

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**S. B. No. 7**

**Senator Wagoner**

**Cosponsor: Senator Gibbs**

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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 21  
Ohio fraud-reporting system and the means of reporting fraud to 22  
each new employee upon employment with the public office. Each new 23  
employee shall confirm receipt of this information within thirty 24  
days after beginning employment. The auditor of state shall 25  
provide a model form on the auditor of state's web site to be 26  
printed and used by new public employees to sign and verify their 27  
receipt of information as required by this section. The auditor of 28  
state shall confirm, when conducting an audit under section 117.11 29  
of the Revised Code, that new employees have been provided 30  
information as required by this division. 31

(2) On the effective date of this section, each public office 32  
shall make all its employees aware of the fraud-reporting system 33  
required by this section. 34

**Sec. 124.341.** (A) If an employee in the classified or 35  
unclassified civil service becomes aware in the course of 36  
employment of a violation of state or federal statutes, rules, or 37  
regulations or the misuse of public resources, and the employee's 38  
supervisor or appointing authority has authority to correct the 39  
violation or misuse, the employee may file a written report 40  
identifying the violation or misuse with the supervisor or 41  
appointing authority. In addition to or instead of filing a 42  
written report with the supervisor or appointing authority, the 43  
employee may file a written report with the office of internal 44  
auditing created under section 126.45 of the Revised Code or file 45  
a complaint with the auditor of state's fraud-reporting system 46  
under section 117.103 of the Revised Code. 47

If the employee reasonably believes that a violation or 48  
misuse of public resources is a criminal offense, the employee, in 49  
addition to or instead of filing a written report or complaint 50

with the supervisor, appointing authority, ~~or~~ the office of 51  
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 authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section. 82  
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(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Revised Code. 85  
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(E) As used in this section: 98

(1) "Purposely," "knowingly," and "recklessly" have the same meanings as in section 2901.22 of the Revised Code. 99  
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(2) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code. 101  
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(3) "Inspector general" means the inspector general appointed under section 121.48 of the Revised Code. 103  
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**Section 2.** That existing section 124.341 of the Revised Code is hereby repealed. 105  
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