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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 378  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Crossman and Lepore-Hagan

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### SUMMARY

- Permits an otherwise eligible individual to receive unemployment benefits if the individual's unemployment was caused by a strike at a facility owned or operated by the individual's employer.
- Allows an eligible individual unemployed due to a strike to receive up to four weeks of benefits retroactively (but not earlier than when the strike began).
- Declares an emergency.

### DETAILED ANALYSIS

#### Unemployment benefits due to strikes

The bill eliminates the disqualification from receiving unemployment benefits if an individual's unemployment is caused by a strike. Thus, the bill allows an individual who is otherwise eligible to receive those benefits if the individual's unemployment was caused by a strike at the factory, establishment, or other premises, owned or operated by the individual's employer, at which the individual is or was last employed.

Under current law, an individual is generally disqualified from serving a waiting week or receiving unemployment benefits for any week in which the individual's unemployment is due to a labor dispute, including a strike. Continuing law contains exceptions to the labor dispute disqualification, including an exception for an individual who is unemployed due to a labor dispute at a facility owned or operated by the individual's employer other than the facility at which the individual works. The bill expands the exception by eliminating a requirement that the individual must prove that the individual is not financing, participating in, or directly interested in the labor dispute that is causing the unemployment.<sup>1</sup>

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<sup>1</sup> R.C. 4141.29(D) and 4141.294(A).

## **Retroactive eligibility**

Under the bill, an otherwise eligible individual who is unemployed because of a strike qualifies for benefits beginning on one of the following days, as applicable:

- If the individual files an initial application for benefits or an application for an additional claim fewer than four weeks after the date the strike began, the first day of the week during which the strike began;
- If the individual files an initial application for benefits or an application for an additional claim four or more weeks after the date the strike began, the first day of the week that is four weeks before the individual filed the application.

An individual who is eligible for benefits for any week that occurred before the individual applied is entitled to receive those benefits retroactively. The Director of Job and Family Services (who administers the Unemployment Compensation Law) must do all of the following with respect to any weeks that occurred before the individual filed the application:

- Waive a continuing law requirement that an individual must actively search for work to receive benefits;
- Waive a continuing law requirement that an individual must serve a one-week waiting period before being paid unemployment benefits;
- Consider the individual to be registered for purposes of a continuing law requirement that the individual register for work.<sup>2</sup>

## **Emergency clause**

The bill declares that it is an emergency measure, and that it therefore takes effect immediately.<sup>3</sup>

## **Background – Unemployment Compensation Law**

The Unemployment Compensation Law specifies certain conditions that an individual must meet and procedures the individual must follow to qualify for unemployment benefits. It also outlines conditions under which an individual who loses a job is disqualified from receiving benefits and specifies conditions under which that individual may remove the disqualification. Generally, an individual qualifies for benefits if the individual files a valid application for benefits, makes a proper claim for benefits, registers at an employment office and with OhioMeansJobs.com (an electronic job placement system), and is available and actively searching for work.

An application for determination of benefit rights is valid if the individual filing the application:

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<sup>2</sup> R.C. 4141.294(B) and (C), with conforming changes in R.C. 4141.29.

<sup>3</sup> Section 4.

- Is unemployed;
- Was separated for a nondisqualifying reason;
- Was previously employed by an employer or employers who are subject to the Unemployment Compensation Law in at least 20 qualifying weeks within the individual's base period; and
- Has earned or been paid during those qualifying weeks remuneration at an average weekly wage of not less than 27.5% of the statewide average weekly wage (recalculated each calendar year; \$269 for 2020).<sup>4</sup>

A "qualifying week" generally is any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to the Unemployment Compensation Law. An individual's "base period" is the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year (generally the 52-week period beginning with the first day of the week with respect to which the individual first files a valid application for determination of benefit rights (the initial application for benefits)). If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period is the four most recently completed calendar quarters preceding the first day of the individual's benefit year, which is referred to as the "alternate base period."<sup>5</sup>

An individual who has filed a valid application is eligible for benefits after serving a waiting period of one week, during which no benefits are payable. After the waiting week, the individual is entitled to receive benefits for 20 weeks for the first 20 qualifying weeks of employment in the individual's base period. One additional benefit week is added for each qualifying week above 20 weeks, up to a maximum of 26 weeks. Total benefits cannot exceed an amount equal to the maximum number of weeks for which an individual is eligible (based on qualifying weeks in the base period) times the individual's weekly benefit amount.

Weekly benefit amounts are 50% of an individual's average weekly wage during the individual's base period, up to a statutory maximum. The statutory maximums are based on the number of allowable dependents claimed, as follows:

- If an individual has no dependents, \$480 in 2020;
- If an individual has one or two dependents, \$582 in 2020;
- If an individual has three or more dependents, \$647 in 2020.<sup>6</sup>

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<sup>4</sup> R.C. 4141.29; R.C. 4141.01(R)(1) and 4141.53(A)(4), not in the bill; Ohio Department of Job and Family Services, *Worker's Guide to Unemployment Insurance*, <http://www.odjfs.state.oh.us/forms/num/JFS55213/pdf/>.

<sup>5</sup> R.C. 4141.01(O)(1), (Q), and (R), not in the bill.

<sup>6</sup> R.C. 4141.29(B); R.C. 4141.30(B) and (E), not in the bill; Ohio Department of Job and Family Services, *Benefits Chart 2020*, available at [http://unemployment.ohio.gov/PDF/Benefits\\_Estimator.pdf](http://unemployment.ohio.gov/PDF/Benefits_Estimator.pdf).

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## HISTORY

Action	Date
Introduced	10-22-19

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