I am pleased to present our Annual Report for state Fiscal Year 2019. After more than 55 years of public service to our state, this report reflects our continuing effort to make a difference and fulfill our statutory mission as the primary educator and enforcer of Ohio's laws against discrimination.

We remain dedicated to executing the powers granted to us under Ohio Revised Code Chapter 4112 and believe Ohio is strongest when its citizens are empowered with employment, a safe place to live, and access to the many diverse cultural and recreational opportunities throughout the state.

We are grateful for your continuing trust and support. We look forward to answering your questions or concerns. Thank you for the opportunity and honor of serving our great state.

Respectfully,

A handwritten signature in blue ink, which appears to read "G. Michael Payton".

G. Michael Payton
Executive Director

Mission & Vision

Our Ohio - Diverse. Strong. Protected.

We are the Ohio Civil Rights Commission, primary educator and enforcer of Ohio's laws against discrimination.

We will be professional, competent and fair to our clients and all Ohio citizens as we educate the public and investigate claims of discrimination. It is our role to be a strong force in promoting positive human relations among our diverse population.

We value our employees for their skills, commitment and creativity. We will provide a work environment based on empowerment, mutual respect and honesty for all employees. We will create a culture where continuous learning is valued and opportunities for training and professional growth are provided to all employees. We will incorporate technological innovations and processes in achieving our mission.

Values

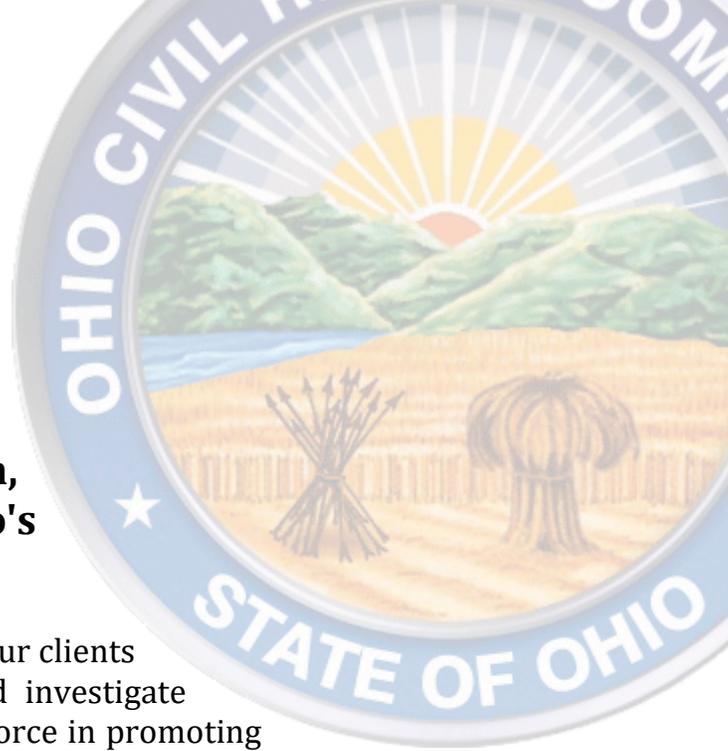
Public Service. We are committed to serving and educating the public in a professional, impartial and efficient manner. Quality service will be accomplished by utilizing skilled and motivated employees who are responsive to our customers' needs.

Dedication. We will demonstrate our commitment to public service by being responsible, dependable and proactive professionals. We will maintain pride and excellence in fulfilling our mission.

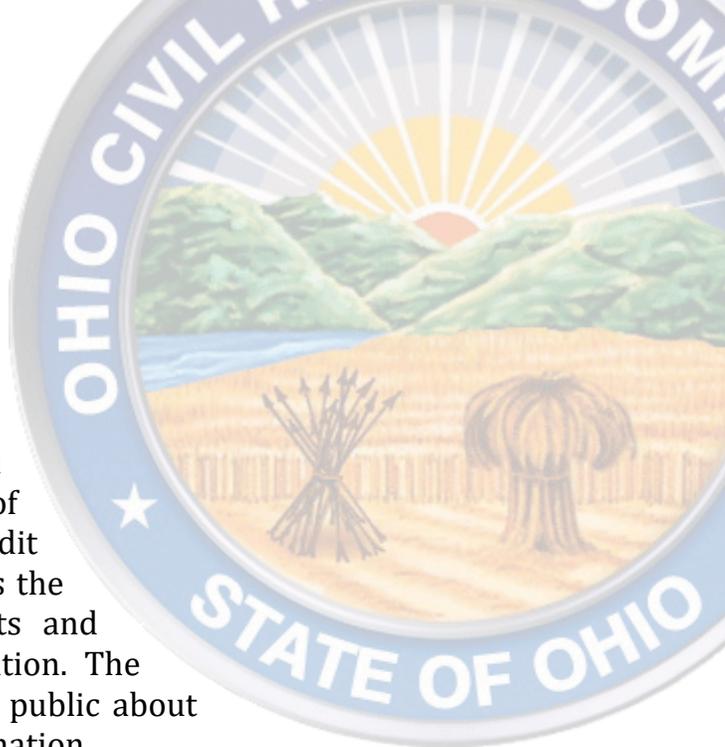
Teamwork. We will empower our employees to achieve a quality work product and harmonious workplace through open communication, positive interaction and a spirit of cooperation.

Respect. We respect the diversity, talents and ideas of all OCRC employees, our most valued resource. We honor the right of every employee and the public to contribute, to be heard and to be treated with dignity.

Integrity. We pledge to fulfill our duties and responsibilities in a fair and impartial manner. We will be honest and trustworthy in our relationships with one another and with the public.



Powers & Duties



The general powers and duties of the Commission are to receive, investigate, render preliminary findings, conciliate, mediate, and hold hearings on charges of unlawful discrimination in the areas of employment, housing, public accommodations, credit and disability in institutions of higher education. It is the Commission's responsibility to educate constituents and stakeholders about Ohio's Laws Against Discrimination. The Commission's programs are designed to educate the public about these laws and the consequences of unlawful discrimination.

The Ohio Civil Rights Act, Ohio Revised Code Chapter 4112, is the governing mandate that provides our agency with the responsibility of investigating discrimination in the areas of:

- ◆ Employment (1959) – R.C. 4112.02(A)-(F)
- ◆ Places of Public Accommodations (1961) - R.C. 4112.02(G)
- ◆ Housing (1965) – R.C. 4112.02(H)
- ◆ Credit (1976) – R.C. 4112.021
- ◆ Disability in Higher Education (1984) – RC. 4112.022

The Protected Bases

People can file charges of discrimination with the Ohio Civil Rights Commission if they believe they have been impacted or treated disparately, discriminated against, or harassed on the basis of:

- ◆ Race
- ◆ Religion
- ◆ National Origin
- ◆ Disability
- ◆ Military Status
- ◆ Marital Status (credit only)
- ◆ Retaliation for opposing an illegal discriminatory practice, or participating in anti-discrimination proceedings before the Commission.
- ◆ Color
- ◆ Sex
- ◆ Ancestry
- ◆ Age (does not apply to housing)
- ◆ Familial Status (housing only)

Ohio's Civil Rights History



A Historical Perspective of Ohio's Laws Against Discrimination

Ohio has a long history of civil rights enforcement. The Ohio Public Accommodations Law of 1884 was enacted to prohibit discrimination on the basis of race in all public facilities. This law applied to movie theaters, stores and restaurants.

More than 70 years later, in 1959 Ohio became the 16th state to ratify legislation prohibiting discrimination in employment on the basis of race, color, religion, national origin and ancestry. Ohio's Fair Employment Practices Law was championed under the leadership of Ohio Governor C.W. O'Neil and was signed into law on July 29, 1959 by Governor Michael V. DiSalle as the Ohio Civil Rights Act of 1959.

The Ohio Civil Rights Act of 1959 established Ohio's Fair Employment Practices Commission, charged with enforcing Ohio's Laws Against Discrimination. In 1961, the Ohio General Assembly renamed the agency the Ohio Civil Rights Commission (OCRC). While primarily concerned with discrimination in employment, the Ohio legislature granted discretionary authority to study, advise and issue statements regarding all civil rights related matters of the state.

OCRC works to enhance understanding of Ohio's anti-discrimination laws through education and outreach activities. In addition to free trainings on Ohio's civil rights law, which are regularly provided to individuals and businesses, OCRC often participates in important community programs and events around the state. **In FY 2019, OCRC participated in more than 200 education and outreach events.** The boxes throughout this report are representative highlights of our education and outreach activities in FY 2019.



Chronology

July 29, 1959: Ohio Fair Employment Practices Commission established

1961: Agency name changed to Ohio Civil Rights Commission (OCRC)

1961: Ohio's Laws Against Discrimination amended to include protections against religious discrimination

1965: Ohio's Laws Against Discrimination amended to include protections against discrimination in housing

1976: Ohio's Laws Against Discrimination amended to include protections against discrimination in the issuance of credit

1978: OCRC and the United States Equal Employment Opportunity Commission (EEOC) enter into a Work Sharing Agreement which provides dual filing for employment charges

1984: Ohio's Laws Against Discrimination amended to include protections against discrimination of people with disabilities by institutions of higher education

1988: OCRC and United States Department of Housing & Urban Development (HUD) enter into a Work Sharing Agreement to investigate and eradicate housing discrimination

1992: Ohio's fair housing statute brought into conformity with the federal Fair Housing Act by adding "familial status" to the protected classes and requiring a one year filing period for housing discrimination charges

1998: Introduction of an Alternative Dispute Resolution (a.k.a. mediation) program; during the first year the Commission successfully mediated 73% of all charges in which the parties voluntarily elected to participate in the program

1999: Alternative Dispute Resolution program recognized by the United States Department of Housing and Urban Development with a national "Best Practices" award

2008: Ohio's Laws Against Discrimination amended to include protections against discrimination on the basis of military status

2009: Ohio Civil Rights Hall of Fame established, acknowledging outstanding Ohioans, who are pioneers in human and civil rights and those who have advanced the goals of equality and inclusion

As part of OCRC's education mission, staff in FY 2019 reached out to many students and learning institutions. The Commission held a regular meeting at **University of Akron** in October 2018 and **Wright State University** in March 2019. Staff members also provided presentations and trainings at **Denison University** and **Kent State University**.

In addition to higher education institutions, staff visited local high schools such as **John Marshall High School (Cleveland)** and **Jefferson High School (Dayton)** to share information about the Commission's work.

Regional Offices



Central Office
Darlene Sweeny-Newbern,
Director of Regional Operations
Rhodes State Office Tower
30 East Broad Street, 5th Floor
Columbus, Ohio 43215
Telephone: (614) 466-2785
Fax: (614) 644-8776
TTY: (614) 752-2391



Akron Regional Office
Bradley S. S. Dunn, Regional Director
Akron Government Building
161 S. High Street, Suite 205
Akron Ohio 44308
Telephone: (330) 643-3100
Fax: (330) 643-3120



Cleveland Regional Office
Vera Boggs, Regional Director
Lausche State Office Building
615 W. Superior Avenue, Suite 885
Cleveland, Ohio 44113
Telephone: (216) 787-3150
Fax: (216) 787-4121



Columbus Regional Office
Aman Mehra, Regional Director
Rhodes State Office Tower
30 East Broad Street, 4th Floor
Columbus, Ohio 43215
Telephone: (614) 466-5928
Fax: (614) 466-6250



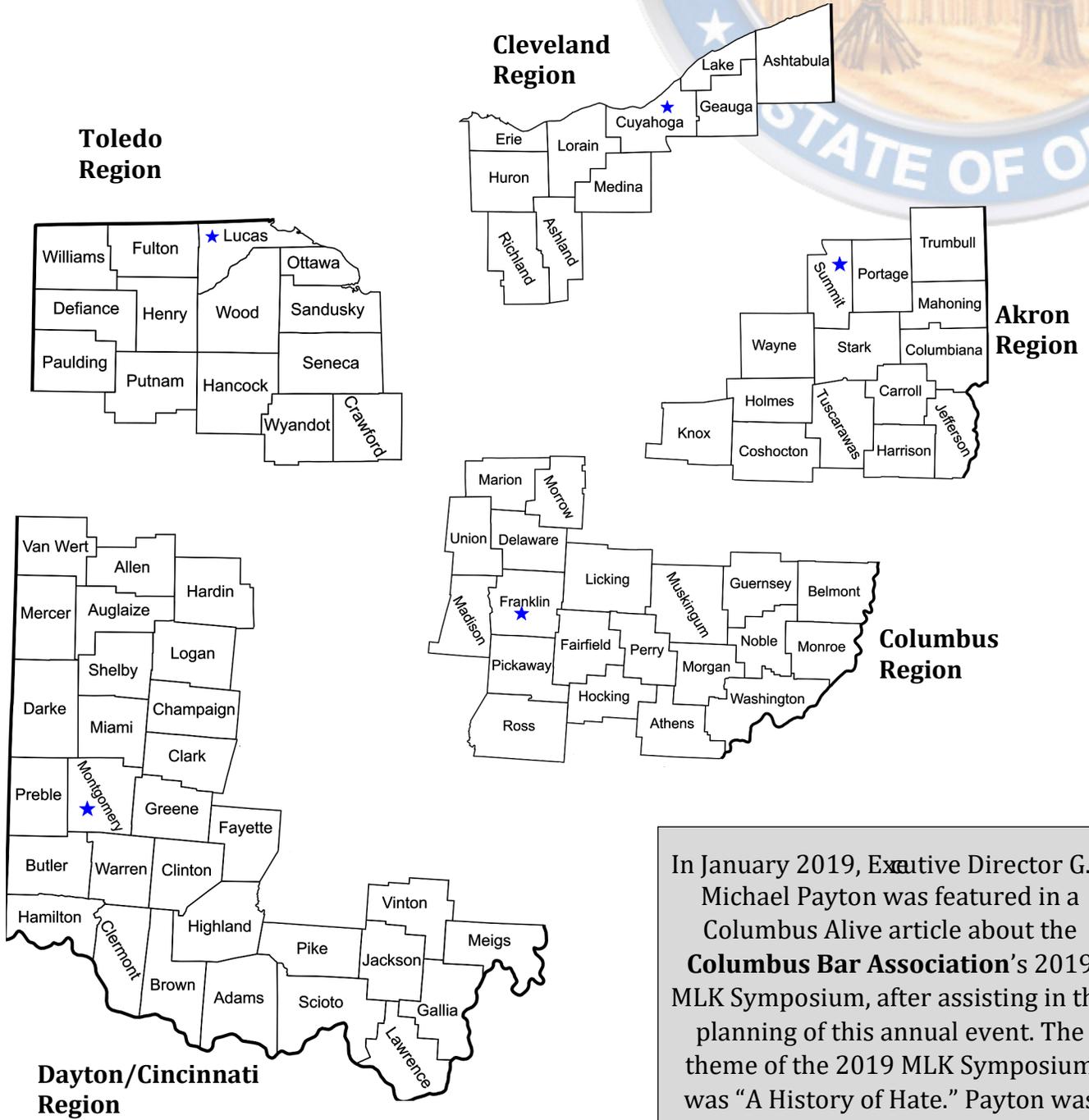
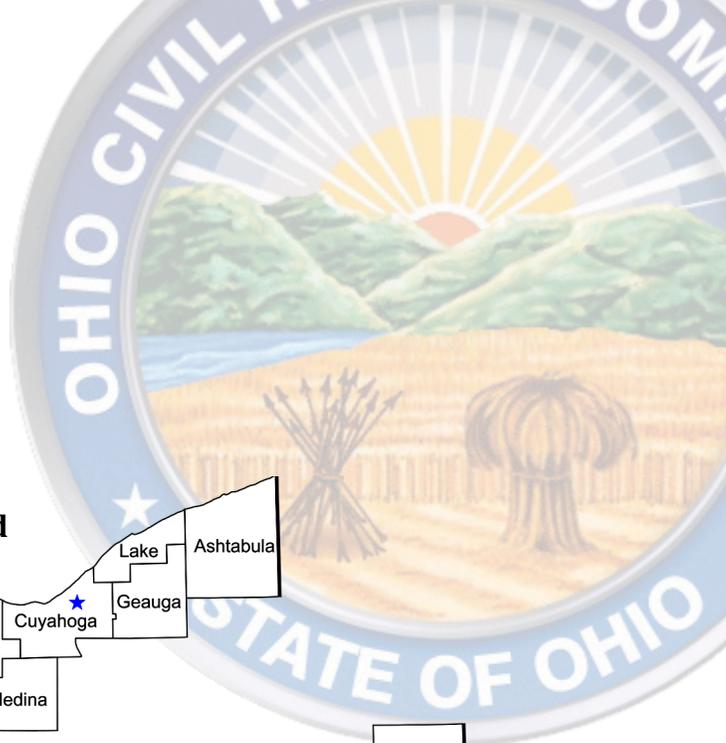
Dayton Regional Office
Deborah Heater, Regional Director
Point West III
3055 Kettering Blvd, Suite 111
Dayton, Ohio 45439
Telephone: (937) 285-6500



Toledo Regional Office
Inder LeVesque, Regional Director
One Government Center
640 Jackson Street, Suite 936
Toledo, Ohio 43604
Telephone: (419) 245-2900
Fax: (419) 245-2668

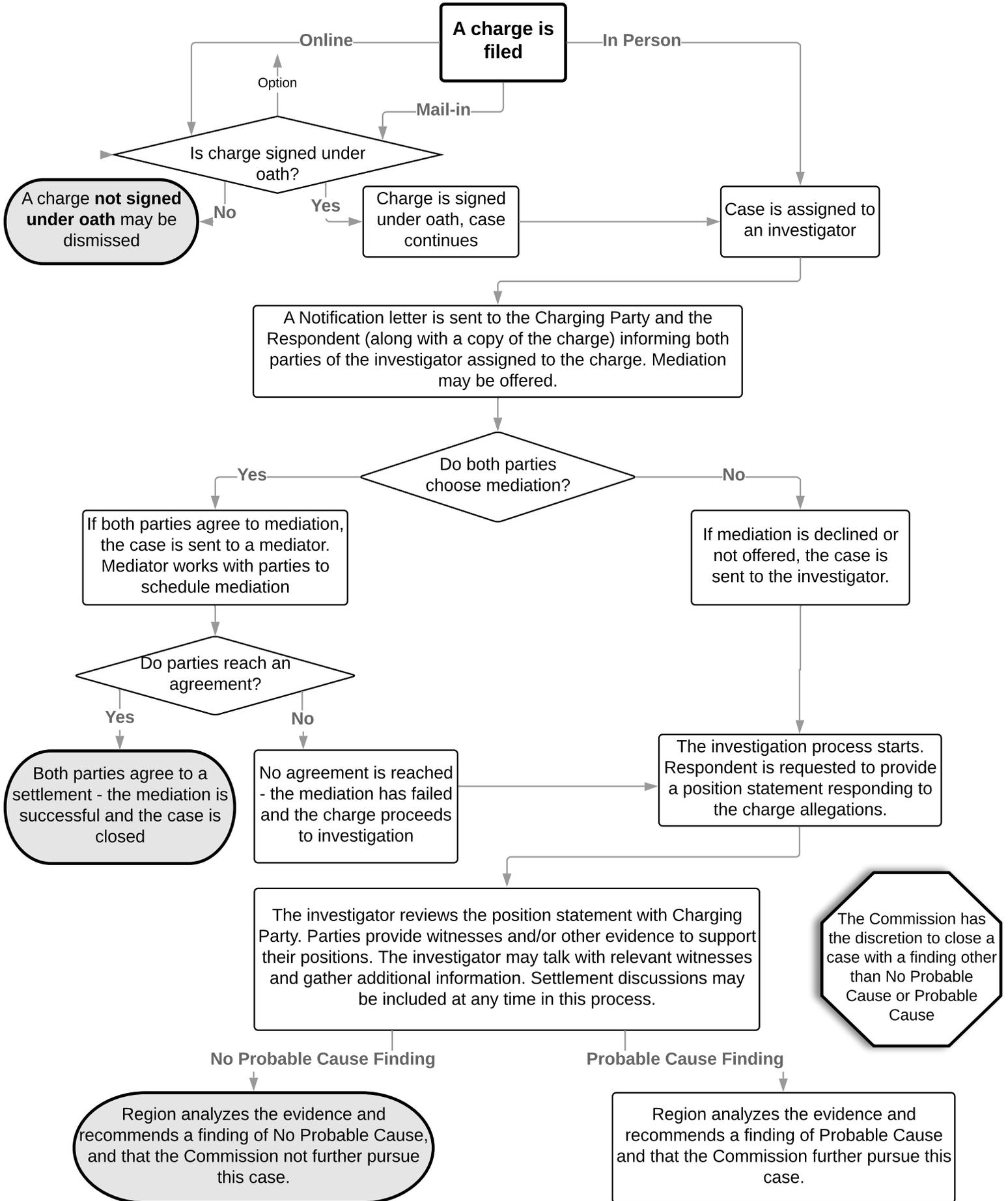
Cincinnati Satellite Office
Deborah Heater, Regional Director
Mid-Pointe Towers
7162 Reading Road, Ste. 1005
Cincinnati, Ohio 45237
Telephone: (513) 351-2541
Fax: (513) 351-2616

Regional Office Map



In January 2019, Executive Director G. Michael Payton was featured in a Columbus Alive article about the **Columbus Bar Association's** 2019 MLK Symposium, after assisting in the planning of this annual event. The theme of the 2019 MLK Symposium was "A History of Hate." Payton was also a keynote speaker at the Columbus **Realtist Association's** Black History Month event in February 2019.

A General Overview of the Ohio Civil Rights Commission Charge Filing Process



Investigation & Enforcement



Any person who believes they have been subjected to unlawful discrimination may file a charge of discrimination with the Ohio Civil Rights Commission. Our regional offices are located in Akron, Cleveland, Columbus, Dayton and Toledo. OCRC also has a satellite office in Cincinnati. **All services are free of charge and complaints can be filed at any OCRC office or through our website's online charge filing process (crc.ohio.gov/FilingaCharge/ChargeFilingProcedure.aspx).**

OCRC also has the power to self-initiate an investigation in the areas of employment and housing.

Complaints must be based on the belief the discriminatory act occurred because of the person's protected class or in retaliation for having participated in a protected activity (such as having filed a previous charge of discrimination or complaining of a discriminatory act) or opposing discriminatory acts.

Complaints must be filed within six months (or one year for housing complaints) of the alleged act of discrimination. OCRC has one year from the date on which the charge of discrimination was filed to issue a formal complaint.

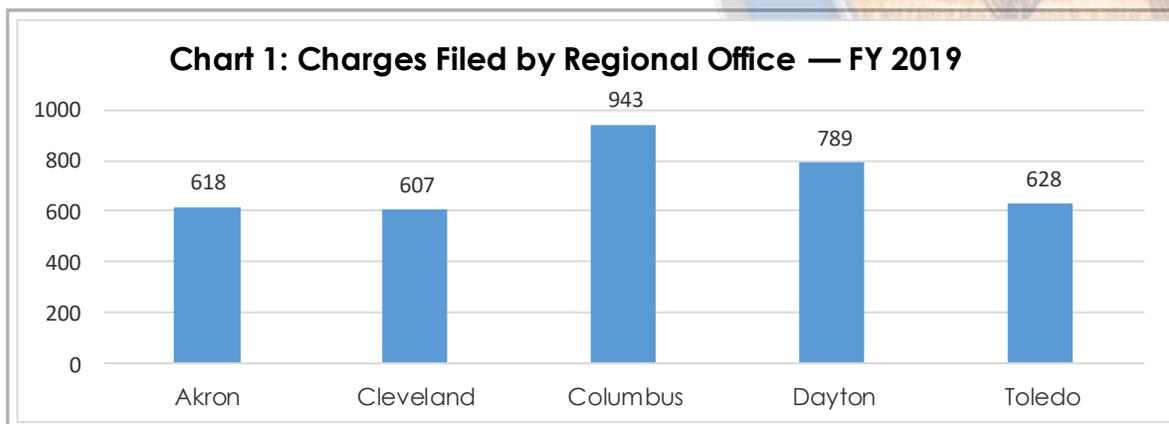
Once the charge of discrimination is received, the case is assigned to an OCRC investigator who notifies the person filing the charge (Charging Party) and the company or person against whom the charge was filed (Respondent). Through a series of steps which may include witness interviews, document requests, and on-site visits, OCRC will determine whether or not discrimination has occurred.

On January 3, 2019, OCRC staff provided a presentation on the history of sex-based discrimination to **The Ohio State University, the Columbus Bar Association, the Ohio Bar Association, the OSBA Women in the Profession Section, the Women's Bar Association, and the Women Lawyers of Franklin County** for a preview of the film *On the Basis of Sex*, about an important sex-based discrimination case.



Investigation & Enforcement

Chart 1 illustrates the total number of new charges filed with OCRC's in State Fiscal Year (FY) 2019, by regional office. **A total of 3,585 new charges were filed in FY 2019.**



Reconsideration is the internal appeals process created by Ohio Administrative Code Section 4112-3-04 and is available to any party disagreeing with the initial determination of the Commission. Approximately 7% of the Commission's decisions were appealed through the reconsideration process in FY 2019.

Benefits and Enforcement: Approximately 11% of people who filed charges that closed in FY 2019 received some economic or noneconomic benefits. In FY 2019, Charging Parties received monetary benefits totaling more than \$3.8 million. The Ohio Civil Rights Commission has authority to enforce Conciliation Agreements and Consent Orders (CACOs) because the agency is a party to the agreement.

Mediation

OCRC began a voluntary mediation program in 1998 and employs trained mediators in each of its regional offices.

Mediation requires both parties voluntarily agreeing to participate in the process. The purpose of mediation is to resolve the issues in a manner that is mutually satisfactory to the parties. Mediation is not the forum to determine the merits of a case. If mediation is successful, the case is closed and no further administrative action will be taken. If mediation is not successful or if one party declines participation, an investigation will commence. OCRC's mediation program has a success rate of roughly 85%, with an average processing time of approximately 35 days.

Charges Filed

Table 1: Charges Filed by Basis,* FY 2019	
Retaliation	1,410
Race or Color	1,321
Disability	1,087
Sex/Pregnancy	787
Age	499
National Origin or Ancestry	214
Religion	128
Familial Status	81
Military Status	8
Total	5,576

* A single charge may include multiple bases

OCRC partnered with the **Ohio Arts Council** to host the third annual youth photograph exhibition produced through the **Cleveland Print Room's** Project Snapshot and Cincinnati's **Manifest Gallery's** Envision Project. On May 17, 2019 OCRC welcomed students and adults to a reception in OCRC's Central Office to open the exhibit and celebrate the artwork.

Table 2: Alleged Issues* of Charges Filed, FY 2019	
Discharge	1,069
Terms & Conditions	777
Harassment	848
Reasonable Accommodation	605
Discipline	494
Constructive Discharge	187
Intimidation	172
Promotion	155
Hiring	150
Sexual Harassment	92
Demotion	77
Layoff	69
Wages	32
Union Representation	28
Exclusion	19
Training	11
Advertising	10
Suspension	7
Assignment	2
Other	12
Total	4,814

* A single charge may include multiple alleged issues

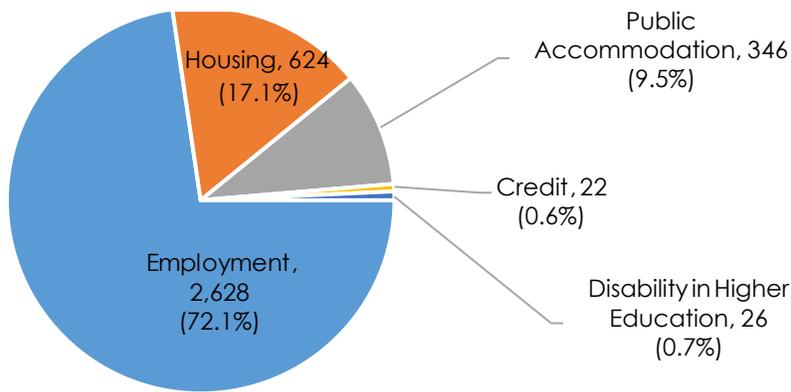




Closures

OCRC closed 3,646 cases in State Fiscal Year 2019. OCRC's investigative staff completed an average caseload of 92 cases per investigator in State Fiscal Year 2019.

Chart 2: Types of Charges Closed - FY 2019



Types of Closure

Settlements and Withdrawal of Charges with Settlement Closures are instances in which the parties agree to a satisfactory resolution of the charge. If the Commission is satisfied with the resolution, it will allow the case to be closed. Parties are offered the opportunity to voluntarily resolve their dispute through OCRC's mediation services at the initial stage of the charge. Additionally, settlements can be reached at any time after a charge of discrimination has been filed.

Successful Conciliations are conciliation agreements reached after a preliminary finding of probable cause.

Probable Cause findings are issued after a full investigation reveals that there is sufficient evidence to conclude it is probable that a discriminatory act in violation of Ohio law occurred. OCRC initially attempts to conciliate these charges. When conciliation attempts fail, the charge is referred to the office of the Attorney General and, if necessary, a public hearing on the merits — or in some housing cases, a trial — is held.

No Probable Cause findings are issued after an investigation concludes that evidence failed to show an unlawful discriminatory act occurred.

Closures



Withdrawal of Charges Without Benefits closures are those in which a Charging Party simply withdraws the charge during the course of an investigation.

No Jurisdiction closures occur when it is determined that the allegations are not within the Commission’s authority to review under state law, whether due to an untimely filing or lack of subject matter jurisdiction.

Notice of Right to Sue closures are those in which a Charging Party withdraws the charge from OCRC’s process and receives a Notice of Right to Sue (NORTS) letter from the federal government allowing them to file a private legal action in federal court.

Administrative Closures and Closures by Legal Unit include cases in which the Commission identified a technical or legal reason why the Commission should not proceed with the investigation or litigation of a case.

Hearing Closures occur when the Commission’s Administrative Law Judge concludes the recommendation of a case that has gone through the Commission’s hearing (administrative adjudication) process.

Failure to Cooperate Closures are those in which the charging party does not cooperate with the Commission or the Attorney General in the pursuit of a case.

XNJ Closures are those in which the Charging Party fails to provide a charge signed under oath.

Table 3: Case Closures by Category,* FY 2019	
Settlements	250
Withdrawal of Charges with Benefits	334
Successful Conciliation	21
Probable Cause	84
No Probable Cause	2,168
Withdrawal of Charges Without Benefits	61
No Jurisdiction	101
Notice of Right to Sue	72
Administrative Closures	51
Closed by Legal Unit	4
Hearing Closures	4
Charging Party Failed to Cooperate	2
Charging Party Failed to Provide Signed Charge Under Oath (XNJ)	494
Total Closures	3,646

* Closure categories are defined by the Federal Equal Employment Opportunity Commission

Dr. Martin Luther King, Jr. Art, Essay & Multimedia



The 2019 Theme of our MLK Contest was, “What more can or will you do to continue Dr. Martin Luther King, Jr.’s fight for equality and justice?”

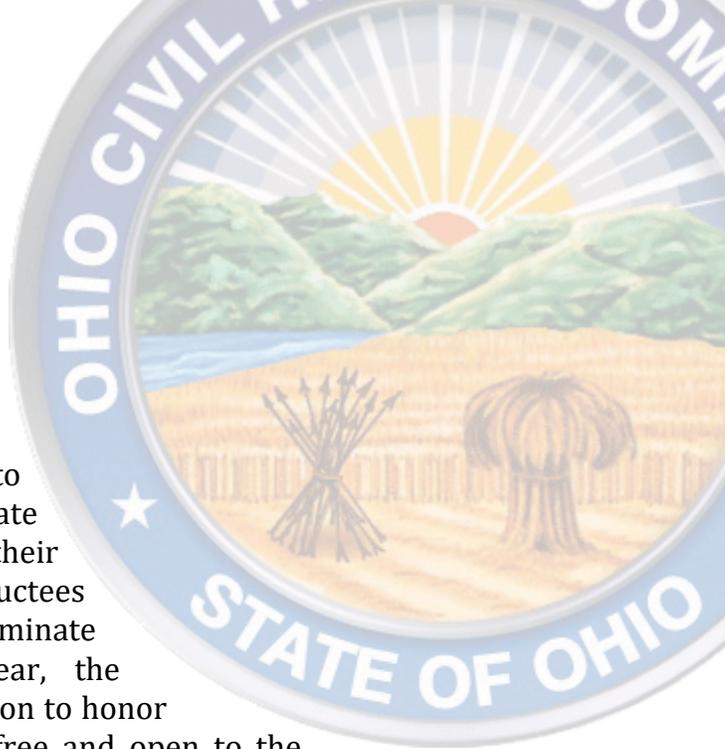
The Ohio Civil Rights Commission was honored to recognize 21 students from around the state at the 2019 MLK Contest Awards Ceremony on February 1, 2019. The event was held at the Ohio History Center and Frederic Bertley, President and CEO of COSI, provided the keynote address.

The 2019 Dr. Martin Luther King Art, Essay & Multimedia Awards Ceremony also featured the presentation of the third annual Excellence in Teaching Diversity Award. The 2019 recipient was Ms. Ruth Edge from the Akron Public Schools-Juvenile Detention Center.

For more information, visit our website <http://crc.ohio.gov/PublicAffairs/MLKContest.aspx>.



Ohio Civil Rights Hall of Fame



The Ohio Civil Rights Hall of Fame is a forum to acknowledge citizens who have left their mark in the State of Ohio by furthering civil and human rights in their communities. Through their exemplary leadership, inductees have helped to foster cultural awareness and eliminate barriers to equal opportunity in Ohio. Every year, the Commission hosts a formal ceremony and lunch reception to honor the inductees. Both the ceremony and reception are free and open to the public. At our October 2018 event, hundreds of guests attended the tenth annual ceremony. The Civil Rights Hall of Fame ceremony and reception are funded entirely through generous donations from our event sponsors, PNC, Honda of America Manufacturing, Inc. and Wright State University. United Way of Central Ohio served as the fiscal agent for the event. The National Underground Railroad Freedom Center acted as exhibit partner to the Civil Rights Hall of Fame in 2018.

In 2018, Dr. Errol D. Alexander (Sandusky), Dr. Joseph Carter Corbin (Chillicothe), Speaker Jo Ann Davidson (Reynoldsburg), James Obergefell (Cincinnati), Renee Powell (Canton), and William Powell (Canton) were inducted into the Ohio Civil Rights Hall of Fame. The Honorable Judge Alegnon L. Marbley, U.S. District Court judge, provided the keynote address and Angela Pace, Director of Community Affairs for WBNS-10TV, served as the Mistress of Ceremonies. Guests also enjoyed a performance by the Harmony Project.

For more information, visit <http://crc.ohio.gov/PublicAffairs/CivilRightsHallofFame.aspx>.



Financial Data for FY 2019

FEDERAL OPERATING ROTARY FUND 334 EEOC/HUD APPROPRIATIONS

Fund 334 represents spending authority as a result of work-sharing agreements between the Ohio Civil Rights Commission and its federal partners, the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD). These agencies defer charges of discrimination filed with them to the OCRC for processing and investigation.

Funds 3340/2170 Appropriations*	\$	3,553,151
EXPENDITURES		
Salaries and Wages	\$	1,508,416
Purchased Personal Services	\$	121,487
Supplies and Materials	\$	26,581
Vehicles	\$	2,950
Travel	\$	27,201
Communications	\$	76,048
Equipment Maintenance	\$	131,220
Rentals & Inter-Agency Expenditures	\$	952,975
Printing	\$	1,781
General Expenses	\$	7,599
Equipment	\$	90,240
TOTAL EXPENDITURES	\$	2,946,498
Encumbrances	\$	17,348
Unused Federal Appropriations	\$	589,305

* Includes FY 2017 Encumbrances of \$232,691.09 paid out in FY 2018

GENERAL REVENUE FUND (GRF)

The General Revenue Fund is money appropriated to the Ohio Civil Rights Commission by the Ohio General Assembly.

Fund GRF Appropriations	\$	5,823,178
EXPENDITURES		
Salaries and Wages	\$	5,823,178
TOTAL EXPENDITURES	\$	5,823,178
Unused State GRF Appropriations	\$	-

**PLEASE VISIT OUR WEBSITE
WWW.CRC.OHIO.GOV**

FOR MORE INFORMATION, PLEASE CALL 1-888-278-7101



THE OHIO CIVIL RIGHTS COMMISSION