

CHAPTER 171
Human Relations Board and Regulations

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CROSS REFERENCES
Discrimination - see Ohio R.C. Ch. 4112

171.01 DEFINITIONS.

For the purpose of the enforcement of this chapter, the following definitions shall apply:

- (a) "Age" means at least forty years old.
- (b) "Controlled substance" has the same meaning as in section 3719.01 of the Ohio Revised Code.
- (c) "Person" means one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution, and the City of Springfield and any officer or employee thereof.
- (d) "Employer" means the City of Springfield and any officer or employee thereof, any person employing four or more persons, and any person acting in the interest of an employer, directly or indirectly.
- (e) "Employee" does not include any individual employed in the domestic service of any person.
- (f) "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.
- (g) "Employment agency" means any person regularly undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

- (h) "Physical or mental impairment" includes any of the following:
- (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine;
 - (2) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities;
 - (3) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism.
 - (4) "Physical or mental impairment" does not include any of the following:
 - A. Homosexuality and bisexuality;
 - B. Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;
 - C. Compulsive gambling, kleptomania, or pyromania;
 - D. Psychoactive substance use disorders resulting from current illegal use of a controlled substance.
- (i) "Public accommodations" means any business, enterprise or activity consisting of or involving furnishing, providing or making available to the public any goods, services, accommodations, facilities, advantages or privileges, and includes any activity engaged in pursuant to the performance of any public duty.
- (j) "Discriminatory practice" means any act, practice or course of conduct constituting or resulting in inequality of treatment of any person because of race, religion, color, ancestry, national origin, handicap, age or sex in the areas of employment, education, public accommodations or economic opportunity. As used in this chapter, "discriminatory practice" includes, but is not limited to the following:
- (1) For any employer, because of the race, color, religion, national origin, ancestry, handicap, age or sex of any person, to refuse to hire or otherwise to discriminate against him with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment.
 - (2) For an employment agency to:
 - A. Refuse or fail to accept, register, classify properly or refer to employment, or otherwise to discriminate against any person because of race, color, religion, national origin, ancestry, handicap, age or sex; or
 - B. Comply with a request from an employer for referral of applicants for employment if the request or any other matters known to such employment agency reasonably indicate, directly or indirectly, that the employer engages or shall engage in a discriminatory practice in connection with the hiring of any employee.
 - (3) For any labor organization to:
 - A. Limit or classify its membership on the basis of race, color,

- religion, national origin, ancestry, handicap, age or sex; or
- B. Discriminate against any person or limit his employment opportunities, or otherwise adversely effect his status as an employee, or his wages, hours or employment conditions, because of his race, color, religion, national origin, ancestry, handicap, age or sex.
- (4) For any employer, labor organization or joint labor-management committee controlling apprentice training programs to discriminate against any person because of his race, color, religion, national origin, ancestry, handicap, age or sex in admission to, or employment in any program established to provide apprentice training.
 - (5) For any person to:
 - A. Refuse to lend money, whether or not secured by mortgage or otherwise, to any person because of the race, color, religion, ancestry, national origin, handicap, age or sex of any such person, provided such lender, whether an individual, corporation or association of any type, lends money as one of the principal aspects of his business or incidental to his principal business; or
 - B. Discriminate against any person in the terms or conditions of any loan of money, whether or not secured by mortgage or otherwise, because of the race, color, religion, ancestry, national origin, handicap, age or sex of any such person.
 - (6) For any person in any manner engaged in any public accommodations to deny to any person, except for reasons applicable alike to all persons, regardless of race, color, religion, national origin, ancestry, handicap, age or sex the full enjoyment of the goods, services, accommodations, facilities, advantages or privileges thereof.
 - (7) For any person to discriminate in any manner against any other person because he has opposed any practice defined in this section or because he has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this chapter.
- (k) "Handicap" means a physical or mental impairment that substantially limits one or more major life activities, including the functions of caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; a record of a physical or mental impairment; or being regarded as having a physical or mental impairment.

171.02 BOARD CREATED; MEMBERSHIP; TERM; VACANCY.

(a) A Human Relations Board is hereby established which shall consist of seven members. Each of the members shall serve for a period of three years and shall be appointed by the Mayor with the consent and approval of the City Commission. No member shall serve more than two consecutive terms. After a member has served during two consecutive terms he shall be ineligible for reappointment to the Human Relations Board until one year has expired since his last date of service on the Board.

(b) Any vacancy on the Human Relations Board shall be filled as in the case of the original appointment, as set forth herein, for the unexpired term of the member whose vacancy is so filled.

(c) All members of the Human Relations Board shall serve without compensation and shall be subject to removal from office by a majority of the City Commission.

(d) Persons eligible for service on the Human Relations Board shall meet the following qualifications:

- (1) Persons serving on another City board or commission shall not be eligible to serve on the Human Relations Board.
- (2) Persons serving on the Human Relations Board shall be electors of the City.
- (3) Elected public officials shall not be eligible to serve on the Human Relations Board.
- (4) Except as otherwise provided herein, if any member of the Human Relations Board shall fail to meet any of the qualifications stated in subsection (d)(1) through (3) hereof, his office shall immediately become vacant.
- (5) The City Commission, by ordinance and upon finding that the particular expertise of a potential appointee or member is needed on the Board, may waive any or all of the requirements of subsections (d)(1) and (2) hereof for such appointee or member.

(e) If any Human Relations Board member is absent from three of any six consecutive regularly scheduled Board meetings, or if such member is unwilling or unable to attend a regularly scheduled prearranged discussion of the public business of his board which fails to qualify as a "meeting" for lack of quorum, his office shall immediately become vacant. Such member shall have the opportunity to explain his absence to the City Commission and may be reappointed by a majority vote of the City Commission to complete the balance of his term.
(Ord. 95-96. Passed 3-14-95.)

171.03 OFFICERS; MEETINGS; PROCEDURE; RECORDS.

(a) The Human Relations Board shall elect from its membership a chairperson and such other officers as it may deem necessary. No chairperson shall serve more than two years during a period of six consecutive years. The term "year" means twelve consecutive months. The Board shall adopt rules and regulations consistent with law and ordinance. Meetings of the Board shall be held once each month, and at such additional times as the Board may determine; provided, however, the chairperson may cancel a meeting if no member has proposed business to be conducted at the meeting. The time of regular meetings shall be specified in the rules and regulations of the Board. Special meetings may be called by the chairperson, Director of Community Development or by any two members of the Board. There shall be a fixed place of meeting.

(b) The Human Relations Board shall keep minutes of its proceedings, showing the action of the Board and the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of all of its official action, all of which shall be filed promptly in the office of the Community Development Director. The presence of four members shall constitute a quorum. The Board shall act by resolution and a copy of each resolution duly adopted shall be filed in the office of the Director of the Community Development Department. The Director of Community Development or his appointee shall serve as Secretary to the Human Relations Board.
(Ord. 90-568. Passed 10-23-90.)

171.04 BOARD DUTIES.

- (a) The Human Relations Board shall:
- (1) By means of public hearing or otherwise investigate and study any conditions having an adverse affect on inter-group relations in the City and the problems of prejudice, intolerance, bigotry and discrimination as they affect the public safety and general welfare of the City;
 - (2) Institute and conduct educational and other programs to promote the equal rights and opportunities of all persons, regardless of their race, color, religion, ancestry, national origin, handicap, age or sex. In the performance of its duties the Board may cooperate with interested citizens, private agencies, business entities, non-profit organizations, educational institutions and agencies of the federal, State and local governments;
 - (3) Appoint hearing examiners who shall be admitted to the practice of law in the State of Ohio and other employees as it deems necessary to effectuate the purposes of this chapter. No commitments for employees or services shall ever exceed the appropriations made by the City Commission for such purposes;
 - (4) Receive, investigate and pass upon written charges made under oath of policies, practices or courses of conduct prohibited by Section 171.01;
 - (5) On a periodic basis review discrimination complaint processing carried out by the Ohio Civil Rights Commission as such complaints relate to activities occurring in the City of Springfield;
 - (6) Adopt, promulgate, amend and rescind rules and regulations and other guidelines to effectuate the purposes of this chapter;
 - (7) Foster through community efforts or otherwise, good will among the groups and elements of the City of Springfield;
 - (8) Study the problems of discrimination in all or specific fields of human relations and make periodic surveys, gather data, and publish statistical summaries of the results of investigations and research into the existence and effect of discrimination because of race, color, religion, ancestry, national origin, handicap, age or sex or the enjoyment of civil rights and human rights by persons within the City to the extent that, in the Board's judgment, will tend to promote good will and minimize or eliminate discrimination; and
 - (9) Submit reports and recommendations to the City Commission from time to time, but not less than once a year describing the work performed by the Board. The Board shall submit an annual report to the City Commission describing the effectiveness of discrimination complaint processing conducted by the Ohio Civil Rights Commission on matters occurring in the City of Springfield. Reports may include a copy of any surveys or other studies prepared by the Board and may include recommendations of the Board as to remedial action, legislative and otherwise.
- (b) The Board may:
- (1) Meet and function at any place within the City;
 - (2) Adopt goals and objectives in carrying out the mission of the Board and at least annually review and update the goals and objectives;
 - (3) Initiate and undertake on its own motion, investigations of discriminatory practices as defined in Section 171.01; and
 - (4) Upon the affirmative vote of at least a majority of the Board, pursuant to a finding by such members of the necessity and

propriety therefor, issue subpoenas for the attendance and testimony of witnesses and for the production of relevant papers, documents and other evidence at any time subsequent to the filing or initiation of a complaint alleging a discriminating practice.

171.05 ADDITIONAL BOARD POWERS.

The Human Relations Board may:

- (a) Prepare and promulgate:
 - (1) Rules and regulations for the conducting of hearings before the Board or its Hearing Examiner;
 - (2) Guidelines for affirmative action programs; and
 - (3) Informational and educational materials, including but not limited to those pertaining to requirements of law in regard to recruitment and hiring of employees and terms and conditions of employment.
- (b) Enter into and perform agreements with a government subdivision or agency thereof providing for the exchange of information and data relating to human relations, civil rights and discriminatory practices. No other provision of this chapter shall be deemed to prohibit or prevent the furnishing of any such information and data pursuant to any such agreement.

171.06 COMMUNITY DEVELOPMENT DIRECTOR.

There shall be a Community Development Director who shall be appointed and removable by the City Manager. The Director shall be the principal administrative officer of the Community Development Department, and he shall supervise and direct the employees of such Department. In the event of dismissal, the Director shall receive thirty-day severance pay.

(Ord. 80-207. Passed 4-22-80.)

171.07 COMMUNITY DEVELOPMENT DEPARTMENT.

There is hereby created the Community Development Department, as provided in Chapter 131, which Department shall perform the principal administrative functions necessary to properly implement the provisions of this chapter.

(Ord. 80-207. Passed 4-22-80.)

171.08 CIVIL RIGHTS ATTORNEY.

The Director of Law shall assign to a member of his staff, who is hereby designated the "Civil Rights Attorney", the duty to provide such legal advice, services, and representation as may be required by the Human Relations Board.

When necessary, the Director may employ special counsel to act as and to perform the duties of the Civil Rights Attorney.

171.09 COMPLAINT PROCEDURE.

(a) Preliminary Investigation. Whenever it is charged in writing and under oath, by a person, referred to as the "complainant" that any person, referred to as the "respondent" has engaged or is engaging in any act, practice or course of conduct defined as a discriminatory practice in Section 171.01, or upon its own initiative in matters relating to such discriminatory practices, the Human Relations Board shall initiate a preliminary investigation. Such preliminary investigation shall be an attempt to determine whether or not there is any merit to the charge. The preliminary investigation shall be confidential, unless the Board shall determine after such preliminary investigation that it is "probable" that any discriminatory practices have been or are being engaged in. If the Board determines after such preliminary investigation that it is not probable that any discriminatory practice has occurred, the Board dismisses the

complaint and shall notify the respondent and the complainant of its action. No such complaint shall be made later than 180 days after the date of occurrence of the act or practice complained of.

(b) Informal Methods. If the Board determines that it is probable that any discriminatory practice has occurred, it shall endeavor to eliminate such practices by informal methods of conference, conciliation and persuasion, which proceedings may include or involve the execution by the parties of a written conciliation agreement setting forth the manner, terms and conditions of the resolution of such dispute and requiring compliance with any such terms and conditions. Nothing said or done during any such endeavors at conciliation shall be disclosed by any member of the Board or its staff or be used in any subsequent proceedings. If, after such investigation and conference, the Board is satisfied that any discriminatory practice of the respondent shall be eliminated, it may treat the complaint as conciliated, and entry of such disposition shall be made on the records of the Board. If the Board fails to effect the elimination of any discriminatory practice and to obtain voluntary compliance with this chapter, the Board shall issue and cause to be served upon any person or respondent a complaint stating the charges in that respect and containing a notice of hearing before a hearing examiner appointed by the Board at a place therein fixed to be held not less than ten days after the service of such complaint. Such hearing shall be in the Municipal Building or at such other place located within the City as may be designated by the Board. The City Law Director, a member of his staff or an attorney appointed by the Board shall represent the Board at such hearing.

(c) Complaints Amended. Any complaint may be amended by the Board or its hearing examiner conducting the hearing, at any time prior to or during the hearing based thereon. The respondent shall have the right to file an answer or to amend an answer to the original or amended complaint, and to appear at such hearing in person, or by attorney or otherwise to examine and cross-examine witnesses.

(d) Hearings. The complainant shall be a part to the proceeding and any person who is an indispensable party to a complete determination or settlement of a question involved in a proceeding shall be joined. Any person who has or claims an interest in the subject of the hearing and in obtaining or preventing relief against the acts or practices complained of may be, in the discretion of the person or persons conducting the hearing, permitted to appear for the presentation of oral or written arguments.

In any proceeding, the hearing examiner or Board shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall, in ascertaining the practices followed by the respondent, take into account all reliable, probative and substantive evidence, statistical or otherwise, produced at the hearing, which may tend to prove the existence or nonexistence of any discriminatory practices.

The testimony taken at the hearing shall be under oath and shall be reduced to writing and filed with the Board. Thereafter, at its discretion, the Board or its hearing examiner upon notice to the complainant and to the respondent with an opportunity to be present may take further testimony or hear argument.

No person shall be compelled to be a witness against himself at any hearing before the Board or a hearing examiner of the Board.

(e) Hearing Examiner Determination. If upon all the reliable, probative and substantive evidence the hearing examiner determines that the respondent has engaged in, or is engaging in, any discriminatory practice charged in the complaint, he shall state in writing to the Board his findings of fact and conclusions of law and any recommendations which he may have concerning remedial actions to be taken.

Whereupon, the Board shall issue and cause to be served on such respondent an order requiring him to cease and desist from such discriminatory practice and to take such further affirmative or other action as shall effectuate the purposes of this chapter, including, but not limited to, hiring, reinstatement or upgrading of employees with, or without back pay, admission or restoration to union membership, including a requirement for reports of the manner of compliance. If the Board directs payment of back pay, it shall make allowance for interim earnings. Upon the submission of such reports of compliance, the Board may issue a declaratory order stating that the respondent has ceased to engage in any discriminatory practices.

If the Hearing Examiner finds that no probable cause exists for crediting the charges, or if upon all the evidence, the Hearing Examiner finds that a respondent has not engaged in any discriminatory practices against the complainant or others, he shall state in writing to the Board his finding of fact and conclusion of law and shall issue and cause to be served on the complainant and the respondent an order dismissing such complaint as to such respondent.

(f) Judicial Review. Any party to the proceeding, claiming to be aggrieved by final order of the Board, including a determination by it that a prima facie case was not established by the complainant, may obtain judicial review thereof by a resort to any court of competent jurisdiction in accordance with the provisions of Ohio R.C. Chapter 2506.

171.10 INJUNCTION.

(a) The existence of any discriminatory practice and the commission of any act constituting the same, is hereby declared to be a public nuisance, and any person injured or aggrieved thereby may apply to a court of competent jurisdiction for an order enjoining the continuance of any such practice or act.

(b) Whenever deemed necessary in order to protect the rights of the complainant and to preserve the power to the Human Relations Board to act upon or to resolve a complaint, the Civil Rights Attorney may apply to a court of competent jurisdiction for an injunction directed against a respondent, restraining him from taking any action which would prevent the Board from acting or which would make any order issued by the Board meaningless.

171.12 RECORDS AND REPORTS.

Each employer, labor organization and employment agency within the City shall:

- (a) Make and keep such records relevant to the determination of whether discriminatory practices are being engaged in; and
- (b) Preserve such records for such periods and make such reports therefrom to the Human Relations Board as the Board shall determine to be reasonable, necessary or appropriate for the enforcement of this chapter.

171.13 CONTINUANCE OF PENDING PROCEEDINGS.

Any and all proceedings heretofore commenced under heretofore existing Chapter 171, shall not abate or terminate, but shall be prosecuted and concluded in accordance with the procedures established by this chapter.

171.99 VIOLATIONS; PENALTIES.

(a) Any person who fails to comply with a subpoena issued by the Human Relations Board is guilty of a misdemeanor of the third degree.

(b) Any person who fails to comply with a conciliation agreement or any order issued by the Board as provided in Section 171.09 is guilty of misdemeanor of the first degree. Each day's noncompliance with any such agreement or order shall be deemed to be a separate offense.

(c) Any person who engages in conduct constituting a discriminatory practice is guilty of a misdemeanor of the first degree.

(d) Any person who fails to comply with any requirement of Section 171.12 is guilty of a misdemeanor of the third degree.