



## Ohio Revised Code Section 4112.14 Age discrimination.

Effective: April 15, 2021

Legislation: House Bill 352 - 133rd General Assembly

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(A) No employer shall discriminate in any job opening against any applicant or discharge without just cause any employee aged forty or older who is physically able to perform the duties and otherwise meets the established requirements of the job and laws pertaining to the relationship between employer and employee.

(B) Except as otherwise provided in section 4112.052 of the Revised Code and this section, a person aged forty or older who is discriminated against in any job opening or discharged without just cause by an employer in violation of division (A) of this section may institute a civil action against the employer in a court of competent jurisdiction. If the court finds that an employer has discriminated on the basis of age, the court shall order an appropriate remedy which shall include reimbursement to the applicant or employee for the costs, including reasonable attorney's fees, of the action, or to reinstate the employee in the employee's former position with compensation for lost wages and any lost fringe benefits from the date of the illegal discharge and to reimburse the employee for the costs, including reasonable attorney's fees, of the action. Except as otherwise provided in this section, the remedies available under this section are coexistent with remedies available pursuant to sections 4112.01 to 4112.11 of the Revised Code.

(C) The cause of action described in division (B) of this section shall not be available in the case of discharges where the employee has available to the employee the opportunity to arbitrate the discharge or where a discharge has been arbitrated and has been found to be for just cause.

(D)(1) A person is prohibited from bringing a civil action under division (B) of this section if the person brought a civil action under section 4112.052 of the Revised Code that is based, in whole or in part, on the same allegations and practices.

(2) A person is prohibited from bringing a civil action under section 4112.052 of the Revised Code if the person brought a civil action under division (B) of this section that is based, in whole or in part, on the same allegations and practices.



(E) (1) Except as provided in division (E)(2) of this section, a civil action brought under division (B) of this section shall be filed within two years after the alleged discrimination occurred.

(2) The time period to file a civil action shall be tolled for one of the following periods, as applicable:

(a) If a charge that is based, in whole or in part, on the same allegations was filed under section 4112.051 of the Revised Code less than sixty days before the time period specified under that section expires, the time period to file a civil action is tolled for the period beginning on the date the charge was filed and ending on the date that is sixty days after the charge is no longer pending with the commission.

(b) If a charge that is based, in whole or in part, on the same allegations and practices was filed under section 4112.051 of the Revised Code sixty or more days before the time period specified under that section expires, the time period to file a civil action is tolled for the period beginning on the date the charge was filed and ending on the date the charge is no longer pending with the commission.