



Ohio Legislative Service Commission

Bill Analysis

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S.B. 65

131st General Assembly
(As Introduced)

Sens. Tavares, Brown, Skindell

BILL SUMMARY

- Makes it an unlawful discriminatory practice for an employer to use a person's credit rating or score or consumer credit history as a factor in making decisions regarding that person's employment.
- Allows a person to file a charge with the Civil Rights Commission alleging that another person has engaged in or is engaging in an unlawful discriminatory practice by using a person's credit rating or score or consumer credit history as a factor in making decisions regarding that person's employment and allows the Civil Rights Commission to investigate and remediate that unlawful discriminatory practice.
- Specifies that an employer engaging in the bill's new unlawful discriminatory practice is subject to a civil action.

CONTENT AND OPERATION

Unlawful discriminatory practice – using a person's credit history

The bill includes among the acts that are unlawful discriminatory practices an employer using a person's credit rating or score or consumer credit history as a factor in making decisions regarding that person's employment, including hiring, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.¹ Acts that are currently unlawful discriminatory practices include an employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of a person, discharging without just cause, refusing to hire, or otherwise discriminating against that person with respect to hire, tenure, terms,

¹ R.C. 4112.02(K), with conforming changes in R.C. 4112.02, 4112.08, and 4112.14.

conditions, or privileges of employment, or any matter directly or indirectly related to employment.²

Filing a charge of unlawful discriminatory practice

The bill adds the use of a credit rating, score, or credit history in an employment decision to the list of unlawful discriminatory practices regarding which a person may file a charge with Ohio's Civil Rights Commission. Under continuing law, any person may file a charge with Ohio's Civil Rights Commission alleging that another person has engaged or is engaging in an unlawful discriminatory practice. In the case of certain specified charges under continuing law (those that allege unlawful discriminatory practices not related to housing) or a charge of an unlawful discriminatory practice created in the bill, the charge must be in writing and under oath and must be filed with the Commission within six months after the alleged unlawful discriminatory practice was committed. The Commission may investigate the charge and may initiate further action in accordance with procedures specified in continuing law. The Commission may also conduct a preliminary investigation upon its own initiative. Although continuing law requires that the Commission must first attempt to induce compliance with Ohio's Civil Rights Law through informal methods, if the Commission ultimately determines that an unlawful discriminatory practice has occurred, after a hearing the Commission may issue an order to remedy the situation, including a cease and desist order or an order requiring back pay, reinstatement, or hiring.³

Civil penalty

While the bill does not amend the existing provision specifying that a person who violates the Civil Rights Commission Law is subject to a civil action for damages, injunctive relief, or any other appropriate relief, the provision also applies to the unlawful discriminatory practice created by the bill. Under the bill, an employer who uses a person's credit rating or score or consumer credit history as a factor in making decisions regarding a person's employment may be subject to this civil penalty.⁴

HISTORY

ACTION

Introduced
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DATE

02-23-15

² R.C. 4112.02(A).

³ R.C. 4112.05.

⁴ R.C. 4112.99, not in the bill.

