



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 340

128th General Assembly
(As Introduced)

Rep. Yates

BILL SUMMARY

- Specifies that it is 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 conduct a preliminary investigation relating to that unlawful discriminatory practice.
- Makes an employer who uses a person's credit rating or score or consumer credit history as a factor in making decisions regarding that person's employment subject to a civil action for damages, injunctive relief, or other appropriate relief.

CONTENT AND OPERATION

Unlawful discriminatory practice-using a person's credit history

Existing law provides that certain specified acts are an unlawful discriminatory practice, including any employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any person, discharging without just cause, refusing to hire, or otherwise discriminating against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment (R.C. 4112.02(A)). The bill provides that it is 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, including hiring, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment (R.C. 4112.02(K)).

Filing a charge of unlawful discriminatory practice

Under existing law, a person may file a charge with the Civil Rights Commission alleging that another person has engaged or is engaging in an unlawful discriminatory practice. In certain specified cases of a charge alleging an unlawful discriminatory practice, 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. Upon receiving a charge, the Commission may initiate a preliminary investigation to determine whether it is probable that an unlawful discriminatory practice has been or is being engaged in. The Commission also may conduct, upon its own initiative and independent of the filing of any charges, a preliminary investigation relating to certain specified unlawful discriminatory practices. The bill includes the act of 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 as an unlawful discriminatory practice that a person may allege in a charge filed with the Commission. It includes that act of an employer within the list of specified unlawful discriminatory practices in which the charge must be in writing, under oath, and filed within six months after the alleged unlawful discriminatory practice was committed and in which the Commission may conduct, upon its own initiative and independent of the filing of any charges, a preliminary investigation. (R.C. 4112.05(B)(1) and (2).)

Civil remedy

Under existing law, a person who violates R.C. Ch. 4112. is subject to a civil action for damages, injunctive relief, or any other appropriate relief. The bill does not amend this provision but, 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 that person's employment would also be subject to a civil action for damages, injunctive relief, or any other appropriate relief. (R.C. 4112.99, not in the bill.)

Technical changes

The bill makes various technical changes to cross-references in R.C. 4112.02, 4112.05, 4112.08, and 4112.14.

HISTORY

ACTION

DATE

Introduced

10-28-09

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