

As Introduced

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H. B. No. 439

Representatives Dovilla, Hayes

**Cosponsors: Representatives Blessing, Fedor, Derickson, Smith, Stebelton,
Becker, Wachtmann**

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A B I L L

To amend section 124.341 of the Revised Code to 1
prohibit an appointing authority from taking 2
disciplinary action against certain public 3
employees who report a noncriminal law violation 4
or misuse of public resources to the Inspector 5
General. 6

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

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

Sec. 124.341. (A)(1) If an employee in the classified or 9
unclassified civil service becomes aware in the course of 10
employment of a violation of state or federal statutes, rules, or 11
regulations or the misuse of public resources, and the employee's 12
supervisor or appointing authority has authority to correct the 13
violation or misuse, the employee may ~~file~~ do any of the 14
following: 15

(a) File a written report identifying the violation or misuse 16
with the supervisor or appointing authority. ~~In addition to or~~ 17
~~instead of filing a written report with the supervisor or~~ 18

~~appointing authority, the employee may file;~~ 19

(b) File a written report with the office of internal audit 20
created under section 126.45 of the Revised Code ~~or file;~~ 21

(c) File a complaint with the auditor of state's 22
fraud-reporting system under section 117.103 of the Revised Code; 23

(d) If the violation or misuse of public resources is within 24
the jurisdiction of the inspector general, file a complaint with 25
the inspector general in accordance with section 121.46 of the 26
Revised Code. 27

(2) If the employee reasonably believes that a violation or 28
misuse of public resources is a criminal offense, the employee, in 29
addition to or instead of filing a written report or complaint 30
with the supervisor, appointing authority, the office of internal 31
audit, ~~or~~ the auditor of state's fraud-reporting system, or the 32
inspector general, may report it to a prosecuting attorney, 33
director of law, village solicitor, or similar chief legal officer 34
of a municipal corporation, or to a peace officer, as defined in 35
section 2935.01 of the Revised Code, ~~or, if the violation or~~ 36
~~misuse of public resources is within the jurisdiction of the~~ 37
~~inspector general, to the inspector general in accordance with~~ 38
~~section 121.46 of the Revised Code.~~ In addition to that report, if 39
the employee reasonably believes the violation or misuse is also a 40
violation of Chapter 102., section 2921.42, or section 2921.43 of 41
the Revised Code, the employee may report it to the appropriate 42
ethics commission. 43

(B) Except as otherwise provided in division (C) of this 44
section, no officer or employee in the classified or unclassified 45
civil service shall take any disciplinary action against an 46
employee in the classified or unclassified civil service for 47
making any report or filing a complaint as authorized by division 48
(A) of this section, including, without limitation, doing any of 49

the following:	50
(1) Removing or suspending the employee from employment;	51
(2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;	52 53
(3) Transferring or reassigning the employee;	54
(4) Denying the employee promotion that otherwise would have been received;	55 56
(5) Reducing the employee in pay or position.	57
(C) An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The employee is subject to disciplinary action, including 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.	58 59 60 61 62 63 64
(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.	65 66 67 68 69 70 71 72 73 74 75 76 77
(E) As used in this section:	78
(1) "Purposely," "knowingly," and "recklessly" have the same	79

meanings as in section 2901.22 of the Revised Code. 80

(2) "Appropriate ethics commission" has the same meaning as 81
in section 102.01 of the Revised Code. 82

(3) "Inspector general" means the inspector general appointed 83
under section 121.48 of the Revised Code. 84

Section 2. That existing section 124.341 of the Revised Code 85
is hereby repealed. 86