



TO: Senate Finance: General Government Subcommittee
FROM: Gary Daniels, Associate Director, ACLU of Ohio
DATE: May 15, 2013
RE: House Bill 59, Sec. 4112.02(R)

To Chairman Peterson, Ranking Minority Member Schiavoni, and members of the Senate Finance: General Government Sub. Committee, my name is Gary Daniels, associate director for the American Civil Liberties Union of Ohio ("ACLU of Ohio"), and I appear to present opponent testimony on a particular section of House Bill 59.

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The ACLU is the oldest and largest civil liberties organization in the world with over 500,000 members nationwide and over 30,000 members and supporters across Ohio. The ACLU and ACLU of Ohio are non-profit, non-partisan membership organizations devoted to protecting basic civil rights and civil liberties for all Americans and all Ohioans.

I appear today to caution against the adoption of language from Title VII of the federal Civil Rights Act into Ohio law. This provision would not protect the practice of religion. Rather, it would permit religious employers to discriminate against an employee in a non-religious position for religious reasons.

Currently, Ohio's religious employers have constitutional protection to discriminate in employment decisions relating to the hiring and firing of ministerial employees. For example, current law permits a religious school to require a teacher or principal to adhere to the principles of the faith to maintain employment. This provision would expand that power to discriminate against non-ministerial employees, such as the groundskeeper, the cook or the janitor.

Additionally, Ohio religious employers, like all other employers, can currently assert their right to impose occupational qualifications where they have a genuine need to be selective on legitimate bases. This provision would essentially grant religious employers the power to discriminate where there is *not* a genuine or legitimate need. If this provision passes, it would permit the religious school in the example above the right to fire the janitor for being an atheist.

Current Ohio law provides employers with the freedom to hire employees that will best fit the qualifications of employment, while providing greater protections for Ohio employees than Title VII provides. The ACLU of Ohio believes that

Title VII swings the pendulum too far in favor of religious entities and that Ohio law should protect more employees, not less.

The ACLU of Ohio encourages the legislature to remove this provision from HB 59 to better protect Ohio's workers.