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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 238
(I_133_0498-4)
133rd General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 238's Bill Analysis](#)

Version: In House Civil Justice

Primary Sponsors: Reps. Cera and Scherer

Local Impact Statement Procedure Required: Yes

Tom Wert, Senior Budget Analyst

Detailed Analysis

The bill makes changes to the Public Employee Whistleblower Law (PEWL) that have no apparent fiscal effects for the state or political subdivisions. The bill adds protections under the PEWL for employees in the classified and unclassified civil service who file a complaint with the Inspector General alleging a violation of state or federal statutes, rules, or regulations or the misuse of public resources. Under current law, whistleblowers who file complaints with the Inspector General only receive whistleblower protections under the PEWL if the complaint is for a criminal offense. Changes made by the bill do not appear to increase the likelihood that cases for violations of the PEWL would be filed, or that the number of whistleblower complaints filed with the Inspector General would increase. The Inspector General's jurisdiction covers state agencies within the executive branch, including state boards and commissions.

Synopsis of Fiscal Effect Changes

All of the provisions in the As Introduced version with fiscal effects were eliminated by the substitute bill (I_133_0498-4). The As Introduced version contained a number of changes concerning the enforcement of Ohio's Whistleblower Protection Law (OWPL) and Public Employee Whistleblower Law (PEWL) that would have had fiscal effects, potentially significant ones, for public employers. These included: (1) allowing courts to award employees damages up to three times the amount of actual damages for particular violations of the PEWL, (2) eliminating a court's authority to award costs and attorney's fees to the prevailing party of a whistleblower lawsuit under the OWPL, and (3) allowing whistleblowers to bring lawsuits against public employers under both the OWPL and PEWL under certain circumstances.