

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 58

Representative McGregor

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A B I L L

To amend section 124.341 and to enact section 117.103 1
of the Revised Code to require the Auditor of 2
State to establish a fraud-reporting system for 3
residents and public employees to file anonymous 4
complaints of fraud and misuse of public funds by 5
public offices or officials. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 124.341 be amended and section 7
117.103 of the Revised Code be enacted to read as follows: 8

Sec. 117.103. (A) The auditor of state shall establish and 9
maintain a system for the reporting of fraud, including misuse and 10
misappropriation of public money, by any public office or public 11
official. The system shall allow Ohio residents and the employees 12
of any public office to make anonymous complaints through a 13
toll-free telephone number, the auditor of state's web site, or 14
the United States mail to the auditor of state's office. The 15
auditor of state shall review all complaints in a timely manner. 16
Upon receipt, the complaints are public records under section 17
149.43 of the Revised Code unless that or another statute 18
specifies an applicable exemption from the definition of a public 19
record. 20

(B)(1) A public office shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office. Each new employee shall confirm receipt of this information within thirty days after beginning employment. The auditor of state shall provide a model form on the auditor of state's web site to be printed and used by new public employees to sign and verify their receipt of information as required by this section. The auditor of state shall confirm, when conducting an audit under section 117.11 of the Revised Code, that new employees have been provided information as required by this division.

(2) On the effective date of this section, each public office shall make all its employees aware of the fraud-reporting system required by this section.

Sec. 124.341. (A) If an employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal auditing created under section 126.45 of the Revised Code or file a complaint with the auditor of state's fraud-reporting system under section 117.103 of the Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, ~~or~~ the office of

internal auditing, or the auditor of state's fraud-reporting 52
system, may report it to a prosecuting attorney, director of law, 53
village solicitor, or similar chief legal officer of a municipal 54
corporation, to a peace officer, as defined in section 2935.01 of 55
the Revised Code, or, if the violation or misuse of public 56
resources is within the jurisdiction of the inspector general, to 57
the inspector general in accordance with section 121.46 of the 58
Revised Code. In addition to that report, if the employee 59
reasonably believes the violation or misuse is also a violation of 60
Chapter 102., section 2921.42, or section 2921.43 of the Revised 61
Code, the employee may report it to the appropriate ethics 62
commission. 63

(B) Except as otherwise provided in division (C) of this 64
section, no officer or employee in the classified or unclassified 65
civil service shall take any disciplinary action against an 66
employee in the classified or unclassified civil service for 67
making any report or filing a complaint as authorized by division 68
(A) of this section, including, without limitation, doing any of 69
the following: 70

(1) Removing or suspending the employee from employment; 71

(2) Withholding from the employee salary increases or 72
employee benefits to which the employee is otherwise entitled; 73

(3) Transferring or reassigning the employee; 74

(4) Denying the employee promotion that otherwise would have 75
been received; 76

(5) Reducing the employee in pay or position. 77

(C) An employee in the classified or unclassified civil 78
service shall make a reasonable effort to determine the accuracy 79
of any information reported under division (A) of this section. 80
The employee is subject to disciplinary action, including 81
suspension or removal, as determined by the employee's appointing 82

authority, for purposely, knowingly, or recklessly reporting false 83
information under division (A) of this section. 84

(D) If an appointing authority takes any disciplinary or 85
retaliatory action against a classified or unclassified employee 86
as a result of the employee's having filed a report or complaint 87
under division (A) of this section, the employee's sole and 88
exclusive remedy, notwithstanding any other provision of law, is 89
to file an appeal with the state personnel board of review within 90
thirty days after receiving actual notice of the appointing 91
authority's action. If the employee files such an appeal, the 92
board shall immediately notify the employee's appointing authority 93
and shall hear the appeal. The board may affirm or disaffirm the 94
action of the appointing authority or may issue any other order as 95
is appropriate. The order of the board is appealable in accordance 96
with Chapter 119. of the Revised Code. 97

(E) As used in this section: 98

(1) "Purposely," "knowingly," and "recklessly" have the same 99
meanings as in section 2901.22 of the Revised Code. 100

(2) "Appropriate ethics commission" has the same meaning as 101
in section 102.01 of the Revised Code. 102

(3) "Inspector general" means the inspector general appointed 103
under section 121.48 of the Revised Code. 104

Section 2. That existing section 124.341 of the Revised Code 105
is hereby repealed. 106