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OHIO LEGISLATIVE SERVICE COMMISSION

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Substitute Bill Comparative Synopsis

Sub. H.B. 238

133rd General Assembly

House Civil Justice

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This document summarizes how the latest substitute version of the bill (I_133_0498-4) differs from the immediately preceding version (H.B. 238, As Introduced). It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Complaints to the Inspector General

Allows an employee in the classified or unclassified civil service to receive whistleblower protection under the Public Employee Whistleblower Law (PEWL) for a complaint made to the Inspector General of a noncriminal violation of state or federal law or the misuse of public resources (current law provides protection only if the employee reasonably believes that the violation or misuse is a criminal offense).

Specifies that an employee filing a complaint with the Inspector General receives that protection only if the complaint is made regarding a state officer or employee over whom the Inspector General has investigational authority.

Whistleblower protection laws

Removes all of the following provisions from the bill:

Ohio's Whistleblower Protection Law (private and public sector employees)

- Expands the types of activities that an employee may disclose in a protected report under Ohio's Whistleblower Protection Law (OWPL).
- Eliminates the requirement that a report must be made pursuant to a specific process to be protected under the OWPL.
- Expands protection under the OWPL to an employee who refuses to participate in illegal activities that the employee reasonably believes are illegal activities.

- Specifies additional forms of prohibited disciplinary and retaliatory action by an employer.
- Expands the remedies available to an employee to include any legal or equitable relief that will effectuate the employee's rights (current law allows for appropriate injunctive relief, reinstatement, back pay, and reinstatement of benefits and seniority).
- Increases the statute of limitations to file a lawsuit under the OWPL from 180 days to one year after the date the disciplinary or retaliatory action was taken.
- Specifies that the remedies under the OWPL are not exclusive of other available remedies and that nothing prevents an employee who sues under the OWPL from bringing a lawsuit under the PEWL.

Public Employee Whistleblower Law (employees in the classified or unclassified civil service)

- Expands the types of activities that an employee may disclose in a protected report under the PEWL.
- Expands protection under the PEWL to verbal and attempted reports, rather than only written reports.
- Expands protection under the PEWL to an employee who refuses to participate in a violation of law or any activity that poses an unreasonable risk of harm to the health or safety of the employee, other employees, or the public.
- Specifies additional forms of prohibited disciplinary and retaliatory action by an officer or employee in the classified or unclassified civil service against an employee.
- Allows an injured employee to sue within one year after retaliation for any legal or equitable relief that will effectuate the employee's rights, rather than filing an appeal before the State Personnel Board of Review as under current law.
- Specifies that the remedies under the PEWL are not exclusive of other available remedies and that nothing in the PEWL prevents an employee from bringing a lawsuit under the OWPL.