

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 394

Representative Sears

A BILL

To amend sections 145.012, 4123.56, 4141.01, 1
4141.131, 4141.24, 4141.25, 4141.28, 4141.29, 2
4141.291, 4141.292, 4141.30, 4141.31, 4141.312, 3
4141.35, 4141.43, and 4141.53; to enact sections 4
4141.02, 4141.251, and 4141.294; and to repeal 5
section 4141.08 of the Revised Code to 6
temporarily change the taxable wage base under 7
Ohio's Unemployment Compensation Law, to remove 8
dependency classes for unemployment compensation 9
benefit eligibility, to temporarily freeze 10
automatic increases for weekly unemployment 11
compensation benefit amounts, to reduce the 12
number of weeks for which an individual may 13
receive unemployment compensation benefits, to 14
abolish the Unemployment Compensation Advisory 15
Council, and to make other changes to Ohio's 16
Unemployment Compensation Law. 17

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

Section 1. That sections 145.012, 4123.56, 4141.01, 18
4141.131, 4141.24, 4141.25, 4141.28, 4141.29, 4141.291, 19
4141.292, 4141.30, 4141.31, 4141.312, 4141.35, 4141.43, and 20

4141.53 be amended and sections 4141.02, 4141.251, and 4141.294 21
of the Revised Code be enacted to read as follows: 22

Sec. 145.012. (A) "Public employee," as defined in 23
division (A) of section 145.01 of the Revised Code, does not 24
include any person: 25

(1) Who is employed by a private, temporary-help service 26
and performs services under the direction of a public employer 27
or is employed on a contractual basis as an independent 28
contractor under a personal service contract with a public 29
employer; 30

(2) Who is an emergency employee serving on a temporary 31
basis in case of fire, snow, earthquake, flood, or other similar 32
emergency; 33

(3) Who is employed in a program established pursuant to 34
the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 35
U.S.C.A. 1501; 36

(4) Who is an appointed member of either the motor vehicle 37
salvage dealers board or the motor vehicle dealer's board whose 38
rate and method of payment are determined pursuant to division 39
(J) of section 124.15 of the Revised Code; 40

(5) Who is employed as an election worker and paid less 41
than six hundred dollars per calendar year for that service; 42

(6) Who is employed as a firefighter in a position 43
requiring satisfactory completion of a firefighter training 44
course approved under former section 3303.07 or section 4765.55 45
of the Revised Code or conducted under section 3737.33 of the 46
Revised Code except for the following: 47

(a) Any firefighter who has elected under section 145.013 48

of the Revised Code to remain a contributing member of the 49
public employees retirement system; 50

(b) Any firefighter who was eligible to transfer from the 51
public employees retirement system to the Ohio police and fire 52
pension fund under section 742.51 or 742.515 of the Revised Code 53
and did not elect to transfer; 54

(c) Any firefighter who has elected under section 742.516 55
of the Revised Code to transfer from the Ohio police and fire 56
pension fund to the public employees retirement system. 57

(7) Who is a member of the board of health of a city or 58
general health district, which pursuant to sections 3709.051 and 59
3709.07 of the Revised Code includes a combined health district, 60
and whose compensation for attendance at meetings of the board 61
is set forth in division (B) of section 3709.02 or division (B) 62
of section 3709.05 of the Revised Code, as appropriate; 63

(8) Who participates in an alternative retirement plan 64
established under Chapter 3305. of the Revised Code; 65

(9) Who is a member of the board of directors of a 66
sanitary district established under Chapter 6115. of the Revised 67
Code; 68

~~(10) Who is a member of the unemployment compensation-~~ 69
~~advisory council;~~ 70

~~(11)~~Who is an employee, officer, or governor-appointed 71
member of the board of directors of the nonprofit corporation 72
formed under section 187.01 of the Revised Code; 73

~~(12)~~(11) Who is employed by the nonprofit entity 74
established to provide advocacy services and a client assistance 75
program for people with disabilities under Section 319.20 of Am. 76

Sub. H.B. 153 of the 129th general assembly and whose employment 77
begins on or after October 1, 2012. 78

(B) No inmate of a correctional institution operated by 79
the department of rehabilitation and correction, no patient in a 80
hospital for the mentally ill or criminally insane operated by 81
the department of mental health and addiction services, no 82
resident in an institution for the mentally retarded operated by 83
the department of developmental disabilities, no resident 84
admitted as a patient of a veterans' home operated under Chapter 85
5907. of the Revised Code, and no resident of a county home 86
shall be considered as a public employee for the purpose of 87
establishing membership or calculating service credit or 88
benefits under this chapter. Nothing in this division shall be 89
construed to affect any service credit attained by any person 90
who was a public employee before becoming an inmate, patient, or 91
resident at any institution listed in this division, or the 92
payment of any benefit for which such a person or such a 93
person's beneficiaries otherwise would be eligible. 94

Sec. 4123.56. (A) Except as provided in division (D) of 95
this section, in the case of temporary disability, an employee 96
shall receive sixty-six and two-thirds per cent of the 97
employee's average weekly wage so long as such disability is 98
total, not to exceed a maximum amount of weekly compensation 99
which is equal to the statewide average weekly wage as defined 100
in division (C) of section 4123.62 of the Revised Code, and not 101
less than a minimum amount of compensation which is equal to 102
thirty-three and one-third per cent of the statewide average 103
weekly wage as defined in division (C) of section 4123.62 of the 104
Revised Code unless the employee's wage is less than thirty- 105
three and one-third per cent of the minimum statewide average 106
weekly wage, in which event the employee shall receive 107

compensation equal to the employee's full wages; provided that 108
for the first twelve weeks of total disability the employee 109
shall receive seventy-two per cent of the employee's full weekly 110
wage, but not to exceed a maximum amount of weekly compensation 111
which is equal to the lesser of the statewide average weekly 112
wage as defined in division (C) of section 4123.62 of the 113
Revised Code or one hundred per cent of the employee's net take- 114
home weekly wage. In the case of a self-insuring employer, 115
payments shall be for a duration based upon the medical reports 116
of the attending physician. If the employer disputes the 117
attending physician's report, payments may be terminated only 118
upon application and hearing by a district hearing officer 119
pursuant to division (C) of section 4123.511 of the Revised 120
Code. Payments shall continue pending the determination of the 121
matter, however payment shall not be made for the period when 122
any employee has returned to work, when an employee's treating 123
physician has made a written statement that the employee is 124
capable of returning to the employee's former position of 125
employment, when work within the physical capabilities of the 126
employee is made available by the employer or another employer, 127
or when the employee has reached the maximum medical 128
improvement. Where the employee is capable of work activity, but 129
the employee's employer is unable to offer the employee any 130
employment, the employee shall register with the director of job 131
and family services, who shall assist the employee in finding 132
suitable employment. The termination of temporary total 133
disability, whether by order or otherwise, does not preclude the 134
commencement of temporary total disability at another point in 135
time if the employee again becomes temporarily totally disabled. 136

After two hundred weeks of temporary total disability 137
benefits, the medical section of the bureau of workers' 138

compensation shall schedule the claimant for an examination for 139
an evaluation to determine whether or not the temporary 140
disability has become permanent. A self-insuring employer shall 141
notify the bureau immediately after payment of two hundred weeks 142
of temporary total disability and request that the bureau 143
schedule the claimant for such an examination. 144

~~When the employee is awarded compensation for temporary 145
total disability for a period for which the employee has 146
received benefits under Chapter 4141. of the Revised Code, the 147
bureau shall pay an amount equal to the amount received from the 148
award to the director of job and family services and the 149
director shall credit the amount to the accounts of the 150
employers to whose accounts the payment of benefits was charged 151
or is chargeable to the extent it was charged or is chargeable. 152~~

If any compensation under this section has been paid for 153
the same period or periods for which temporary nonoccupational 154
accident and sickness insurance is or has been paid pursuant to 155
an insurance policy or program to which the employer has made 156
the entire contribution or payment for providing insurance or 157
under a nonoccupational accident and sickness program fully 158
funded by the employer, except as otherwise provided in this 159
division compensation paid under this section for the period or 160
periods shall be paid only to the extent by which the payment or 161
payments exceeds the amount of the nonoccupational insurance or 162
program paid or payable. Offset of the compensation shall be 163
made only upon the prior order of the bureau or industrial 164
commission or agreement of the claimant. If an employer provides 165
supplemental sick leave benefits in addition to temporary total 166
disability compensation paid under this section, and if the 167
employer and an employee agree in writing to the payment of the 168
supplemental sick leave benefits, temporary total disability 169

benefits may be paid without an offset for those supplemental 170
sick leave benefits. 171

As used in this division, "net take-home weekly wage" 172
means the amount obtained by dividing an employee's total 173
remuneration, as defined in section 4141.01 of the Revised Code, 174
paid to or earned by the employee during the first four of the 175
last five completed calendar quarters which immediately precede 176
the first day of the employee's entitlement to benefits under 177
this division, by the number of weeks during which the employee 178
was paid or earned remuneration during those four quarters, less 179
the amount of local, state, and federal income taxes deducted 180
for each such week. 181

(B) (1) If an employee in a claim allowed under this 182
chapter suffers a wage loss as a result of returning to 183
employment other than the employee's former position of 184
employment due to an injury or occupational disease, the 185
employee shall receive compensation at sixty-six and two-thirds 186
per cent of the difference between the employee's average weekly 187
wage and the employee's present earnings not to exceed the 188
statewide average weekly wage. The payments may continue for up 189
to a maximum of two hundred weeks, but the payments shall be 190
reduced by the corresponding number of weeks in which the 191
employee receives payments pursuant to division (A) (2) of 192
section 4121.67 of the Revised Code. 193

(2) If an employee in a claim allowed under this chapter 194
suffers a wage loss as a result of being unable to find 195
employment consistent with the employee's disability resulting 196
from the employee's injury or occupational disease, the employee 197
shall receive compensation at sixty-six and two-thirds per cent 198
of the difference between the employee's average weekly wage and 199

the employee's present earnings, not to exceed the statewide 200
average weekly wage. The payments may continue for up to a 201
maximum of fifty-two weeks. The first twenty-six weeks of 202
payments under division (B) (2) of this section shall be in 203
addition to the maximum of two hundred weeks of payments allowed 204
under division (B) (1) of this section. If an employee in a claim 205
allowed under this chapter receives compensation under division 206
(B) (2) of this section in excess of twenty-six weeks, the number 207
of weeks of compensation allowable under division (B) (1) of this 208
section shall be reduced by the corresponding number of weeks in 209
excess of twenty-six, and up to fifty-two, that is allowable 210
under division (B) (1) of this section. 211

(3) The number of weeks of wage loss payable to an 212
employee under divisions (B) (1) and (2) of this section shall 213
not exceed two hundred and twenty-six weeks in the aggregate. 214

(C) In the event an employee of a professional sports 215
franchise domiciled in this state is disabled as the result of 216
an injury or occupational disease, the total amount of payments 217
made under a contract of hire or collective bargaining agreement 218
to the employee during a period of disability is deemed an 219
advanced payment of compensation payable under sections 4123.56 220
to 4123.58 of the Revised Code. The employer shall be reimbursed 221
the total amount of the advanced payments out of any award of 222
compensation made pursuant to sections 4123.56 to 4123.58 of the 223
Revised Code. 224

(D) If an employee receives temporary total disability 225
benefits pursuant to division (A) of this section and social 226
security retirement benefits pursuant to the "Social Security 227
Act," the weekly benefit amount under division (A) of this 228
section shall not exceed sixty-six and two-thirds per cent of 229

the statewide average weekly wage as defined in division (C) of 230
section 4123.62 of the Revised Code. 231

Sec. 4141.01. As used in this chapter, unless the context 232
otherwise requires: 233

(A) (1) "Employer" means the state, its instrumentalities, 234
its political subdivisions and their instrumentalities, Indian 235
tribes, and any individual or type of organization including any 236
partnership, limited liability company, association, trust, 237
estate, joint-stock company, insurance company, or corporation, 238
whether domestic or foreign, or the receiver, trustee in 239
bankruptcy, trustee, or the successor thereof, or the legal 240
representative of a deceased person who subsequent to December 241
31, 1971, or in the case of political subdivisions or their 242
instrumentalities, subsequent to December 31, 1973: 243

(a) Had in employment at least one individual, or in the 244
case of a nonprofit organization, subsequent to December 31, 245
1973, had not less than four individuals in employment for some 246
portion of a day in each of twenty different calendar weeks, in 247
either the current or the preceding calendar year whether or not 248
the same individual was in employment in each such day; or 249

(b) Except for a nonprofit organization, had paid for 250
service in employment wages of fifteen hundred dollars or more 251
in any calendar quarter in either the current or preceding 252
calendar year; or 253

(c) Had paid, subsequent to December 31, 1977, for 254
employment in domestic service in a local college club, or local 255
chapter of a college fraternity or sorority, cash remuneration 256
of one thousand dollars or more in any calendar quarter in the 257
current calendar year or the preceding calendar year, or had 258

paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:

(i) For the purposes of divisions (A) (1) (a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural labor; and

(i) During any calendar quarter in the current calendar year or the preceding calendar year, paid cash remuneration of twenty thousand dollars or more for the agricultural labor; or

(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or

(e) Is not otherwise an employer as defined under division (A) (1) (a) or (b) of this section; and

(i) For which, within either the current or preceding	288
calendar year, service, except for domestic service in a private	289
home not covered under division (A) (1) (c) of this section, is or	290
was performed with respect to which such employer is liable for	291
any federal tax against which credit may be taken for	292
contributions required to be paid into a state unemployment	293
fund;	294
(ii) Which, as a condition for approval of this chapter	295
for full tax credit against the tax imposed by the "Federal	296
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,	297
is required, pursuant to such act to be an employer under this	298
chapter; or	299
(iii) Who became an employer by election under division	300
(A) (4) or (5) of this section and for the duration of such	301
election; or	302
(f) In the case of the state, its instrumentalities, its	303
political subdivisions, and their instrumentalities, and Indian	304
tribes, had in employment, as defined in divisions (B) (2) (a) and	305
(B) (2) (1) of this section, at least one individual;	306
(g) For the purposes of division (A) (1) (a) of this	307
section, if any week includes both the thirty-first day of	308
December and the first day of January, the days of that week	309
before the first day of January shall be considered one calendar	310
week and the days beginning the first day of January another	311
week.	312
(2) Each individual employed to perform or to assist in	313
performing the work of any agent or employee of an employer is	314
employed by such employer for all the purposes of this chapter,	315
whether such individual was hired or paid directly by such	316

employer or by such agent or employee, provided the employer had 317
actual or constructive knowledge of the work. All individuals 318
performing services for an employer of any person in this state 319
who maintains two or more establishments within this state are 320
employed by a single employer for the purposes of this chapter. 321

(3) An employer subject to this chapter within any 322
calendar year is subject to this chapter during the whole of 323
such year and during the next succeeding calendar year. 324

(4) An employer not otherwise subject to this chapter who 325
files with the director of job and family services a written 326
election to become an employer subject to this chapter for not 327
less than two calendar years shall, with the written approval of 328
such election by the director, become an employer subject to 329
this chapter to the same extent as all other employers as of the 330
date stated in such approval, and shall cease to be subject to 331
this chapter as of the first day of January of any calendar year 332
subsequent to such two calendar years only if at least thirty 333
days prior to such first day of January the employer has filed 334
with the director a written notice to that effect. 335

(5) Any employer for whom services that do not constitute 336
employment are performed may file with the director a written 337
election that all such services performed by individuals in the 338
employer's employ in one or more distinct establishments or 339
places of business shall be deemed to constitute employment for 340
all the purposes of this chapter, for not less than two calendar 341
years. Upon written approval of the election by the director, 342
such services shall be deemed to constitute employment subject 343
to this chapter from and after the date stated in such approval. 344
Such services shall cease to be employment subject to this 345
chapter as of the first day of January of any calendar year 346

subsequent to such two calendar years only if at least thirty 347
days prior to such first day of January such employer has filed 348
with the director a written notice to that effect. 349

(B) (1) "Employment" means service performed by an 350
individual for remuneration under any contract of hire, written 351
or oral, express or implied, including service performed in 352
interstate commerce and service performed by an officer of a 353
corporation, without regard to whether such service is 354
executive, managerial, or manual in nature, and without regard 355
to whether such officer is a stockholder or a member of the 356
board of directors of the corporation, unless it is shown to the 357
satisfaction of the director that such individual has been and 358
will continue to be free from direction or control over the 359
performance of such service, both under a contract of service 360
and in fact. The director shall adopt rules to define "direction 361
or control." 362

(2) "Employment" includes: 363

(a) Service performed after December 31, 1977, by an 364
individual in the employ of the state or any of its 365
instrumentalities, or any political subdivision thereof or any 366
of its instrumentalities or any instrumentality of more than one 367
of the foregoing or any instrumentality of any of the foregoing 368
and one or more other states or political subdivisions and 369
without regard to divisions (A) (1) (a) and (b) of this section, 370
provided that such service is excluded from employment as 371
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 372
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 373
(3) of this section; or the services of employees covered by 374
voluntary election, as provided under divisions (A) (4) and (5) 375
of this section; 376

(b) Service performed after December 31, 1971, by an individual in the employ of a religious, educational, or other organization which is excluded from the term "employment" as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3306(c) (8) of that act and is not excluded under division (B) (3) of this section;

(c) Domestic service performed after December 31, 1977, for an employer, as provided in division (A) (1) (c) of this section;

(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division (A) (1) (d) of this section;

(e) Service not covered under division (B) (1) of this section which is performed after December 31, 1971:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal;

(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of division (B) (2) (e) (ii) of this section, the services shall be deemed employment if the contract

of service contemplates that substantially all of the services 406
are to be performed personally by the individual and that the 407
individual does not have a substantial investment in facilities 408
used in connection with the performance of the services other 409
than in facilities for transportation, and the services are not 410
in the nature of a single transaction that is not a part of a 411
continuing relationship with the person for whom the services 412
are performed. 413

(f) An individual's entire service performed within or 414
both within and without the state if: 415

(i) The service is localized in this state. 416

(ii) The service is not localized in any state, but some 417
of the service is performed in this state and either the base of 418
operations, or if there is no base of operations then the place 419
from which such service is directed or controlled, is in this 420
state or the base of operations or place from which such service 421
is directed or controlled is not in any state in which some part 422
of the service is performed but the individual's residence is in 423
this state. 424

(g) Service not covered under division (B) (2) (f) (ii) of 425
this section and performed entirely without this state, with 426
respect to no part of which contributions are required and paid 427
under an unemployment compensation law of any other state, the 428
Virgin Islands, Canada, or of the United States, if the 429
individual performing such service is a resident of this state 430
and the director approves the election of the employer for whom 431
such services are performed; or, if the individual is not a 432
resident of this state but the place from which the service is 433
directed or controlled is in this state, the entire services of 434
such individual shall be deemed to be employment subject to this 435

chapter, provided service is deemed to be localized within this 436
state if the service is performed entirely within this state or 437
if the service is performed both within and without this state 438
but the service performed without this state is incidental to 439
the individual's service within the state, for example, is 440
temporary or transitory in nature or consists of isolated 441
transactions; 442

(h) Service of an individual who is a citizen of the 443
United States, performed outside the United States except in 444
Canada after December 31, 1971, or the Virgin Islands, after 445
December 31, 1971, and before the first day of January of the 446
year following that in which the United States secretary of 447
labor approves the Virgin Islands law for the first time, in the 448
employ of an American employer, other than service which is 449
"employment" under divisions (B) (2) (f) and (g) of this section 450
or similar provisions of another state's law, if: 451

(i) The employer's principal place of business in the 452
United States is located in this state; 453

(ii) The employer has no place of business in the United 454
States, but the employer is an individual who is a resident of 455
this state; or the employer is a corporation which is organized 456
under the laws of this state, or the employer is a partnership 457
or a trust and the number of partners or trustees who are 458
residents of this state is greater than the number who are 459
residents of any other state; or 460

(iii) None of the criteria of divisions (B) (2) (f) (i) and 461
(ii) of this section is met but the employer has elected 462
coverage in this state or the employer having failed to elect 463
coverage in any state, the individual has filed a claim for 464
benefits, based on such service, under this chapter. 465

(i) For the purposes of division (B) (2) (h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B) (1) and (2) of this section, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

(i) The employer directs or controls the manner or method by which instructions are given to the individual performing services;	497 498 499
(ii) The employer requires particular training for the individual performing services;	500 501
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	502 503
(iv) The employer requires that services be provided by a particular individual;	504 505
(v) The employer hires, supervises, or pays the wages of the individual performing services;	506 507
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	508 509 510
(vii) The employer requires the individual to perform services during established hours;	511 512
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	513 514 515
(ix) The employer requires the individual to perform services on the employer's premises;	516 517
(x) The employer requires the individual performing services to follow the order of work established by the employer;	518 519 520
(xi) The employer requires the individual performing services to make oral or written reports of progress;	521 522
(xii) The employer makes payment to the individual for	523

services on a regular basis, such as hourly, weekly, or monthly;	524
(xiii) The employer pays expenses for the individual performing services;	525 526
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	527 528
(xv) The individual performing services has not invested in the facilities used to perform services;	529 530
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	531 532 533
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	534 535
(xviii) The individual performing services does not make the services available to the general public;	536 537
(xix) The employer has a right to discharge the individual performing services;	538 539
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	540 541 542 543
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded	544 545 546 547 548 549 550 551

under division (B) (3) of this section.	552
(3) "Employment" does not include the following services	553
if they are found not subject to the "Federal Unemployment Tax	554
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the	555
services are not required to be included under division (B) (2)	556
(j) of this section:	557
(a) Service performed after December 31, 1977, in	558
agricultural labor, except as provided in division (A) (1) (d) of	559
this section;	560
(b) Domestic service performed after December 31, 1977, in	561
a private home, local college club, or local chapter of a	562
college fraternity or sorority except as provided in division	563
(A) (1) (c) of this section;	564
(c) Service performed after December 31, 1977, for this	565
state or a political subdivision as described in division (B) (2)	566
(a) of this section when performed:	567
(i) As a publicly elected official;	568
(ii) As a member of a legislative body, or a member of the	569
judiciary;	570
(iii) As a military member of the Ohio national guard;	571
(iv) As an employee, not in the classified service as	572
defined in section 124.11 of the Revised Code, serving on a	573
temporary basis in case of fire, storm, snow, earthquake, flood,	574
or similar emergency;	575
(v) In a position which, under or pursuant to law, is	576
designated as a major nontenured policymaking or advisory	577
position, not in the classified service of the state, or a	578
policymaking or advisory position the performance of the duties	579

of which ordinarily does not require more than eight hours per 580
week. 581

(d) In the employ of any governmental unit or 582
instrumentality of the United States; 583

(e) Service performed after December 31, 1971: 584

(i) Service in the employ of an educational institution or 585
institution of higher education, including those operated by the 586
state or a political subdivision, if such service is performed 587
by a student who is enrolled and is regularly attending classes 588
at the educational institution or institution of higher 589
education; or 590

(ii) By an individual who is enrolled at a nonprofit or 591
public educational institution which normally maintains a 592
regular faculty and curriculum and normally has a regularly 593
organized body of students in attendance at the place where its 594
educational activities are carried on as a student in a full- 595
time program, taken for credit at the institution, which 596
combines academic instruction with work experience, if the 597
service is an integral part of the program, and the institution 598
has so certified to the employer, provided that this subdivision 599
shall not apply to service performed in a program established 600
for or on behalf of an employer or group of employers. 601

(f) Service performed by an individual in the employ of 602
the individual's son, daughter, or spouse and service performed 603
by a child under the age of eighteen in the employ of the 604
child's father or mother; 605

(g) Service performed for one or more principals by an 606
individual who is compensated on a commission basis, who in the 607
performance of the work is master of the individual's own time 608

and efforts, and whose remuneration is wholly dependent on the 609
amount of effort the individual chooses to expend, and which 610
service is not subject to the "Federal Unemployment Tax Act," 53 611
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 612
after December 31, 1971: 613

(i) By an individual for an employer as an insurance agent 614
or as an insurance solicitor, if all this service is performed 615
for remuneration solely by way of commission; 616

(ii) As a home worker performing work, according to 617
specifications furnished by the employer for whom the services 618
are performed, on materials or goods furnished by such employer 619
which are required to be returned to the employer or to a person 620
designated for that purpose. 621

(h) Service performed after December 31, 1971: 622

(i) In the employ of a church or convention or association 623
of churches, or in an organization which is operated primarily 624
for religious purposes and which is operated, supervised, 625
controlled, or principally supported by a church or convention 626
or association of churches; 627

(ii) By a duly ordained, commissioned, or licensed 628
minister of a church in the exercise of the individual's 629
ministry or by a member of a religious order in the exercise of 630
duties required by such order; or 631

(iii) In a facility conducted for the purpose of carrying 632
out a program of rehabilitation for individuals whose earning 633
capacity is impaired by age or physical or mental deficiency or 634
injury, or providing remunerative work for individuals who 635
because of their impaired physical or mental capacity cannot be 636
readily absorbed in the competitive labor market, by an 637

individual receiving such rehabilitation or remunerative work. 638

(i) Service performed after June 30, 1939, with respect to 639
which unemployment compensation is payable under the "Railroad 640
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 641
351; 642

(j) Service performed by an individual in the employ of 643
any organization exempt from income tax under section 501 of the 644
"Internal Revenue Code of 1954," if the remuneration for such 645
service does not exceed fifty dollars in any calendar quarter, 646
or if such service is in connection with the collection of dues 647
or premiums for a fraternal beneficial society, order, or 648
association and is performed away from the home office or is 649
ritualistic service in connection with any such society, order, 650
or association; 651

(k) Casual labor not in the course of an employer's trade 652
or business; incidental service performed by an officer, 653
appraiser, or member of a finance committee of a bank, building 654
and loan association, savings and loan association, or savings 655
association when the remuneration for such incidental service 656
exclusive of the amount paid or allotted for directors' fees 657
does not exceed sixty dollars per calendar quarter is casual 658
labor; 659

(l) Service performed in the employ of a voluntary 660
employees' beneficial association providing for the payment of 661
life, sickness, accident, or other benefits to the members of 662
such association or their dependents or their designated 663
beneficiaries, if admission to a membership in such association 664
is limited to individuals who are officers or employees of a 665
municipal or public corporation, of a political subdivision of 666
the state, or of the United States and no part of the net 667

earnings of such association inures, other than through such 668
payments, to the benefit of any private shareholder or 669
individual; 670

(m) Service performed by an individual in the employ of a 671
foreign government, including service as a consular or other 672
officer or employee or of a nondiplomatic representative; 673

(n) Service performed in the employ of an instrumentality 674
wholly owned by a foreign government if the service is of a 675
character similar to that performed in foreign countries by 676
employees of the United States or of an instrumentality thereof 677
and if the director finds that the secretary of state of the 678
United States has certified to the secretary of the treasury of 679
the United States that the foreign government, with respect to 680
whose instrumentality exemption is claimed, grants an equivalent 681
exemption with respect to similar service performed in the 682
foreign country by employees of the United States and of 683
instrumentalities thereof; 684

(o) Service with respect to which unemployment 685
compensation is payable under an unemployment compensation 686
system established by an act of congress; 687

(p) Service performed as a student nurse in the employ of 688
a hospital or a nurses' training school by an individual who is 689
enrolled and is regularly attending classes in a nurses' 690
training school chartered or approved pursuant to state law, and 691
service performed as an intern in the employ of a hospital by an 692
individual who has completed a four years' course in a medical 693
school chartered or approved pursuant to state law; 694

(q) Service performed by an individual under the age of 695
eighteen in the delivery or distribution of newspapers or 696

shopping news, not including delivery or distribution to any 697
point for subsequent delivery or distribution; 698

(r) Service performed in the employ of the United States 699
or an instrumentality of the United States immune under the 700
Constitution of the United States from the contributions imposed 701
by this chapter, except that to the extent that congress permits 702
states to require any instrumentalities of the United States to 703
make payments into an unemployment fund under a state 704
unemployment compensation act, this chapter shall be applicable 705
to such instrumentalities and to services performed for such 706
instrumentalities in the same manner, to the same extent, and on 707
the same terms as to all other employers, individuals, and 708
services, provided that if this state is not certified for any 709
year by the proper agency of the United States under section 710
3304 of the "Internal Revenue Code of 1954," the payments 711
required of such instrumentalities with respect to such year 712
shall be refunded by the director from the fund in the same 713
manner and within the same period as is provided in division (E) 714
of section 4141.09 of the Revised Code with respect to 715
contributions erroneously collected; 716

(s) Service performed by an individual as a member of a 717
band or orchestra, provided such service does not represent the 718
principal occupation of such individual, and which service is 719
not subject to or required to be covered for full tax credit 720
against the tax imposed by the "Federal Unemployment Tax Act," 721
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 722

(t) Service performed in the employ of a day camp whose 723
camping season does not exceed twelve weeks in any calendar 724
year, and which service is not subject to the "Federal 725
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 726

3311. Service performed after December 31, 1971:	727
(i) In the employ of a hospital, if the service is	728
performed by a patient of the hospital, as defined in division	729
(W) of this section;	730
(ii) For a prison or other correctional institution by an	731
inmate of the prison or correctional institution;	732
(iii) Service performed after December 31, 1977, by an	733
inmate of a custodial institution operated by the state, a	734
political subdivision, or a nonprofit organization.	735
(u) Service that is performed by a nonresident alien	736
individual for the period the individual temporarily is present	737
in the United States as a nonimmigrant under division (F), (J),	738
(M), or (Q) of section 101(a)(15) of the "Immigration and	739
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended,	740
that is excluded under section 3306(c)(19) of the "Federal	741
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to	742
3311.	743
(v) Notwithstanding any other provisions of division (B)	744
(3) of this section, services that are excluded under divisions	745
(B)(3)(g), (j), (k), and (l) of this section shall not be	746
excluded from employment when performed for a nonprofit	747
organization, as defined in division (X) of this section, or for	748
this state or its instrumentalities, or for a political	749
subdivision or its instrumentalities or for Indian tribes;	750
(w) Service that is performed by an individual working as	751
an election official or election worker if the amount of	752
remuneration received by the individual during the calendar year	753
for services as an election official or election worker is less	754
than one thousand dollars;	755

(x) Service performed for an elementary or secondary school that is operated primarily for religious purposes, that is described in subsection 501(c)(3) and exempt from federal income taxation under subsection 501(a) of the Internal Revenue Code, 26 U.S.C.A. 501;	756 757 758 759 760
(y) Service performed by a person committed to a penal institution.	761 762
(z) Service performed for an Indian tribe as described in division (B)(2)(1) of this section when performed in any of the following manners:	763 764 765
(i) As a publicly elected official;	766
(ii) As a member of an Indian tribal council;	767
(iii) As a member of a legislative or judiciary body;	768
(iv) In a position which, pursuant to Indian tribal law, is designated as a major nontenured policymaking or advisory position, or a policymaking or advisory position where the performance of the duties ordinarily does not require more than eight hours of time per week;	769 770 771 772 773
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	774 775 776
(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-	777 778 779 780 781 782 783

training. 784

(bb) Participation in a learn to earn program as defined 785
in section 4141.293 of the Revised Code. 786

(4) If the services performed during one half or more of 787
any pay period by an employee for the person employing that 788
employee constitute employment, all the services of such 789
employee for such period shall be deemed to be employment; but 790
if the services performed during more than one half of any such 791
pay period by an employee for the person employing that employee 792
do not constitute employment, then none of the services of such 793
employee for such period shall be deemed to be employment. As 794
used in division (B) (4) of this section, "pay period" means a 795
period, of not more than thirty-one consecutive days, for which 796
payment of remuneration is ordinarily made to the employee by 797
the person employing that employee. Division (B) (4) of this 798
section does not apply to services performed in a pay period by 799
an employee for the person employing that employee, if any of 800
such service is excepted by division (B) (3) (o) of this section. 801

(C) "Benefits" means money payments payable to an 802
individual who has established benefit rights, as provided in 803
this chapter, for loss of remuneration due to the individual's 804
unemployment. 805

(D) "Benefit rights" means the weekly benefit amount and 806
the maximum benefit amount that may become payable to an 807
individual within the individual's benefit year as determined by 808
the director. 809

(E) "Claim for benefits" means a claim for waiting period 810
or benefits for a designated week. 811

(F) "Additional claim" means the first claim for benefits 812

filed following any separation from employment during a benefit 813
year; "continued claim" means any claim other than the first 814
claim for benefits and other than an additional claim. 815

(G) (1) ~~"Wages"~~ Except as provided in division (G) (2) of 816
this section, "wages" means remuneration paid to an employee by 817
each of the employee's employers with respect to employment; 818
except that wages shall not include that part of remuneration 819
paid during any calendar year to an individual by an employer or 820
such employer's predecessor in interest in the same business or 821
enterprise, which in any calendar year is in excess of ~~eight-~~ 822
~~thousand two hundred fifty dollars on and after January 1, 1992;~~ 823
~~eight thousand five hundred dollars on and after January 1,~~ 824
~~1993; eight thousand seven hundred fifty dollars on and after~~ 825
~~January 1, 1994; and nine thousand dollars on and after January~~ 826
~~1, 1995.~~ Remuneration in excess of such ~~amounts~~ amount shall be 827
deemed wages subject to contribution to the same extent that 828
such remuneration is defined as wages under the "Federal 829
Unemployment Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 830
3311, as amended. The remuneration paid an employee by an 831
employer with respect to employment in another state, upon which 832
contributions were required and paid by such employer under the 833
unemployment compensation act of such other state, shall be 834
included as a part of remuneration in computing the amount 835
specified in this division. 836

(2) ~~Notwithstanding division (G) (1) of this section, if,~~ 837
~~as of the computation date for any calendar year, the director~~ 838
~~determines that the level of the unemployment compensation fund~~ 839
~~is sixty per cent or more below the minimum safe level as~~ 840
~~defined in section 4141.25 of the Revised Code, then, effective~~ 841
~~the first day of January of the following calendar year, wages~~ 842
~~subject to this chapter shall~~ For the time period beginning on 843

the first day of January immediately following a computation 844
date on which the unemployment compensation fund is at or below 845
fifty per cent of the minimum safe level and ending on the 846
thirty-first day of December following a computation date on 847
which the unemployment compensation fund is at or above the 848
minimum safe level, "wages" means remuneration paid to an 849
employee by each of the employee's employers with respect to 850
employment, but does not include that part of remuneration paid 851
during any calendar year to an individual by an employer or such 852
employer's predecessor in interest in the same business or 853
enterprise which is in excess of ~~nine~~-eleven thousand dollars. 854
~~The increase in the dollar amount of wages subject to this~~ 855
~~chapter under this division shall remain in effect from the date~~ 856
~~of the director's determination pursuant to division (C) (2) of~~ 857
~~this section and thereafter notwithstanding the fact that the~~ 858
~~level in the fund may subsequently become less than sixty per~~ 859
~~cent below the minimum safe level.~~ 860

(H) (1) "Remuneration" means all compensation for personal 861
services, including commissions and bonuses and the cash value 862
of all compensation in any medium other than cash, except that 863
in the case of agricultural or domestic service, "remuneration" 864
includes only cash remuneration. Gratuities customarily received 865
by an individual in the course of the individual's employment 866
from persons other than the individual's employer and which are 867
accounted for by such individual to the individual's employer 868
are taxable wages. 869

The reasonable cash value of compensation paid in any 870
medium other than cash shall be estimated and determined in 871
accordance with rules prescribed by the director, provided that 872
"remuneration" does not include: 873

(a) Payments as provided in divisions (b) (2) to (b) (20) of 874
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 875
713, 26 U.S.C.A. 3301 to 3311, as amended; 876

(b) The payment by an employer, without deduction from the 877
remuneration of the individual in the employer's employ, of the 878
tax imposed upon an individual in the employer's employ under 879
section 3101 of the "Internal Revenue Code of 1954," with 880
respect to services performed after October 1, 1941. 881

(2) "Cash remuneration" means all remuneration paid in 882
cash, including commissions and bonuses, but not including the 883
cash value of all compensation in any medium other than cash. 884

(I) "Interested party" means the director and any party to 885
whom notice of a determination of an application for benefit 886
rights or a claim for benefits is required to be given under 887
section 4141.28 of the Revised Code. 888

(J) "Annual payroll" means the total amount of wages 889
subject to contributions during a twelve-month period ending 890
with the last day of the second calendar quarter of any calendar 891
year. 892

(K) "Average annual payroll" means the average of the last 893
three annual payrolls of an employer, provided that if, as of 894
any computation date, the employer has had less than three 895
annual payrolls in such three-year period, such average shall be 896
based on the annual payrolls which the employer has had as of 897
such date. 898

(L) (1) "Contributions" means the money payments to the 899
state unemployment compensation fund required of employers by 900
section 4141.25 of the Revised Code and of the state and any of 901
its political subdivisions electing to pay contributions under 902

section 4141.242 of the Revised Code. Employers paying 903
contributions shall be described as "contributory employers." 904

(2) "Payments in lieu of contributions" means the money 905
payments to the state unemployment compensation fund required of 906
reimbursing employers under sections 4141.241 and 4141.242 of 907
the Revised Code. 908

(M) An individual is "totally unemployed" in any week 909
during which the individual performs no services and with 910
respect to such week no remuneration is payable to the 911
individual. 912

(N) An individual is "partially unemployed" in any week 913
if, due to involuntary loss of work, the total remuneration 914
payable to the individual for such week is less than the 915
individual's weekly benefit amount. 916

(O) "Week" means the calendar week ending at midnight 917
Saturday unless an equivalent week of seven consecutive calendar 918
days is prescribed by the director. 919

(1) "Qualifying week" means any calendar week in an 920
individual's base period with respect to which the individual 921
earns or is paid remuneration in employment subject to this 922
chapter. A calendar week with respect to which an individual 923
earns remuneration but for which payment was not made within the 924
base period, when necessary to qualify for benefit rights, may 925
be considered to be a qualifying week. The number of qualifying 926
weeks which may be established in a calendar quarter shall not 927
exceed the number of calendar weeks in the quarter. 928

(2) "Average weekly wage" means the amount obtained by 929
dividing an individual's total remuneration for all qualifying 930
weeks during the base period by the number of such qualifying 931

weeks, provided that if the computation results in an amount 932
that is not a multiple of one dollar, such amount shall be 933
rounded to the next lower multiple of one dollar. 934

(P) "Weekly benefit amount" means the amount of benefits 935
an individual would be entitled to receive for one week of total 936
unemployment. 937

(Q) (1) "Base period" means the first four of the last five 938
completed calendar quarters immediately preceding the first day 939
of an individual's benefit year, except as provided in division 940
(Q) (2) of this section. 941

(2) If an individual does not have sufficient qualifying 942
weeks and wages in the base period to qualify for benefit 943
rights, the individual's base period shall be the four most 944
recently completed calendar quarters preceding the first day of 945
the individual's benefit year. Such base period shall be known 946
as the "alternate base period." If information as to weeks and 947
wages for the most recent quarter of the alternate base period 948
is not available to the director from the regular quarterly 949
reports of wage information, which are systematically 950
accessible, the director may, consistent with the provisions of 951
section 4141.28 of the Revised Code, base the determination of 952
eligibility for benefits on the affidavit of the claimant with 953
respect to weeks and wages for that calendar quarter. The 954
claimant shall furnish payroll documentation, where available, 955
in support of the affidavit. The determination based upon the 956
alternate base period as it relates to the claimant's benefit 957
rights, shall be amended when the quarterly report of wage 958
information from the employer is timely received and that 959
information causes a change in the determination. As provided in 960
division (B) of section 4141.28 of the Revised Code, any 961

benefits paid and charged to an employer's account, based upon a 962
claimant's affidavit, shall be adjusted effective as of the 963
beginning of the claimant's benefit year. No calendar quarter in 964
a base period or alternate base period shall be used to 965
establish a subsequent benefit year. 966

(3) The "base period" of a combined wage claim, as 967
described in division (H) of section 4141.43 of the Revised 968
Code, shall be the base period prescribed by the law of the 969
state in which the claim is allowed. 970

(4) For purposes of determining the weeks that comprise a 971
completed calendar quarter under this division, only those weeks 972
ending at midnight Saturday within the calendar quarter shall be 973
utilized. 974

(R) (1) "Benefit year" with respect to an individual means 975
the fifty-two week period beginning with the first day of that 976
week with respect to which the individual first files a valid 977
application for determination of benefit rights, and thereafter 978
the fifty-two week period beginning with the first day of that 979
week with respect to which the individual next files a valid 980
application for determination of benefit rights after the 981
termination of the individual's last preceding benefit year, 982
except that the application shall not be considered valid unless 983
the individual has earned remuneration in at least three 984
calendar quarters in the individual's base period, has had 985
employment in six weeks that is subject to this chapter or the 986
unemployment compensation act of another state, or the United 987
States, and has, since the beginning of the individual's 988
previous benefit year, in the employment earned three times the 989
average weekly wage determined for the previous benefit year. 990
The "benefit year" of a combined wage claim, as described in 991

division (H) of section 4141.43 of the Revised Code, shall be 992
the benefit year prescribed by the law of the state in which the 993
claim is allowed. Any application for determination of benefit 994
rights made in accordance with section 4141.28 of the Revised 995
Code is valid if the individual filing such application is 996
unemployed, has been employed by an employer or employers 997
subject to this chapter in at least twenty qualifying weeks 998
within the individual's base period, and has earned or been paid 999
remuneration at an average weekly wage of not less than twenty- 1000
seven and one-half per cent of the statewide average weekly wage 1001
for such weeks. For purposes of determining whether an 1002
individual has had sufficient employment since the beginning of 1003
the individual's previous benefit year to file a valid 1004
application, "employment" means the performance of services for 1005
which remuneration is payable. 1006

(2) Effective for benefit years beginning on and after 1007
December 26, 2004, any application for determination of benefit 1008
rights made in accordance with section 4141.28 of the Revised 1009
Code is valid if the individual satisfies the criteria described 1010
in division (R) (1) of this section, and if the reason for the 1011
individual's separation from employment is not disqualifying 1012
pursuant to division (D) (2) of section 4141.29 or section 1013
4141.291 of the Revised Code. A disqualification imposed 1014
pursuant to division (D) (2) of section 4141.29 or section 1015
4141.291 of the Revised Code must be removed as provided in 1016
those sections as a requirement of establishing a valid 1017
application for benefit years beginning on and after December 1018
26, 2004. 1019

(3) The statewide average weekly wage shall be calculated 1020
by the director once a year based on the twelve-month period 1021
ending the thirtieth day of June, as set forth in ~~division (B)~~ 1022

~~(3) of section 4141.30-4141.02~~ of the Revised Code, rounded down 1023
to the nearest dollar. Increases or decreases in the amount of 1024
remuneration required to have been earned or paid in order for 1025
individuals to have filed valid applications shall become 1026
effective on Sunday of the calendar week in which the first day 1027
of January occurs that follows the twelve-month period ending 1028
the thirtieth day of June upon which the calculation of the 1029
statewide average weekly wage was based. 1030

(4) As used in this division, an individual is 1031
"unemployed" if, with respect to the calendar week in which such 1032
application is filed, the individual is "partially unemployed" 1033
or "totally unemployed" as defined in this section or if, prior 1034
to filing the application, the individual was separated from the 1035
individual's most recent work for any reason which terminated 1036
the individual's employee-employer relationship, or was laid off 1037
indefinitely or for a definite period of seven or more days. 1038

(S) "Calendar quarter" means the period of three 1039
consecutive calendar months ending on the thirty-first day of 1040
March, the thirtieth day of June, the thirtieth day of 1041
September, and the thirty-first day of December, or the 1042
equivalent thereof as the director prescribes by rule. 1043

(T) "Computation date" means the first day of the third 1044
calendar quarter of any calendar year. 1045

(U) "Contribution period" means the calendar year 1046
beginning on the first day of January of any year. 1047

(V) "Agricultural labor," for the purpose of this 1048
division, means any service performed prior to January 1, 1972, 1049
which was agricultural labor as defined in this division prior 1050
to that date, and service performed after December 31, 1971: 1051

(1) On a farm, in the employ of any person, in connection 1052
with cultivating the soil, or in connection with raising or 1053
harvesting any agricultural or horticultural commodity, 1054
including the raising, shearing, feeding, caring for, training, 1055
and management of livestock, bees, poultry, and fur-bearing 1056
animals and wildlife; 1057

(2) In the employ of the owner or tenant or other operator 1058
of a farm in connection with the operation, management, 1059
conservation, improvement, or maintenance of such farm and its 1060
tools and equipment, or in salvaging timber or clearing land of 1061
brush and other debris left by hurricane, if the major part of 1062
such service is performed on a farm; 1063

(3) In connection with the production or harvesting of any 1064
commodity defined as an agricultural commodity in section 15 (g) 1065
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 1066
U.S.C. 1141j, as amended, or in connection with the ginning of 1067
cotton, or in connection with the operation or maintenance of 1068
ditches, canals, reservoirs, or waterways, not owned or operated 1069
for profit, used exclusively for supplying and storing water for 1070
farming purposes; 1071

(4) In the employ of the operator of a farm in handling, 1072
planting, drying, packing, packaging, processing, freezing, 1073
grading, storing, or delivering to storage or to market or to a 1074
carrier for transportation to market, in its unmanufactured 1075
state, any agricultural or horticultural commodity, but only if 1076
the operator produced more than one half of the commodity with 1077
respect to which such service is performed; 1078

(5) In the employ of a group of operators of farms, or a 1079
cooperative organization of which the operators are members, in 1080
the performance of service described in division (V) (4) of this 1081

section, but only if the operators produced more than one-half 1082
of the commodity with respect to which the service is performed; 1083

(6) Divisions (V) (4) and (5) of this section shall not be 1084
deemed to be applicable with respect to service performed: 1085

(a) In connection with commercial canning or commercial 1086
freezing or in connection with any agricultural or horticultural 1087
commodity after its delivery to a terminal market for 1088
distribution for consumption; or 1089

(b) On a farm operated for profit if the service is not in 1090
the course of the employer's trade or business. 1091

As used in division (V) of this section, "farm" includes 1092
stock, dairy, poultry, fruit, fur-bearing animal, and truck 1093
farms, plantations, ranches, nurseries, ranges, greenhouses, or 1094
other similar structures used primarily for the raising of 1095
agricultural or horticultural commodities and orchards. 1096

(W) "Hospital" means an institution which has been 1097
registered or licensed by the Ohio department of health as a 1098
hospital. 1099

(X) "Nonprofit organization" means an organization, or 1100
group of organizations, described in section 501(c) (3) of the 1101
"Internal Revenue Code of 1954," and exempt from income tax 1102
under section 501(a) of that code. 1103

(Y) "Institution of higher education" means a public or 1104
nonprofit educational institution, including an educational 1105
institution operated by an Indian tribe, which: 1106

(1) Admits as regular students only individuals having a 1107
certificate of graduation from a high school, or the recognized 1108
equivalent; 1109

(2) Is legally authorized in this state or by the Indian 1110
tribe to provide a program of education beyond high school; and 1111

(3) Provides an educational program for which it awards a 1112
bachelor's or higher degree, or provides a program which is 1113
acceptable for full credit toward such a degree, a program of 1114
post-graduate or post-doctoral studies, or a program of training 1115
to prepare students for gainful employment in a recognized 1116
occupation. 1117

For the purposes of this division, all colleges and 1118
universities in this state are institutions of higher education. 1119

(Z) For the purposes of this chapter, "states" includes 1120
the District of Columbia, the Commonwealth of Puerto Rico, and 1121
the Virgin Islands. 1122

(AA) "Alien" means, for the purposes of division (A) (1) (d) 1123
of this section, an individual who is an alien admitted to the 1124
United States to perform service in agricultural labor pursuant 1125
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 1126
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 1127

(BB) (1) "Crew leader" means an individual who furnishes 1128
individuals to perform agricultural labor for any other employer 1129
or farm operator, and: 1130

(a) Pays, either on the individual's own behalf or on 1131
behalf of the other employer or farm operator, the individuals 1132
so furnished by the individual for the service in agricultural 1133
labor performed by them; 1134

(b) Has not entered into a written agreement with the 1135
other employer or farm operator under which the agricultural 1136
worker is designated as in the employ of the other employer or 1137
farm operator. 1138

(2) For the purposes of this chapter, any individual who 1139
is a member of a crew furnished by a crew leader to perform 1140
service in agricultural labor for any other employer or farm 1141
operator shall be treated as an employee of the crew leader if: 1142

(a) The crew leader holds a valid certificate of 1143
registration under the "Farm Labor Contractor Registration Act 1144
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 1145

(b) Substantially all the members of the crew operate or 1146
maintain tractors, mechanized harvesting or crop-dusting 1147
equipment, or any other mechanized equipment, which is provided 1148
by the crew leader; and 1149

(c) If the individual is not in the employment of the 1150
other employer or farm operator within the meaning of division 1151
(B)(1) of this section. 1152

(3) For the purposes of this division, any individual who 1153
is furnished by a crew leader to perform service in agricultural 1154
labor for any other employer or farm operator and who is not 1155
treated as in the employment of the crew leader under division 1156
(BB)(2) of this section shall be treated as the employee of the 1157
other employer or farm operator and not of the crew leader. The 1158
other employer or farm operator shall be treated as having paid 1159
cash remuneration to the individual in an amount equal to the 1160
amount of cash remuneration paid to the individual by the crew 1161
leader, either on the crew leader's own behalf or on behalf of 1162
the other employer or farm operator, for the service in 1163
agricultural labor performed for the other employer or farm 1164
operator. 1165

(CC) "Educational institution" means an institution other 1166
than an institution of higher education as defined in division 1167

(Y) of this section, including an educational institution 1168
operated by an Indian tribe, which: 1169

(1) Offers participants, trainees, or students an 1170
organized course of study or training designed to transfer to 1171
them knowledge, skills, information, doctrines, attitudes, or 1172
abilities from, by, or under the guidance of an instructor or 1173
teacher; and 1174

(2) Is approved, chartered, or issued a permit to operate 1175
as a school by the state board of education, other government 1176
agency, or Indian tribe that is authorized within the state to 1177
approve, charter, or issue a permit for the operation of a 1178
school. 1179

For the purposes of this division, the courses of study or 1180
training which the institution offers may be academic, 1181
technical, trade, or preparation for gainful employment in a 1182
recognized occupation. 1183

(DD) "Cost savings day" means any unpaid day off from work 1184
in which employees continue to accrue employee benefits which 1185
have a determinable value including, but not limited to, 1186
vacation, pension contribution, sick time, and life and health 1187
insurance. 1188

(EE) "Fund as of the computation date" means as of any 1189
computation date, the aggregate amount of the unemployment 1190
compensation fund, including all contributions owing on the 1191
computation date that are paid within thirty days thereafter, 1192
all payments in lieu of contributions that are paid within sixty 1193
days after the computation date, all reimbursements of the 1194
federal share of extended benefits described in section 4141.301 1195
of the Revised Code that are owing on the computation date, and 1196

all interest earned by the fund and received on or before the 1197
computation date from the federal government. 1198

(FF) "Minimum safe level" means an amount equal to the 1199
average high cost multiple calculated annually pursuant to 1200
division (B) of section 4141.251 of the Revised Code. 1201

Sec. 4141.02. The director of job and family services 1202
shall calculate the statewide average weekly wage based on the 1203
average weekly earnings of all workers in employment subject to 1204
this chapter during the preceding twelve-month period ending the 1205
thirtieth day of June. The calculation shall be made in the 1206
following manner: 1207

(A) The sum of the total monthly employment reported for 1208
the previous twelve-month period shall be divided by twelve to 1209
determine the average monthly employment. 1210

(B) The sum of the total wages reported for the previous 1211
twelve-month period shall be divided by the average monthly 1212
employment to determine the average annual wage. 1213

(C) The average annual wage shall be divided by fifty-two 1214
to determine the statewide average weekly wage. 1215

Sec. 4141.131. The director of job and family services may 1216
enter into contracts for the sale of real property no longer 1217
needed by the director for the operations of the director under 1218
this title. Any costs attributable to the director that are 1219
associated with the sale of real property under this section 1220
shall be paid out of the unemployment compensation special 1221
administrative fund established pursuant to section 4141.11 of 1222
the Revised Code. The director shall submit a report summarizing 1223
the use of that fund for the purpose of this section at least 1224
annually to the ~~unemployment compensation advisory council as~~ 1225

~~prescribed by the council president of the senate and the~~ 1226
~~speaker of the house of representatives.~~ 1227

The auditor of state, with the assistance of the attorney 1228
general, shall prepare a deed to the real property being sold 1229
upon notice from the director that a contract for the sale of 1230
that property has been executed in accordance with this section. 1231
The deed shall state the consideration and any conditions placed 1232
upon the sale. The deed shall be executed by the governor in the 1233
name of the state, countersigned by the secretary of state, 1234
sealed with the great seal of the state, presented in the office 1235
of the auditor of state for recording, and delivered to the 1236
buyer upon payment of the balance of the purchase price. 1237

The buyer shall present the deed for recording in the 1238
county recorder's office of the county in which the real 1239
property is located. 1240

Sec. 4141.24. (A) (1) The director of job and family 1241
services shall maintain a separate account for each employer 1242
and, except as otherwise provided in division (B) of section 1243
4141.25 of the Revised Code respecting mutualized contributions, 1244
shall credit such employer's account with all the contributions, 1245
or payments in lieu of contributions, which the employer has 1246
paid on the employer's own behalf. 1247

(2) If, as of the computation date, a contributory 1248
employer's account shows a negative balance computed as provided 1249
in division (A) (3) of section 4141.25 of the Revised Code, less 1250
any contributions due and unpaid on such date, which negative 1251
balance is in excess of the limitations imposed by divisions (A) 1252
(2) (a), (b), and (c) of this section and if the employer's 1253
account is otherwise eligible for the transfer, then before the 1254
employer's contribution rate is computed for the next succeeding 1255

contribution period, an amount equal to the amount of the excess 1256
eligible for transfer shall be permanently transferred from the 1257
account of such employer and charged to the mutualized account 1258
provided in division (B) of section 4141.25 of the Revised Code. 1259

(a) If as of any computation date, a contributory 1260
employer's account shows a negative balance in excess of ten per 1261
cent of the employer's average annual payroll, then before the 1262
employer's contribution rate is computed for the next succeeding 1263
contribution period, an amount equal to the amount of the excess 1264
shall be transferred from the account as provided in this 1265
division. No contributory employer's account may have any excess 1266
transferred pursuant to division (A) (2) (a) of this section, 1267
unless the employer's account has shown a positive balance for 1268
at least two consecutive computation dates prior to the 1269
computation date with respect to which the transfer is proposed. 1270
Each time a transfer is made pursuant to division (A) (2) (a) of 1271
this section, the employer's account is ineligible for any 1272
additional transfers under that division, until the account 1273
shows a positive balance for at least two consecutive 1274
computation dates subsequent to the computation date of which 1275
the most recent transfer occurs pursuant to division (A) (2) (a), 1276
(b), or (c) of this section. 1277

(b) If at the next computation date after the computation 1278
date at which a transfer from the account occurs pursuant to 1279
division (A) (2) (a) of this section, a contributory employer's 1280
account shows a negative balance in excess of fifteen per cent 1281
of the employer's average annual payroll, then before the 1282
employer's contribution rate is computed for the next succeeding 1283
contribution period an amount equal to the amount of the excess 1284
shall be permanently transferred from the account as provided in 1285
this division. 1286

(c) If at the next computation date subsequent to the 1287
computation date at which a transfer from a contributory 1288
employer's account occurs pursuant to division (A) (2) (b) of this 1289
section, the employer's account shows a negative balance in 1290
excess of twenty per cent of the employer's average annual 1291
payroll, then before the employer's contribution rate is 1292
computed for the next succeeding contribution period, an amount 1293
equal to the amount of the excess shall be permanently 1294
transferred from the account as provided in this division. 1295

(d) If no transfer occurs pursuant to division (A) (2) (b) 1296
or (c) of this section, the employer's account is ineligible for 1297
any additional transfers under division (A) (2) of this section 1298
until the account requalifies for a transfer pursuant to 1299
division (A) (2) (a) of this section. 1300

(B) Any employer may make voluntary payments in addition 1301
to the contributions required under this chapter, in accordance 1302
with rules established by the director. Such payments shall be 1303
included in the employer's account as of the computation date, 1304
provided they are received by the director by the thirty-first 1305
day of December following such computation date. Such voluntary 1306
payment, when accepted from an employer, will not be refunded in 1307
whole or in part. In determining whether an employer's account 1308
has a positive balance on two consecutive computation dates and 1309
is eligible for transfers under division (A) (2) of this section, 1310
the director shall exclude any voluntary payments made 1311
subsequent to the last transfer made under division (A) (2) of 1312
this section. 1313

(C) All contributions to the fund shall be pooled and 1314
available to pay benefits to any individual ~~entitled~~ eligible to 1315
be paid benefits irrespective of the source of such 1316

contributions. 1317

(D) (1) For the purposes of this section and sections 1318
4141.241 and 4141.242 of the Revised Code, an employer's account 1319
shall be charged only for benefits based on remuneration paid by 1320
such employer. Benefits paid to an eligible individual shall be 1321
charged against the account of each employer within the 1322
claimant's base period in the proportion to which wages 1323
attributable to each employer of the claimant bears to the 1324
claimant's total base period wages. Charges to the account of a 1325
base period employer with whom the claimant is employed part- 1326
time at the time the claimant's application for a determination 1327
of benefits rights is filed shall be charged to the mutualized 1328
account when all of the following conditions are met: 1329

(a) The claimant also worked part-time for the employer 1330
during the base period of the claim. 1331

(b) The claimant is unemployed due to loss of other 1332
employment. 1333

(c) The employer is not a reimbursing employer under 1334
section 4141.241 or 4141.242 of the Revised Code. 1335

(2) Notwithstanding division (D) (1) of this section, 1336
charges to the account of any employer, including any 1337
reimbursing employer, shall be charged to the mutualized account 1338
if it finally is determined by a court on appeal that the 1339
employer's account is not chargeable for the benefits. 1340

(3) (a) Any benefits paid to a claimant under section 1341
4141.28 of the Revised Code prior to a final determination of 1342
the claimant's right to the benefits shall be charged to the 1343
employer's account as provided in division (D) (1) of this 1344
section, provided that if there is no final determination of the 1345

claim by the subsequent thirtieth day of June, the employer's 1346
account shall be credited with the total amount of benefits that 1347
has been paid prior to that date, based on the determination 1348
that has not become final. The total amount credited to the 1349
employer's account shall be charged to a suspense account, which 1350
shall be maintained as a separate bookkeeping account and 1351
administered as a part of this section, and shall not be used in 1352
determining the account balance of the employer for the purpose 1353
of computing the employer's contribution rate under section 1354
4141.25 of the Revised Code. 1355

(b) If it is finally determined that the claimant is 1356
entitled to all or a part of the benefits in dispute, the 1357
suspense account shall be credited and the appropriate 1358
employer's account charged with the benefits. If it is finally 1359
determined that the claimant is not entitled to all or any 1360
portion of the benefits in dispute, the benefits shall be 1361
credited to the suspense account and, except as provided in 1362
division (D) (3) (d) of this section, a corresponding charge made 1363
to the mutualized account established in division (B) of section 1364
4141.25 of the Revised Code, provided that, except as otherwise 1365
provided in this section, if benefits are chargeable to an 1366
employer or group of employers who is required or elects to make 1367
payments to the fund in lieu of contributions under section 1368
4141.241 of the Revised Code, the benefits shall be charged to 1369
the employer's account in the manner provided in division (D) (1) 1370
of this section and division (B) of section 4141.241 of the 1371
Revised Code, and no part of the benefits may be charged to the 1372
suspense account provided in this division. 1373

(c) Except as provided in division (D) (3) (d) of this 1374
section, to the extent that benefits that have been paid to a 1375
claimant and charged to the employer's account are found not to 1376

be due the claimant and are recovered by the director as 1377
provided in section 4141.35 of the Revised Code, they shall be 1378
credited to the employer's account. 1379

(d) (i) An employer's account shall not be credited for 1380
amounts recovered by the director pursuant to division (D) (3) (c) 1381
of this section, and the mutualized account established in 1382
division (B) of section 4141.25 of the Revised Code shall not be 1383
charged pursuant to division (D) (3) (b) of this section, for 1384
benefits that have been paid to a claimant and are subsequently 1385
found not to be due to the claimant, if it is determined by the 1386
director, on or after October 21, 2013, that both of the 1387
following have occurred: 1388

(I) The benefits were paid because the claimant's 1389
employer, or any employee, officer, or agent of that employer, 1390
failed to respond timely or adequately to a request for 1391
information regarding a determination of benefit rights or 1392
claims for benefits under section 4141.28 of the Revised Code. 1393

(II) The claimant's employer, or any employee, officer, or 1394
agent of that employer, on behalf of the employer, previously 1395
established a pattern of failing to respond timely or adequately 1396
within the same calendar year period pursuant to division (D) (3) 1397
(d) (ii) (III) of this section. 1398

(ii) For purposes of division (D) (3) (d) of this section: 1399

(I) A response is considered "timely" if the response is 1400
received by the director within the time provided under section 1401
4141.28 of the Revised Code. 1402

(II) A response is considered "adequate" if the employer 1403
or employee, officer, or agent of that employer provided answers 1404
to all questions raised by the director pursuant to section 1405

4141.28 of the Revised Code or participated in a fact-finding interview if requested by the director.

(III) A "pattern of failing" is established after the third instance of benefits being paid because the claimant's employer, or any employee, officer, or agent of that employer, on behalf of the employer, failed to respond timely or adequately to a request for information regarding a determination of benefit rights or claims for benefits under section 4141.28 of the Revised Code within a calendar year period.

(e) If the mutualized account established in division (B) of section 4141.25 of the Revised Code is not charged for benefits credited to a suspense account pursuant to division (D) (3) (d) of this section, a corresponding charge shall be made to the account of the employer whose failure to timely or adequately respond to a request for information caused the erroneous payment.

(f) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all determinations issued under division (D) (3) (d) of this section.

(4) The director shall notify each employer at least once each month of the benefits charged to the employer's account since the last preceding notice; except that for the purposes of sections 4141.241 and 4141.242 of the Revised Code which provides the billing of employers on a payment in lieu of a contribution basis, the director may prescribe a quarterly or less frequent notice of benefits charged to the employer's account. Such notice will show a summary of the amount of benefits paid which were charged to the employer's account. This notice shall not be deemed a determination of the claimant's

eligibility for benefits. Any employer so notified, however, may 1436
file within fifteen days after the mailing date of the notice, 1437
an exception to charges appearing on the notice on the grounds 1438
that such charges are not in accordance with this section. The 1439
director shall promptly examine the exception to such charges 1440
and shall notify the employer of the director's decision 1441
thereon, which decision shall become final unless appealed to 1442
the unemployment compensation review commission in the manner 1443
provided in section 4141.26 of the Revised Code. For the 1444
purposes of this division, an exception is considered timely 1445
filed when it has been received as provided in division (D) (1) 1446
of section 4141.281 of the Revised Code. 1447

(E) The director shall terminate and close the account of 1448
any contributory employer who has been subject to this chapter 1449
if the enterprise for which the account was established is no 1450
longer in operation and it has had no payroll and its account 1451
has not been chargeable with benefits for a period of five 1452
consecutive years. The amount of any positive balance, computed 1453
as provided in division (A) (3) of section 4141.25 of the Revised 1454
Code, in an account closed and terminated as provided in this 1455
section shall be credited to the mutualized account as provided 1456
in division (B) (2) (b) of section 4141.25 of the Revised Code. 1457
The amount of any negative balance, computed as provided in 1458
division (A) (3) of section 4141.25 of the Revised Code, in an 1459
account closed and terminated as provided in this section shall 1460
be charged to the mutualized account as provided in division (B) 1461
(1) (b) of section 4141.25 of the Revised Code. The amount of any 1462
positive balance or negative balance, credited or charged to the 1463
mutualized account after the termination and closing of an 1464
employer's account, shall not thereafter be considered in 1465
determining the contribution rate of such employer. The closing 1466

of an employer's account as provided in this division shall not 1467
relieve such employer from liability for any unpaid 1468
contributions or payment in lieu of contributions which are due 1469
for periods prior to such closing. 1470

If the director finds that a contributory employer's 1471
business is closed solely because of the entrance of one or more 1472
of the owners, officers, or partners, or the majority 1473
stockholder, into the armed forces of the United States, or any 1474
of its allies, or of the United Nations after July 1, 1950, such 1475
employer's account shall not be terminated and if the business 1476
is resumed within two years after the discharge or release of 1477
such persons from active duty in the armed forces, the 1478
employer's experience shall be deemed to have been continuous 1479
throughout such period. The reserve ratio of any such employer 1480
shall be the total contributions paid by such employer minus all 1481
benefits, including benefits paid to any individual during the 1482
period such employer was in the armed forces, based upon wages 1483
paid by the employer prior to the employer's entrance into the 1484
armed forces divided by the average of the employer's annual 1485
payrolls for the three most recent years during the whole of 1486
which the employer has been in business. 1487

(F) If an employer transfers all of its trade or business 1488
to another employer or person, the acquiring employer or person 1489
shall be the successor in interest to the transferring employer 1490
and shall assume the resources and liabilities of such 1491
transferring employer's account, and continue the payment of all 1492
contributions, or payments in lieu of contributions, due under 1493
this chapter. 1494

If an employer or person acquires substantially all, or a 1495
clearly segregable and identifiable portion of an employer's 1496

trade or business, then upon the director's approval of a 1497
properly completed application for successorship, the employer 1498
or person acquiring the trade or business, or portion thereof, 1499
shall be the successor in interest. The director by rule may 1500
prescribe procedures for effecting transfers of experience as 1501
provided for in this section. 1502

(G) Notwithstanding sections 4141.09, 4141.23, 4141.24, 1503
4141.241, 4141.242, 4141.25, 4141.26, and 4141.27 of the Revised 1504
Code, both of the following apply regarding assignment of rates 1505
and transfers of experience: 1506

(1) If an employer transfers its trade or business, or a 1507
portion thereof, to another employer and, at the time of the 1508
transfer, both employers are under substantially common 1509
ownership, management, or control, then the unemployment 1510
experience attributable to the transferred trade or business, or 1511
portion thereof, shall be transferred to the employer to whom 1512
the business is so transferred. The director shall recalculate 1513
the rates of both employers and those rates shall be effective 1514
immediately upon the date of the transfer of the trade or 1515
business. 1516

(2) Whenever a person is not an employer under this 1517
chapter at the time the person acquires the trade or business of 1518
an employer, the unemployment experience of the acquired trade 1519
or business shall not be transferred to the person if the 1520
director finds that the person acquired the trade or business 1521
solely or primarily for the purpose of obtaining a lower rate of 1522
contributions. Instead, that person shall be assigned the 1523
applicable new employer rate under division (A) (1) of section 1524
4141.25 of the Revised Code. 1525

(H) The director shall establish procedures to identify 1526

the transfer or acquisition of a trade or business for purposes 1527
of this section and shall adopt rules prescribing procedures for 1528
effecting transfers of experience as described in this section. 1529

(I) No rate of contribution less than two and seven-tenths 1530
per cent shall be permitted a contributory employer succeeding 1531
to the experience of another contributory employer pursuant to 1532
this section for any period subsequent to such succession, 1533
except in accordance with rules prescribed by the director, 1534
which rules shall be consistent with federal requirements for 1535
additional credit allowance in section 3303 of the "Internal 1536
Revenue Code of 1954" and consistent with this chapter, except 1537
that such rules may establish a computation date for any such 1538
period different from the computation date generally prescribed 1539
by this chapter, and may define "calendar year" as meaning a 1540
twelve-consecutive-month period ending on the same day of the 1541
year as that on which such computation date occurs. 1542

(J) The director may prescribe rules for the 1543
establishment, maintenance, and dissolution of common 1544
contribution rates for two or more contributory employers, and 1545
in accordance with such rules and upon application by two or 1546
more employers shall establish such common rate to be computed 1547
by merging the several contribution rate factors of such 1548
employers for the purpose of establishing a common contribution 1549
rate applicable to all such employers. 1550

(K) The director shall adopt rules applicable to 1551
professional employer organizations and professional employer 1552
organization reporting entities to address the method in which a 1553
professional employer organization or professional employer 1554
organization reporting entity reports quarterly wages and 1555
contributions to the director for shared employees. 1556

(1) The rules shall recognize a professional employer organization or professional employer organization reporting entity as the employer of record of the shared employees of the professional employer organization or professional employer organization reporting entity for reporting purposes; however, the rules shall require that each shared employee of a single client employer be reported under a separate and unique subaccount of the professional employer organization or professional employer organization reporting entity to reflect the experience of the shared employees of that client employer.

(2) The director shall use a subaccount solely to determine experience rates for that individual subaccount on an annual basis and shall recognize a professional employer organization or professional employer organization reporting entity as the employer of record associated with each subaccount. The director shall combine the rate experience that existed on a client employer's account prior to entering into a professional employer organization agreement with the experience accumulated as a subaccount of the professional employer organization or professional employer organization reporting entity. The combined experience shall remain with the client account upon termination of the professional employer organization agreement.

(3) A professional employer organization or professional employer organization reporting entity shall provide a power of attorney or other evidence, which evidence may be included as part of a professional employer organization agreement, completed by each client employer of the professional employer organization or professional employer organization reporting entity, authorizing the professional employer organization or professional employer organization reporting entity to act on

behalf of the client employer in accordance with the 1588
requirements of this chapter. 1589

(4) Any rule adopted pursuant to division (K) of this 1590
section also shall include administrative requirements that 1591
permit a professional employer organization or a professional 1592
employer organization reporting entity to transmit any reporting 1593
and payment data required under division (K)(1) of this section 1594
collectively as a single filing with the director. 1595

(5) As used in division (K) of this section, "client 1596
employer," "professional employer organization," "professional 1597
employer organization agreement," "professional employer 1598
organization reporting entity," and "shared employee" have the 1599
same meanings as in section 4125.01 of the Revised Code. 1600

Sec. 4141.25. (A) The director of job and family services 1601
shall determine as of each computation date the contribution 1602
rate of each contributing employer subject to this chapter for 1603
the next succeeding contribution period. The director shall 1604
determine a standard rate of contribution or an experience rate 1605
for each contributing employer. Once a rate of contribution has 1606
been established under this section for a contribution period, 1607
except as provided in division (D) of section 4141.26 of the 1608
Revised Code, that rate shall remain effective throughout such 1609
contribution period. The rate of contribution shall be 1610
determined in accordance with the following requirements: 1611

(1) (a) An employer whose experience does not meet the 1612
terms of division (A)(2) of this section shall be assigned a 1613
standard rate of contribution. ~~Effective for~~ For contribution 1614
periods beginning on and after ~~January 1, 1998~~ the effective 1615
date of this amendment, an employer's standard rate of 1616
contribution shall be ~~a rate of two and seven tenths per cent,~~ 1617

~~except that the rate for employers one of the following:~~ 1618

(i) For an employer that is engaged in the construction 1619
~~industry shall be,~~ a rate equal to the average contribution 1620
rate computed for the construction industry or a rate of two and 1621
seven-tenths per cent, whichever is greater. 1622

(ii) For an employer not engaged in the construction 1623
industry, a rate equal to two and seven-tenths per cent, except 1624
that the rate for such employers shall be one per cent during a 1625
contribution period that follows a computation date on which the 1626
director determines that the unemployment compensation fund is 1627
at or above the minimum safe level. 1628

(b) The standard rate set forth in ~~this division~~ (A) (1) (a) 1629
of this section shall be applicable to a nonprofit organization 1630
whose election to make payments in lieu of contributions is 1631
voluntarily terminated or canceled by the director under section 1632
4141.241 of the Revised Code, and thereafter pays contributions 1633
as required by this section. If such nonprofit organization had 1634
been a contributory employer prior to its election to make 1635
payments in lieu of contributions, then any prior balance in the 1636
contributory account shall become part of the reactivated 1637
account. 1638

(c) As used in division (A) of this section, "the average 1639
contribution rate computed for the construction industry" means 1640
the most recent annual average rate attributable to the 1641
construction industry as prescribed by the director. 1642

(2) A contributing employer subject to this chapter shall 1643
qualify for an experience rate only if there have been four 1644
consecutive quarters, ending on the thirtieth day of June 1645
immediately prior to the computation date, throughout which the 1646

employer's account was chargeable with benefits. Upon meeting 1647
the qualifying requirements provided in division (A) (2) of this 1648
section, the director shall calculate the total credits to each 1649
employer's account consisting of the contributions other than 1650
mutualized contributions including all contributions paid prior 1651
to the computation date for all past periods plus: 1652

(a) The contributions owing on the computation date that 1653
are paid within thirty days after the computation date, and 1654
credited to the employer's account; 1655

(b) All voluntary contributions paid by an employer 1656
pursuant to division (B) of section 4141.24 of the Revised Code. 1657

(3) The director also shall determine the benefits which 1658
are chargeable to each employer's account and which were paid 1659
prior to the computation date with respect to weeks of 1660
unemployment ending prior to the computation date. The director 1661
then shall determine the positive or negative balance of each 1662
employer's account by calculating the excess of such 1663
contributions and interest over the benefits chargeable, or the 1664
excess of such benefits over such contributions and interest. 1665
Any resulting negative balance then shall be subject to 1666
adjustment as provided in division (A) (2) of section 4141.24 of 1667
the Revised Code after which the positive or negative balance 1668
shall be expressed in terms of a percentage of the employer's 1669
average annual payroll. If the total standing to the credit of 1670
an employer's account exceeds the total charges, as provided in 1671
this division, the employer has a positive balance and if such 1672
charges exceed such credits the employer has a negative balance. 1673
Each employer's contribution rate shall then be determined in 1674
accordance with the following schedule: 1675

Contribution Rate Schedule 1676

If, as of the computation date	The employer's	1677
the contribution rate balance of	contribution rate for	1678
an employer's account as a	the next succeeding	1679
percentage of the employer's	contribution period	1680
average annual payroll is	shall be	1681
(a) A negative balance of:		1682
20.0% or more	6.5%	1683
19.0% but less than 20.0%	6.4%	1684
17.0% but less than 19.0%	6.3%	1685
15.0% but less than 17.0%	6.2%	1686
13.0% but less than 15.0%	6.1%	1687
11.0% but less than 13.0%	6.0%	1688
9.0% but less than 11.0%	5.9%	1689
5.0% but less than 9.0%	5.7%	1690
4.0% but less than 5.0%	5.5%	1691
3.0% but less than 4.0%	5.3%	1692
2.0% but less than 3.0%	5.1%	1693
1.0% but less than 2.0%	4.9%	1694
more than 0.0% but less than 1.0%	4.8%	1695
(b) A 0.0% or a positive		1696
balance of less than 1.0%	4.7%	1697
(c) A positive balance of:		1698
1.0% or more, but less than 1.5%	4.6%	1699
1.5% or more, but less than 2.0%	4.5%	1700
2.0% or more, but less than 2.5%	4.3%	1701
2.5% or more, but less than 3.0%	4.0%	1702
3.0% or more, but less than 3.5%	3.8%	1703
3.5% or more, but less than 4.0%	3.5%	1704
4.0% or more, but less than 4.5%	3.3%	1705
4.5% or more, but less than 5.0%	3.0%	1706
5.0% or more, but less than 5.5%	2.8%	1707
5.5% or more, but less than 6.0%	2.5%	1708

6.0% or more, but less than 6.5%	2.2%	1709
6.5% or more, but less than 7.0%	2.0%	1710
7.0% or more, but less than 7.5%	1.8%	1711
7.5% or more, but less than 8.0%	1.6%	1712
8.0% or more, but less than 8.5%	1.4%	1713
8.5% or more, but less than 9.0%	1.3%	1714
9.0% or more, but less than 9.5%	1.1%	1715
9.5% or more, but less than 10.0%	1.0%	1716
10.0% or more, but less than 10.5%	.9%	1717
10.5% or more, but less than 11.0%	.7%	1718
11.0% or more, but less than 11.5%	.6%	1719
11.5% or more, but less than 12.0%	.5%	1720
12.0% or more, but less than 12.5%	.4%	1721
12.5% or more, but less than 13.0%	.3%	1722
13.0% or more, but less than 14.0%	.2%	1723
14.0% or more	.1%	1724

~~(d) The contribution rates shall be as specified in~~ 1725
~~divisions (a), (b), and (c) of the contribution rate schedule~~ 1726
~~except that notwithstanding the amendments made to division (a)~~ 1727
~~of the contribution rate schedule in this section, if, as of the~~ 1728
~~computation date: for 1991, the negative balance is 5.0% or~~ 1729
~~more, the contribution rate shall be 5.7%; for 1992, if the~~ 1730
~~negative balance is 11.0% or more, the contribution rate shall~~ 1731
~~be 6.0%; and for 1993, if the negative balance is 17.0% or more,~~ 1732
~~the contribution rate shall be 6.3%. Thereafter, the~~ 1733
~~contribution rates shall be as specified in the contribution~~ 1734
~~rate schedule.~~ 1735

(B) (1) The director shall establish and maintain a 1736
separate account to be known as the "mutualized account." As of 1737
each computation date there shall be charged to this account: 1738

- (a) As provided in division (A) (2) of section 4141.24 of the Revised Code, an amount equal to the sum of that portion of the negative balances of employer accounts which exceeds the applicable limitations as such balances are computed under division (A) of this section as of such date; 1739 1740 1741 1742 1743
- (b) An amount equal to the sum of the negative balances remaining in employer accounts which have been closed during the year immediately preceding such computation date pursuant to division (E) of section 4141.24 of the Revised Code; 1744 1745 1746 1747
- (c) An amount equal to the sum of all benefits improperly paid preceding such computation date which are not recovered but which are not charged to an employer's account, or which after being charged, are credited back to an employer's account; 1748 1749 1750 1751
- (d) An amount equal to the sum of any other benefits paid preceding such computation date which, under this chapter, are not chargeable to an employer's account; 1752 1753 1754
- (e) An amount equal to the sum of any refunds made during the year immediately preceding such computation date of erroneously collected mutualized contributions required by this division which were previously credited to this account; 1755 1756 1757 1758
- (f) An amount equal to the sum of any repayments made to the federal government during the year immediately preceding such computation date of amounts which may have been advanced by it to the unemployment compensation fund under section 1201 of the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301; 1759 1760 1761 1762 1763
- (g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund. 1764 1765 1766 1767

(2) As of every computation date there shall be credited	1768
to the mutualized account provided for in this division:	1769
(a) The proceeds of the mutualized contributions as	1770
provided in this division;	1771
(b) Any positive balances remaining in employer accounts	1772
which are closed as provided in division (E) of section 4141.24	1773
of the Revised Code;	1774
(c) Any benefits improperly paid which are recovered but	1775
which cannot be credited to an employer's account;	1776
(d) All amounts which may be paid by the federal	1777
government under section 903 of the "Social Security Act" to the	1778
account of this state in the federal unemployment trust fund;	1779
(e) Amounts advanced by the federal government to the	1780
account of this state in the federal unemployment trust fund	1781
under section 1201 of the "Social Security Act" to the extent	1782
such advances have been repaid to or recovered by the federal	1783
government;	1784
(f) Interest credited to the Ohio unemployment trust fund	1785
as deposited with the secretary of the treasury of the United	1786
States;	1787
(g) Amounts deposited into the unemployment compensation	1788
fund for penalties collected pursuant to division (A) (4) of	1789
section 4141.35 of the Revised Code.	1790
(3) Annually, as of the computation date, the director	1791
shall determine the total credits and charges made to the	1792
mutualized account during the preceding twelve months and the	1793
overall condition of the account. The director shall issue an	1794
annual statement containing this information and such other	1795

information as the director deems pertinent, including a report 1796
that the sum of the balances in the mutualized account, 1797
employers' accounts, and any subsidiary accounts equal the 1798
balance in the state's unemployment trust fund maintained under 1799
section 904 of the "Social Security Act." 1800

~~(4) As used in this division:~~ 1801

~~(a) "Fund as of the computation date" means as of any 1802
computation date, the aggregate amount of the unemployment 1803
compensation fund, including all contributions owing on the 1804
computation date that are paid within thirty days thereafter, 1805
all payments in lieu of contributions that are paid within sixty 1806
days after the computation date, all reimbursements of the 1807
federal share of extended benefits described in section 4141.301 1808
of the Revised Code that are owing on the computation date, and 1809
all interest earned by the fund and received on or before the 1810
computation date from the federal government. 1811~~

~~(b) "Minimum safe level" means an amount equal to two 1812
standard deviations above the average of the adjusted annual 1813
average unemployment compensation benefit payment from 1970 to 1814
the most recent calendar year prior to the computation date, as 1815
determined by the director pursuant to division (B) (4) (b) of 1816
this section. To determine the adjusted annual payment of 1817
unemployment compensation benefits, the director first shall 1818
multiply the number of weeks compensated during each calendar 1819
year beginning with 1970 by the most recent annual average 1820
weekly unemployment compensation benefit payment and then 1821
compute the average and standard deviation of the resultant 1822
products. 1823~~

~~(c) "Annual average weekly unemployment compensation 1824
benefit payment" means the amount resulting from dividing the 1825~~

~~unemployment compensation benefits paid from the benefit account— 1826
maintained within the unemployment compensation fund pursuant to— 1827
section 4141.09 of the Revised Code, by the number of weeks— 1828
compensated during the same time period. 1829~~

~~(5)~~ If, as of any computation date, the charges to the 1830
mutualized account during the entire period subsequent to the 1831
computation date, July 1, 1966, made in accordance with division 1832
(B) (1) of this section, exceed the credits to such account 1833
including mutualized contributions during such period, made in 1834
accordance with division (B) (2) of this section, the amount of 1835
such excess charges shall be recovered during the next 1836
contribution period. To recover such amount, the director shall 1837
compute the percentage ratio of such excess charges to the 1838
average annual payroll of all employers eligible for an 1839
experience rate under division (A) of this section. The 1840
percentage so determined shall be computed to the nearest tenth 1841
of one per cent and shall be an additional contribution rate to 1842
be applied to the wages paid by each employer whose rate is 1843
computed under the provisions of division (A) of this section in 1844
the contribution period next following such computation date, 1845
but such percentage shall not exceed five-tenths of one per 1846
cent; however, when there are any excess charges in the 1847
mutualized account, as computed in this division, then the 1848
mutualized contribution rate shall not be less than one-tenth of 1849
one per cent. 1850

~~(6)~~ (5) If the fund as of the computation date is above or 1851
below minimum safe level, the contribution rates provided for in 1852
each classification in division (A) (3) of this section for the 1853
next contribution period shall be adjusted as follows: 1854

(a) If the fund is thirty per cent or more above minimum 1855

safe level, the contribution rates provided in division (A) (3) 1856
of this section shall be decreased two-tenths of one per cent. 1857

(b) If the fund is more than fifteen per cent but less 1858
than thirty per cent above minimum safe level, the contribution 1859
rates provided in division (A) (3) of this section shall be 1860
decreased one-tenth of one per cent. 1861

(c) If the fund is more than fifteen per cent but less 1862
than thirty per cent below minimum safe level, the contribution 1863
rates of all employers shall be increased twenty-five one- 1864
thousandths of one per cent plus a per cent increase calculated 1865
and rounded pursuant to division (B) ~~(6)~~ (5) (g) of this section. 1866

(d) If the fund is more than thirty per cent but less than 1867
forty-five per cent below minimum safe level, the contribution 1868
rates of all employers shall be increased seventy-five one- 1869
thousandths of one per cent plus a per cent increase calculated 1870
and rounded pursuant to division (B) ~~(6)~~ (5) (g) of this section. 1871

(e) If the fund is more than forty-five per cent but less 1872
than sixty per cent below minimum safe level, the contribution 1873
rates of all employers shall be increased one-eighth of one per 1874
cent plus a per cent increase calculated and rounded pursuant to 1875
division (B) ~~(6)~~ (5) (g) of this section. 1876

(f) If the fund is sixty per cent or more below minimum 1877
safe level, the contribution rates of all employers shall be 1878
increased two-tenths of one per cent plus a per cent increase 1879
calculated and rounded pursuant to division (B) ~~(6)~~ (5) (g) of this 1880
section. 1881

(g) The additional per cent increase in contribution rates 1882
required by divisions (B) ~~(6)~~ (5) (c), (d), (e), and (f) of this 1883
section that is payable by each individual employer shall be 1884

calculated in the following manner. The flat rate increase 1885
required by a particular division shall be multiplied by three 1886
and the product divided by the average experienced-rated 1887
contribution rate for all employers as determined by the 1888
director for the most recent calendar year. The resulting 1889
quotient shall be multiplied by an individual employer's 1890
contribution rate determined pursuant to division (A) (3) of this 1891
section. The resulting product shall be rounded to the nearest 1892
tenth of one per cent, added to the flat rate increase required 1893
by division (B) ~~(6)~~ (5) (c), (d), (e), or (f) of this section, as 1894
appropriate, and the total shall be rounded to the nearest tenth 1895
of one per cent. As used in division (B) ~~(6)~~ (5) (g) of this 1896
section, the "average experienced-rated contribution rate" means 1897
the most recent annual average contribution rate reported by the 1898
director contained in report RS 203.2 less the mutualized and 1899
minimum safe level contribution rates included in such rate. 1900

(h) If any of the increased contribution rates of division 1901
(B) ~~(6)~~ (5) (c), (d), (e), or (f) of this section are imposed, the 1902
rate shall remain in effect for the calendar year in which it is 1903
imposed and for each calendar year thereafter until the director 1904
determines as of the computation date for calendar year 1991 and 1905
as of the computation date for any calendar year thereafter 1906
pursuant to this section, that the level of the unemployment 1907
compensation fund equals or exceeds the minimum safe level ~~as~~ 1908
~~defined in division (B) (4) (b) of this section.~~ Nothing in 1909
division (B) ~~(6)~~ (5) (h) of this section shall be construed as 1910
restricting the imposition of the increased contribution rates 1911
provided in divisions (B) ~~(6)~~ (5) (c), (d), (e), and (f) of this 1912
section if the fund falls below the percentage of the minimum 1913
safe level as specified in those divisions. 1914

~~(7)~~ (6) The additional contributions required by division 1915

(B) ~~(5)~~ (4) of this section shall be credited to the mutualized 1916
account. The additional contributions required by division (B) 1917
~~(6)~~ (5) of this section shall be credited fifty per cent to 1918
individual employer accounts and fifty per cent to the 1919
mutualized account. 1920

(C) If an employer makes a payment of contributions which 1921
is less than the full amount required by this section and 1922
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, 1923
and 4141.27 of the Revised Code, such partial payment shall be 1924
applied first against the mutualized contributions required 1925
under this chapter. Any remaining partial payment shall be 1926
credited to the employer's individual account. 1927

(D) Whenever there are any increases in contributions 1928
resulting from an increase in wages subject to contributions as 1929
defined in division (G) of section 4141.01 of the Revised Code, 1930
or from an increase in the mutualized rate of contributions 1931
provided in division (B) of this section, or from a revision of 1932
the contribution rate schedule provided in division (A) of this 1933
section, except for that portion of the increase attributable to 1934
a change in the positive or negative balance in an employer's 1935
account, which increases become effective after a contract for 1936
the construction of real property, as defined in section 5701.02 1937
of the Revised Code, has been entered into, the contractee upon 1938
written notice by a prime contractor shall reimburse the 1939
contractor for all increased contributions paid by the prime 1940
contractor or by subcontractors upon wages for services 1941
performed under the contract. Upon reimbursement by the 1942
contractee to the prime contractor, the prime contractor shall 1943
reimburse each subcontractor for the increased contributions. 1944

~~(E) Effective only for the contribution period beginning~~ 1945

~~on January 1, 1996, and ending on December 31, 1996, mutualized- 1946~~
~~contributions collected or received by the director pursuant to- 1947~~
~~division (B) (5) of this section and amounts credited to the- 1948~~
~~mutualized account pursuant to division (B) (7) of this section- 1949~~
~~shall be deposited into or credited to the unemployment- 1950~~
~~compensation benefit reserve fund that is created under division- 1951~~
~~(F) of this section, except that amounts collected, received, or- 1952~~
~~credited in excess of two hundred million dollars shall be- 1953~~
~~deposited into or credited to the unemployment trust fund- 1954~~
~~established pursuant to section 4141.09 of the Revised Code. 1955~~

~~(F) The state unemployment compensation benefit reserve- 1956~~
~~fund is hereby created as a trust fund in the custody of the- 1957~~
~~treasurer of state and shall not be part of the state treasury.- 1958~~
~~The fund shall consist of all moneys collected or received as- 1959~~
~~mutualized contributions pursuant to division (B) (5) of this- 1960~~
~~section and amounts credited to the mutualized account pursuant- 1961~~
~~to division (B) (7) of this section as provided by division (E)- 1962~~
~~of this section. All moneys in the fund shall be used solely to- 1963~~
~~pay unemployment compensation benefits in the event that funds- 1964~~
~~are no longer available for that purpose from the unemployment- 1965~~
~~trust fund established pursuant to section 4141.09 of the- 1966~~
~~Revised Code. 1967~~

~~(G) The balance in the unemployment compensation benefit- 1968~~
~~reserve fund remaining at the end of the contribution period- 1969~~
~~beginning January 1, 2000, and any mutualized contribution- 1970~~
~~amounts for the contribution period beginning on January 1,- 1971~~
~~1996, that may be received after December 31, 2000, shall be- 1972~~
~~deposited into the unemployment trust fund established pursuant- 1973~~
~~to section 4141.09 of the Revised Code. Income earned on moneys- 1974~~
~~in the state unemployment compensation benefit reserve fund- 1975~~
~~shall be available for use by the director only for the purposes- 1976~~

~~described in division (I) of this section, and shall not be used
for any other purpose.~~ 1977
1978

~~(H) The unemployment compensation benefit reserve fund
balance shall be added to the unemployment trust fund balance in
determining the minimum safe level tax to be imposed pursuant to
division (B) of this section and shall be included in the
mutualized account balance for the purpose of determining the
mutualized contribution rate pursuant to division (B) (5) of this
section.~~ 1979
1980
1981
1982
1983
1984
1985

~~(I) All income earned on moneys in the unemployment
compensation benefit reserve fund from the investment of the
fund by the treasurer of state shall accrue to the department of
job and family services automation administration fund, which is
hereby established in the state treasury. Moneys within the
automation administration fund shall be used to meet the costs
related to automation of the department and the administrative
costs related to collecting and accounting for unemployment
compensation benefit reserve fund revenue. Any funds remaining
in the automation administration fund upon completion of the
department's automation projects that are funded by that fund
shall be deposited into the unemployment trust fund established
pursuant to section 4141.09 of the Revised Code.~~ 1986
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1998

~~(J) The director shall prepare and submit monthly reports
to the unemployment compensation advisory commission with
respect to the status of efforts to collect and account for
unemployment compensation benefit reserve fund revenue and the
costs related to collecting and accounting for that revenue. The
director shall obtain approval from the unemployment
compensation advisory commission for expenditure of funds from
the department of job and family services automation~~ 1999
2000
2001
2002
2003
2004
2005
2006

~~administration fund. Funds may be approved for expenditure for~~ 2007
~~purposes set forth in division (I) of this section only to the~~ 2008
~~extent that federal or other funds are not available.~~ 2009

Sec. 4141.251. (A) As used in this section, the "benefit 2010
cost ratio" for a calendar year means the percentage obtained by 2011
dividing the aggregate of the following by the total 2012
remuneration paid to all employees in that calendar year: 2013

(1) All benefits actually paid by the state under this 2014
chapter during that calendar year including all regular, 2015
additional, and extended benefits, as those benefit types are 2016
defined in section 4141.301 of the Revised Code, and excluding 2017
all of the following: 2018

(a) Benefits paid for which the state is entitled to 2019
reimbursement or for which the state was reimbursed by the 2020
federal government; 2021

(b) Benefits paid that are attributable to services 2022
performed for a reimbursing employer and that are not included 2023
in the total dollar amount reported under division (A) (1) (a) of 2024
this section. 2025

(2) Any interest paid during that calendar year on 2026
advances under Title XII of the Social Security Act. 2027

(B) (1) Annually, on the computation date, the director of 2028
job and family services shall calculate the state's average high 2029
cost multiple, average high cost rate, and reserve ratio for the 2030
most recent calendar year prior to the computation date. 2031

(2) The director shall calculate the average high cost 2032
multiple for that year by dividing the state's reserve ratio by 2033
the state's average high cost rate for the same year. 2034

(3) The director shall calculate the average high cost rate for that year by doing all of the following: 2035
2036

(a) Determining the time period over which calculations are to be made by selecting the longer of the following two time periods: 2037
2038
2039

(i) The twenty-calendar-year period that ends with the year for which the calculation is made; 2040
2041

(ii) The time period beginning with the calendar year in which the first of the last three completed national recessions began, as determined by the national bureau of economic research, and ending with the calendar year for which the calculation is made. 2042
2043
2044
2045
2046

(b) For each calendar year during the selected time period, calculating the benefit-cost ratio; 2047
2048

(c) Averaging the three highest calendar year benefit-cost ratios for the selected time period and rounding the final calculation to the nearest one-hundredth of a per cent. 2049
2050
2051

(4) The director shall calculate the state's reserve ratio for that year by dividing the balance, on the thirty-first day of December of that year, of the state's account in the unemployment trust fund maintained under section 904 of the "Social Security Act," by the total remuneration paid to workers in all employment during that year. The director shall round final calculations to the nearest multiple of 0.01 per cent. 2052
2053
2054
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Sec. 4141.28. 2059

BENEFITS 2060

(A) FILINGS 2061

Applications for determination of benefit rights and 2062
claims for benefits shall be filed with the director of job and 2063
family services. Such applications and claims also may be filed 2064
with an employee of another state or federal agency charged with 2065
the duty of accepting applications and claims for unemployment 2066
benefits or with an employee of the unemployment insurance 2067
commission of Canada. 2068

When an unemployed individual files an application for 2069
determination of benefit rights, the director shall furnish the 2070
individual with an explanation of the individual's appeal 2071
rights. The explanation shall describe clearly the different 2072
levels of appeal and explain where and when each appeal must be 2073
filed. 2074

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 2075

In filing an application, an individual shall furnish the 2076
director with the name and address of the individual's most 2077
recent separating employer and the individual's statement of the 2078
reason for separation from the employer. The director shall 2079
promptly notify the individual's most recent separating employer 2080
of the filing and request the reason for the individual's 2081
unemployment, unless that notice is not necessary under 2082
conditions the director establishes by rule. The director may 2083
request from the individual or any employer information 2084
necessary for the determination of the individual's right to 2085
benefits. The employer shall provide the information requested 2086
within ten working days after the request is sent. If necessary 2087
to ensure prompt determination and payment of benefits, the 2088
director shall base the determination on the information that is 2089
available. 2090

An individual filing an application for determination of 2091

benefit rights shall disclose, both of the following at the time 2092
of filing, ~~whether~~: 2093

(1) Whether or not the individual owes child support 2094
obligations; 2095

(2) Whether the individual was separated from the 2096
individual's most recent employer because of the unlawful use of 2097
a controlled substance, as defined in section 4141.294 of the 2098
Revised Code. 2099

(C) MASS LAYOFFS 2100

An employer who lays off or separates within any seven-day 2101
period fifty or more individuals because of lack of work shall 2102
furnish notice to the director of the dates of layoff or 2103
separation and the approximate number of individuals being laid 2104
off or separated. The notice shall be furnished at least three 2105
working days prior to the date of the first day of such layoff 2106
or separation. In addition, at the time of the layoff or 2107
separation the employer shall furnish to the individual and to 2108
the director information necessary to determine the individual's 2109
eligibility for unemployment compensation. 2110

(D) DETERMINATION OF BENEFIT RIGHTS 2111

The director shall promptly examine any application for 2112
determination of benefit rights. On the basis of the information 2113
available to the director under this chapter, the director shall 2114
determine whether or not the application is valid, and if valid, 2115
the date on which the benefit year shall commence and the weekly 2116
benefit amount. The director shall promptly notify the 2117
applicant, employers in the applicant's base period, and any 2118
other interested parties of the determination and the reasons 2119
for it. In addition, the determination issued to the claimant 2120

shall include the total amount of benefits payable. The 2121
determination issued to each chargeable base period employer 2122
shall include the total amount of benefits that may be charged 2123
to the employer's account. 2124

(E) CLAIM FOR BENEFITS 2125

The director shall examine the first claim and any 2126
additional claim for benefits. On the basis of the information 2127
available, the director shall determine whether the claimant's 2128
most recent separation and, to the extent necessary, prior 2129
separations from work, allow the claimant to qualify for 2130
benefits. Written notice of the determination granting or 2131
denying benefits shall be sent to the claimant, the most recent 2132
separating employer, and any other employer involved in the 2133
determination, except that written notice is not required to be 2134
sent to the claimant if the reason for separation is lack of 2135
work and the claim is allowed. 2136

If the director identifies an eligibility issue, the 2137
director shall send notice to the claimant of the issue 2138
identified and specify the week or weeks involved. The claimant 2139
has a minimum of five business days after the notice is sent to 2140
respond to the information included in the notice, and after the 2141
time allowed as determined by the director, the director shall 2142
make a determination. The claimant's response may include a 2143
request for a fact-finding interview when the eligibility issue 2144
is raised by an informant or source other than the claimant, or 2145
when the eligibility issue, if determined adversely, 2146
disqualifies the claimant for the duration of the claimant's 2147
period of unemployment. 2148

When the determination of a continued claim for benefits 2149
results in a disallowed claim, the director shall notify the 2150

claimant of the disallowance and the reasons for it. 2151

(F) ELIGIBILITY NOTICE 2152

Any base period or subsequent employer of a claimant who 2153
has knowledge of specific facts affecting the claimant's right 2154
to receive benefits for any week may notify the director in 2155
writing of those facts. The director shall prescribe a form for 2156
such eligibility notice, but failure to use the form shall not 2157
preclude the director's examination of any notice. 2158

To be considered valid, an eligibility notice must: 2159
contain in writing, a statement that identifies either a source 2160
who has firsthand knowledge of the information or an informant 2161
who can identify the source; provide specific and detailed 2162
information that may potentially disqualify the claimant; 2163
provide the name and address of the source or the informant; and 2164
appear to the director to be reliable and credible. 2165

An eligibility notice is timely filed if received or 2166
postmarked prior to or within forty-five calendar days after the 2167
end of the week with respect to which a claim for benefits is 2168
filed by the claimant. An employer who timely files a valid 2169
eligibility notice shall be an interested party to the claim for 2170
benefits which is the subject of the notice. 2171

The director shall consider the information contained in 2172
the eligibility notice, together with other available 2173
information. After giving the claimant notice and an opportunity 2174
to respond, the director shall make a determination and inform 2175
the notifying employer, the claimant, and other interested 2176
parties of the determination. 2177

(G) CORRECTED DETERMINATION 2178

If the director finds within the fifty-two calendar weeks 2179

beginning with the Sunday of the week during which an 2180
application for benefit rights was filed or within the benefit 2181
year that a determination made by the director was erroneous due 2182
to an error in an employer's report or any typographical or 2183
clerical error in the director's determination, or as shown by 2184
correct remuneration information received by the director, the 2185
director shall issue a corrected determination to all interested 2186
parties. The corrected determination shall take precedence over 2187
and void the prior determination of the director. The director 2188
shall not issue a corrected determination when the commission or 2189
a court has jurisdiction with respect to that determination. 2190

(H) EFFECT OF COMMISSION DECISIONS 2191

In making determinations, the director shall follow 2192
decisions of the unemployment compensation review commission 2193
which have become final with respect to claimants similarly 2194
situated. 2195

(I) PROMPT PAYMENTS 2196

If benefits are allowed by the director, a hearing 2197
officer, the commission, or a court, the director shall pay 2198
benefits promptly, notwithstanding any further appeal, provided 2199
that if benefits are denied on appeal, of which the parties have 2200
notice and an opportunity to be heard, the director shall 2201
withhold payment of benefits pending a decision on any further 2202
appeal. 2203

Sec. 4141.29. Each eligible individual shall receive 2204
benefits as compensation for loss of remuneration due to 2205
involuntary total or partial unemployment in the amounts and 2206
subject to the conditions stipulated in this chapter. 2207

(A) No individual is entitled to a waiting period or 2208

benefits for any week unless the individual:	2209
(1) Has filed a valid application for determination of	2210
benefit rights in accordance with section 4141.28 of the Revised	2211
Code;	2212
(2) Has made a claim for benefits in accordance with	2213
section 4141.28 of the Revised Code;	2214
(3) (a) Has registered for work and thereafter continues to	2215
report to an employment office or other registration place	2216
maintained or designated by the director of job and family	2217
services. Registration shall be made in accordance with the time	2218
limits, frequency, and manner prescribed by the director.	2219
(b) For purposes of division (A) (3) of this section, an	2220
individual has "registered" upon doing any of the following:	2221
(i) Filing an application for benefit rights;	2222
(ii) Making a weekly claim for benefits;	2223
(iii) Reopening an existing claim following a period of	2224
employment or nonreporting.	2225
(c) After an applicant is registered, that registration	2226
continues for a period of three calendar weeks, including the	2227
week during which the applicant registered. However, an	2228
individual is not registered for purposes of division (A) (3) of	2229
this section during any period in which the individual fails to	2230
report, as instructed by the director, or fails to reopen an	2231
existing claim following a period of employment.	2232
(d) The director may, for good cause, extend the period of	2233
registration.	2234
(e) For purposes of this section, "report" means contact	2235

by phone, access electronically, or be present for an in-person 2236
appointment, as designated by the director. 2237

(4) (a) (i) Is able to work and available for suitable work 2238
and, except as provided in division (A) (4) (a) (ii) or (iii) of 2239
this section, is actively seeking suitable work either in a 2240
locality in which the individual has earned wages subject to 2241
this chapter during the individual's base period, or if the 2242
individual leaves that locality, then in a locality where 2243
suitable work normally is performed. 2244

(ii) The director may waive the requirement that a 2245
claimant be actively seeking work when the director finds that 2246
the individual has been laid off and the employer who laid the 2247
individual off has notified the director within ten days after 2248
the layoff, that work is expected to be available for the 2249
individual within a specified number of days not to exceed 2250
forty-five calendar days following the last day the individual 2251
worked. In the event the individual is not recalled within the 2252
specified period, this waiver shall cease to be operative with 2253
respect to that layoff. 2254

(iii) The director may waive the requirement that a 2255
claimant be actively seeking work if the director determines 2256
that the individual has been laid off and the employer who laid 2257
the individual off has notified the director in accordance with 2258
division (C) of section 4141.28 of the Revised Code that the 2259
employer has closed the employer's entire plant or part of the 2260
employer's plant for a purpose other than inventory or vacation 2261
that will cause unemployment for a definite period not exceeding 2262
twenty-six weeks beginning on the date the employer notifies the 2263
director, for the period of the specific shutdown, if all of the 2264
following apply: 2265

(I) The employer and the individuals affected by the 2266
layoff who are claiming benefits under this chapter jointly 2267
request the exemption. 2268

(II) The employer provides that the affected individuals 2269
shall return to work for the employer within twenty-six weeks 2270
after the date the employer notifies the director. 2271

(III) The director determines that the waiver of the 2272
active search for work requirement will promote productivity and 2273
economic stability within the state. 2274

(iv) Division (A) (4) (a) (iii) of this section does not 2275
exempt an individual from meeting the other requirements 2276
specified in division (A) (4) (a) (i) of this section to be able to 2277
work and otherwise fully be available for work. An exemption 2278
granted under division (A) (4) (a) (iii) of this section may be 2279
granted only with respect to a specific plant closing. 2280

(b) (i) The individual shall be instructed as to the 2281
efforts that the individual must make in the search for suitable 2282
work, including that, within six months after October 11, 2013, 2283
the individual shall register with OhioMeansJobs, except in any 2284
of the following circumstances: 2285

(I) The individual is an individual described in division 2286
(A) (4) (b) (iii) of this section; 2287

(II) Where the active search for work requirement has been 2288
waived under division (A) (4) (a) of this section; 2289

(III) Where the active search for work requirement is 2290
considered to be met under division (A) (4) (c), (d), or (e) of 2291
this section. 2292

(ii) An individual who is registered with OhioMeansJobs 2293

shall receive a weekly listing of available jobs based on 2294
information provided by the individual at the time of 2295
registration. For each week that the individual claims benefits, 2296
the individual shall keep a record of the individual's work 2297
search efforts and shall produce that record in the manner and 2298
means prescribed by the director. 2299

(iii) No individual shall be required to register with 2300
OhioMeansJobs if the individual is legally prohibited from using 2301
a computer, has a physical or visual impairment that makes the 2302
individual unable to use a computer, or has a limited ability to 2303
read, write, speak, or understand a language in which 2304
OhioMeansJobs is available. 2305

(iv) As used in division (A) (4) (b) of this section: 2306

(I) "OhioMeansJobs" means the electronic job placement 2307
system operated by the state. 2308

(II) "Registration" includes the creation, electronic 2309
posting, and maintenance of an active, searchable resume. 2310

(c) An individual who is attending a training course 2311
approved by the director meets the requirement of this division, 2312
if attendance was recommended by the director and the individual 2313
is regularly attending the course and is making satisfactory 2314
progress. An individual also meets the requirements of this 2315
division if the individual is participating and advancing in a 2316
training program, as defined in division (P) of section 5709.61 2317
of the Revised Code, and if an enterprise, defined in division 2318
(B) of section 5709.61 of the Revised Code, is paying all or 2319
part of the cost of the individual's participation in the 2320
training program with the intention of hiring the individual for 2321
employment as a new employee, as defined in division (L) of 2322

section 5709.61 of the Revised Code, for at least ninety days 2323
after the individual's completion of the training program. 2324

(d) An individual who becomes unemployed while attending a 2325
regularly established school and whose base period qualifying 2326
weeks were earned in whole or in part while attending that 2327
school, meets the availability and active search for work 2328
requirements of division (A) (4) (a) of this section if the 2329
individual regularly attends the school during weeks with 2330
respect to which the individual claims unemployment benefits and 2331
makes self available on any shift of hours for suitable 2332
employment with the individual's most recent employer or any 2333
other employer in the individual's base period, or for any other 2334
suitable employment to which the individual is directed, under 2335
this chapter. 2336

(e) An individual who is a member in good standing with a 2337
labor organization that refers individuals to jobs meets the 2338
active search for work requirement specified in division (A) (4) 2339
(a) of this section if the individual provides documentation 2340
that the individual is eligible for a referral or placement upon 2341
request and in a manner prescribed by the director. 2342

(f) Notwithstanding any other provisions of this section, 2343
no otherwise eligible individual shall be denied benefits for 2344
any week because the individual is in training approved under 2345
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 2346
U.S.C.A. 2296, nor shall that individual be denied benefits by 2347
reason of leaving work to enter such training, provided the work 2348
left is not suitable employment, or because of the application 2349
to any week in training of provisions in this chapter, or any 2350
applicable federal unemployment compensation law, relating to 2351
availability for work, active search for work, or refusal to 2352

accept work. 2353

For the purposes of division (A) (4) (f) of this section, 2354
"suitable employment" means with respect to an individual, work 2355
of a substantially equal or higher skill level than the 2356
individual's past adversely affected employment, as defined for 2357
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 2358
U.S.C.A. 2101, and wages for such work at not less than eighty 2359
per cent of the individual's average weekly wage as determined 2360
for the purposes of that federal act. 2361

(5) Is unable to obtain suitable work. An individual who 2362
is provided temporary work assignments by the individual's 2363
employer under agreed terms and conditions of employment, and 2364
who is required pursuant to those terms and conditions to 2365
inquire with the individual's employer for available work 2366
assignments upon the conclusion of each work assignment, is not 2367
considered unable to obtain suitable employment if suitable work 2368
assignments are available with the employer but the individual 2369
fails to contact the employer to inquire about work assignments. 2370

(6) Participates in reemployment services, such as job 2371
search assistance services, if the individual has been 2372
determined to be likely to exhaust benefits under this chapter, 2373
including compensation payable pursuant to 5 U.S.C.A. Chapter 2374
85, other than extended compensation, and needs reemployment 2375
services pursuant to the profiling system established by the 2376
director under division (K) of this section, unless the director 2377
determines that: 2378

(a) The individual has completed such services; or 2379

(b) There is justifiable cause for the claimant's failure 2380
to participate in such services. 2381

Ineligibility for failure to participate in reemployment services as described in division (A) (6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A) (7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.

(a) For purposes of division (A) (7) of this section, participation is required unless the director determines that either of the following circumstances applies to the individual:

(i) The individual has completed similar services.

(ii) Justifiable cause exists for the failure of the individual to participate in those services.

(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local one-stop county office, including as described in section 6301.08 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local one-stop county office for reemployment services in the manner prescribed by the director.

(c) An individual whose active search for work requirement has been waived under division (A) (4) (a) of this section or is considered to be satisfied under division (A) (4) (c), (d), or (e) of this section is exempt from the requirements of division (A)

(7) of this section. 2411

~~(B) An (1) Except as provided in division (B) (2) of this section, an individual suffering total or partial unemployment is may be eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits.~~ 2412
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(2) An individual who is paid wages in a week during the individual's benefit year in an amount that exceeds the individual's weekly benefit amount determined under section 4141.30 of the Revised Code for a period of total unemployment for that week shall serve an additional waiting period of one week before being eligible for benefits for unemployment occurring subsequent to that week. An individual who is participating in a shared work plan under sections 4141.50 to 4141.56 of the Revised Code is not subject to division (B) (2) of this section while participating in that plan. 2420
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(C) The waiting period for total or partial unemployment shall commence on either of the following dates, as applicable: 2430
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(1) The first day of the first week of the benefit year with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director ~~or;~~ 2432
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(2) For purposes of division (B) (2) of this section, on the first day of the first week with respect to which the individual has ~~otherwise~~ filed a claim for benefits ~~in~~ accordance with the rules of the department of job and family 2436
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services that occurs after a week in which the individual has 2440
been paid wages in an amount that exceeds the individual's 2441
weekly benefit amount determined under section 4141.30 of the 2442
Revised Code for that week, provided such claim is allowed by 2443
the director. 2444

(D) ~~(1)~~ Notwithstanding division (A) of this section, no 2445
individual may serve a waiting period or be paid benefits ~~under~~ 2446
~~the following conditions:~~ 2447

~~(1) For~~ for any week with respect to which the director 2448
finds that: 2449

(a) The individual's unemployment was due to a labor 2450
dispute ~~other than a lockout~~ at any factory, establishment, or 2451
other premises located in this or any other state ~~and owned or~~ 2452
~~operated by the employer by which the individual is or was last~~ 2453
~~employed;~~ and for so long as the individual's unemployment is 2454
due to such labor dispute. ~~No individual shall be disqualified~~ 2455
~~under this provision if either of the following applies:~~ 2456

~~(i) The individual's employment was with such employer at~~ 2457
~~any factory, establishment, or premises located in this state,~~ 2458
~~owned or operated by such employer, other than the factory,~~ 2459
~~establishment, or premises at which the labor dispute exists, if~~ 2460
~~it is shown that the individual is not financing, participating~~ 2461
~~in, or directly interested in such labor dispute;~~ 2462

~~(ii) The individual's employment was with an employer not~~ 2463
~~involved in the labor dispute but whose place of business was~~ 2464
~~located within the same premises as the employer engaged in the~~ 2465
~~dispute, unless the individual's employer is a wholly owned~~ 2466
~~subsidiary of the employer engaged in the dispute, or unless the~~ 2467
~~individual actively participates in or voluntarily stops work~~ 2468

~~because of such dispute. If it is established that the claimant— 2469
was laid off for an indefinite period and not recalled to work— 2470
prior to the dispute, or was separated by the employer prior to— 2471
the dispute for reasons other than the labor dispute, or that— 2472
the individual obtained a bona fide job with another employer— 2473
while the dispute was still in progress, such labor dispute— 2474
shall not render the employee ineligible for benefits. 2475~~

(b) The individual has been given a disciplinary layoff 2476
for misconduct in connection with the individual's work. 2477

~~(2) For (a) Notwithstanding division (A) of this section, 2478
no individual may serve a waiting period or be paid benefits for 2479
the duration of the individual's unemployment if the director 2480
finds that: 2481~~

~~(a) (i) The individual quit work without just cause or has 2482
, provided that an individual who is absent from work for a 2483
period of three consecutive work days without the individual or 2484
another individual acting on the individual's behalf notifying 2485
the individual's employer regarding the absence is considered to 2486
have quit work without just cause. 2487~~

~~(ii) The individual has been discharged for just cause in 2488
connection with the individual's work, provided division (D) (2)— 2489
of this section does not apply to the separation of a person— 2490
under any of the following circumstances: 2491~~

~~(i) Separation from employment for the purpose of entering 2492
the armed forces of the United States if the individual is 2493
inducted into the armed forces within one of the following 2494
periods: 2495~~

~~(I) Thirty days after separation; 2496~~

~~(II) One hundred eighty days after separation if the 2497~~

~~individual's date of induction is delayed solely at the~~ 2498
~~discretion of the armed forces.~~ 2499

~~(ii) Separation from employment pursuant to a labor-~~ 2500
~~management contract or agreement, or pursuant to an established~~ 2501
~~employer plan, program, or policy, which permits the employee,~~ 2502
~~because of lack of work, to accept a separation from employment;~~ 2503

~~(iii) The individual has left employment to accept a~~ 2504
~~recall from a prior employer or, except as provided in division~~ 2505
~~(D) (2) (a) (iv) of this section, to accept other employment as~~ 2506
~~provided under section 4141.291 of the Revised Code, or left or~~ 2507
~~was separated from employment that was concurrent employment at~~ 2508
~~the time of the most recent separation or within six weeks prior~~ 2509
~~to the most recent separation where the remuneration, hours, or~~ 2510
~~other conditions of such concurrent employment were~~ 2511
~~substantially less favorable than the individual's most recent~~ 2512
~~employment and where such employment, if offered as new work,~~ 2513
~~would be considered not suitable under the provisions of~~ 2514
~~divisions (E) and (F) of this section. Any benefits that would~~ 2515
~~otherwise be chargeable to the account of the employer from whom~~ 2516
~~an individual has left employment or was separated from~~ 2517
~~employment that was concurrent employment under conditions~~ 2518
~~described in division (D) (2) (a) (iii) of this section, shall~~ 2519
~~instead be charged to the mutualized account created by division~~ 2520
~~(B) of section 4141.25 of the Revised Code, except that any~~ 2521
~~benefits chargeable to the account of a reimbursing employer~~ 2522
~~under division (D) (2) (a) (iii) of this section shall be charged~~ 2523
~~to the account of the reimbursing employer and not to the~~ 2524
~~mutualized account, except as provided in division (D) (2) of~~ 2525
~~section 4141.24 of the Revised Code.~~ 2526

~~(iv) When an individual has been issued a definite layoff-~~ 2527

~~date by the individual's employer and before the layoff date,~~ 2528
~~the individual quits to accept other employment, the provisions~~ 2529
~~of division (D) (2) (a) (iii) of this section apply and no~~ 2530
~~disqualification shall be imposed under division (D) of this~~ 2531
~~section. However, if the individual fails to meet the employment~~ 2532
~~and earnings requirements of division (A) (2) of section 4141.291~~ 2533
~~of the Revised Code, then the individual, pursuant to division~~ 2534
~~(A) (5) of this section, shall be ineligible for benefits for any~~ 2535
~~week of unemployment that occurs prior to the layoff date that~~ 2536
an individual who is discharged for either of the following 2537
reasons is considered to have been discharged for just cause in 2538
connection with the individual's employment: 2539

(I) The individual violated the terms of an employee 2540
handbook provided to the individual in connection with the 2541
individual's employment. 2542

(II) The individual was not suitable for the position from 2543
which the individual was discharged, as shown by evidence that 2544
the individual did not perform the work required of the 2545
position, the employer made known the employer's expectations of 2546
the individual at the time of hiring, the expectations were 2547
reasonable, and the requirements of the position did not change 2548
since the date of the original hiring. 2549

~~(b) The (iii) Except as provided in division (D) (2) (c) of~~ 2550
~~this section, the individual has refused without good cause to~~ 2551
~~accept an offer of suitable work when made by an employer either~~ 2552
~~in person or to the individual's last known address, or has~~ 2553
~~refused or failed to investigate a referral to suitable work~~ 2554
~~when directed to do so by a local employment office of this~~ 2555
~~state or another state, provided that this division shall not~~ 2556
~~cause a disqualification for a waiting week or benefits under~~ 2557

~~the following circumstances:~~ 2558

~~(i) When work is offered by the individual's employer and the individual is not required to accept the offer pursuant to the terms of the labor-management contract or agreement; or~~ 2559
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~~(ii) When the individual is attending a training course pursuant to division (A) (4) of this section except, in the event of a refusal to accept an offer of suitable work or a refusal or failure to investigate a referral, benefits thereafter paid to such individual shall not be charged to the account of any employer and, except as provided in division (B) (1) (b) of section 4141.241 of the Revised Code, shall be charged to the mutualized account as provided in division (B) of section 4141.25 of the Revised Code.~~ 2562
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~~(e) (iv) Such individual quit work to marry or because of marital, parental, filial, or other domestic obligations.~~ 2571
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~~(d) (v) The individual became unemployed by reason of commitment to any correctional institution.~~ 2573
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~~(e) (vi) The individual became unemployed because of dishonesty in connection with the individual's most recent or any base period work. Remuneration earned in such work shall be excluded from the individual's total base period remuneration and qualifying weeks that otherwise would be credited to the individual for such work in the individual's base period shall not be credited for the purpose of determining the total benefits to which the individual is eligible and the weekly benefit amount to be paid under section 4141.30 of the Revised Code.~~ 2575
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(vii) The individual fails or refuses to submit to a drug test required pursuant to section 4141.294 of the Revised Code. 2585
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(b) Division (D) (2) of this section does not apply to the 2587
separation of an individual under any of the following 2588
circumstances: 2589

(i) Separation from employment for the purpose of entering 2590
the armed forces of the United States if the individual is 2591
inducted into the armed forces within one of the following 2592
periods: 2593

(I) Thirty days after separation; 2594

(II) One hundred eighty days after separation if the 2595
individual's date of induction is delayed solely at the 2596
discretion of the armed forces. 2597

(ii) Separation from employment pursuant to a labor- 2598
management contract or agreement, or pursuant to an established 2599
employer plan, program, or policy, which permits the employee, 2600
because of lack of work, to accept a separation from employment; 2601

(iii) The individual has left employment to accept a 2602
recall from a prior employer or, except as provided in division 2603
(D) (2) (b) (iv) of this section, to accept other employment as 2604
provided under section 4141.291 of the Revised Code, or left or 2605
was separated from employment that was concurrent employment at 2606
the time of the most recent separation or within six weeks prior 2607
to the most recent separation where the remuneration, hours, or 2608
other conditions of such concurrent employment were 2609
substantially less favorable than the individual's most recent 2610
employment and where such employment, if offered as new work, 2611
would be considered not suitable under the provisions of 2612
divisions (E) and (F) of this section. Any benefits that would 2613
otherwise be chargeable to the account of the employer from whom 2614
an individual has left employment or was separated from 2615

employment that was concurrent employment under conditions 2616
described in division (D) (2) (b) (iii) of this section, shall 2617
instead be charged to the mutualized account created by division 2618
(B) of section 4141.25 of the Revised Code, except that any 2619
benefits chargeable to the account of a reimbursing employer 2620
under division (D) (2) (b) (iii) of this section shall be charged 2621
to the account of the reimbursing employer and not to the 2622
mutualized account, except as provided in division (D) (2) of 2623
section 4141.24 of the Revised Code. 2624

(iv) When an individual has been issued a definite layoff 2625
date by the individual's employer and before the layoff date, 2626
the individual quits to accept other employment, the provisions 2627
of division (D) (2) (b) (iii) of this section apply and no 2628
disqualification shall be imposed under division (D) of this 2629
section. However, if the individual fails to meet the employment 2630
and earnings requirements of division (A) (2) of section 4141.291 2631
of the Revised Code, then the individual, pursuant to division 2632
(A) (5) of this section, shall be ineligible for benefits for any 2633
week of unemployment that occurs prior to the layoff date. 2634

(c) An individual shall not be disqualified from a waiting 2635
week or benefits under division (D) (2) (a) (iii) of this section 2636
in either of the following circumstances: 2637

(i) When work is offered by the individual's employer and 2638
the individual is not required to accept the offer pursuant to 2639
the terms of the labor-management contract or agreement. 2640

(ii) When the individual is attending a training course 2641
pursuant to division (A) (4) of this section. 2642

(d) In the event that an individual refuses to accept an 2643
offer of suitable work or refuses or fails to investigate a 2644

referral, but is not disqualified from benefits pursuant to 2645
division (D) (2) (a) (iv) of this section, benefits thereafter paid 2646
to that individual shall not be charged to the account of any 2647
employer and, except as provided in division (B) (1) (b) of 2648
section 4141.241 of the Revised Code, shall be charged to the 2649
mutualized account as provided in division (B) of section 2650
4141.25 of the Revised Code. 2651

(e) Remuneration earned in work for which an individual 2652
was disqualified under division (D) (2) (a) (vi) of this section 2653
shall be excluded from the individual's total base period 2654
remuneration and qualifying weeks that otherwise would be 2655
credited to the individual for such work in the individual's 2656
base period shall not be credited for the purpose of determining 2657
the total benefits to which the individual is eligible and the 2658
weekly benefit amount to be paid under section 4141.30 of the 2659
Revised Code. Such excluded remuneration and noncredited 2660
qualifying weeks shall be excluded from the calculation of the 2661
maximum amount to be charged, under division (D) of section 2662
4141.24 and section 4141.33 of the Revised Code, against the 2663
accounts of the individual's base period employers. In addition, 2664
no benefits shall thereafter be paid to the individual based 2665
upon such excluded remuneration or noncredited qualifying weeks. 2666

(f) For purposes of division (D) (2) ~~(e)~~ (a) (vi) of this 2667
section, "dishonesty" means the commission of substantive theft, 2668
fraud, or deceitful acts. 2669

(3) Notwithstanding division (A) of this section, no 2670
individual may serve a waiting period or be paid benefits for a 2671
week if the individual received either of the following payments 2672
during that week or that are attributable to that week: 2673

(a) Compensation or benefits under Chapter 4121., 4123., 2674

4127., or 4131. of the Revised Code, other than compensation for 2675
permanent partial disability under section 4123.57 of the 2676
Revised Code, for an injury the individual suffered or an 2677
occupational disease the individual contracted in the course of 2678
and arising out of the individual's employment; 2679

(b) Social security disability insurance benefit payments 2680
under 42 U.S.C. 423. 2681

(E) No individual otherwise qualified to receive benefits 2682
shall lose the right to benefits by reason of a refusal to 2683
accept new work if: 2684

(1) As a condition of being so employed the individual 2685
would be required to join a company union, or to resign from or 2686
refrain from joining any bona fide labor organization, or would 2687
be denied the right to retain membership in and observe the 2688
lawful rules of any such organization. 2689

(2) The position offered is vacant due directly to a 2690
strike, lockout, or other labor dispute. 2691

(3) The work is at an unreasonable distance from the 2692
individual's residence, having regard to the character of the 2693
work the individual has been accustomed to do, and travel to the 2694
place of work involves expenses substantially greater than that 2695
required for the individual's former work, unless the expense is 2696
provided for. The director shall adopt rules to define 2697
"unreasonable distance" for purposes of division (E)(3) of this 2698
section. 2699

(4) The remuneration, hours, or other conditions of the 2700
work offered are substantially less favorable to the individual 2701
than those prevailing for similar work in the locality. 2702

(F) Subject to the special exceptions contained in 2703

division (A) (4) (f) of this section and section 4141.301 of the Revised Code, in determining whether any work is suitable for a claimant in the administration of this chapter, the director, in addition to the determination required under division (E) of this section, shall consider the degree of risk to the claimant's health, safety, and morals, the individual's physical fitness for the work, the individual's prior training and experience, the length of the individual's unemployment, the distance of the available work from the individual's residence, and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section means the full period of unemployment next ensuing after a separation from any base period or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than: eighty-five dollars and ten cents per week beginning on June 26, 1990; and beginning on and after January 1, 1992, twenty-seven and one-half per cent of the statewide average weekly wage as computed each first day of January under ~~division (B) (3) of section 4141.30~~ 4141.02 of the Revised Code, rounded down to the nearest dollar, except for purposes of division (D) (2) (c) of this section, such term means the full period of unemployment next ensuing after a separation from such work and until such individual has become reemployed subject to the terms set forth above, and has earned wages equal to one-half of the individual's average weekly wage or sixty dollars, whichever is less.

(H) If a claimant is disqualified under division (D) (2) (a)

(i), ~~(e)~~ (ii), (iv), or ~~(d)~~ (v) of this section or found to be 2735
qualified under the exceptions provided in division (D) (2) ~~(a)~~ 2736
~~(i)~~, ~~(iii)~~, or ~~(iv)~~ (b) of this section or division (A) (2) of 2737
section 4141.291 of the Revised Code, then benefits that may 2738
become payable to such claimant, which are chargeable to the 2739
account of the employer from whom the individual was separated 2740
under such conditions, shall be charged to the mutualized 2741
account provided in section 4141.25 of the Revised Code, 2742
provided that no charge shall be made to the mutualized account 2743
for benefits chargeable to a reimbursing employer, except as 2744
provided in division (D) (2) of section 4141.24 of the Revised 2745
Code. In the case of a reimbursing employer, the director shall 2746
refund or credit to the account of the reimbursing employer any 2747
over-paid benefits that are recovered under division (B) of 2748
section 4141.35 of the Revised Code. Amounts chargeable to other 2749
states, the United States, or Canada that are subject to 2750
agreements and arrangements that are established pursuant to 2751
section 4141.43 of the Revised Code shall be credited or 2752
reimbursed according to the agreements and arrangements to which 2753
the chargeable amounts are subject. 2754

(I) (1) Benefits based on service in employment as provided 2755
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 2756
Code shall be payable in the same amount, on the same terms, and 2757
subject to the same conditions as benefits payable on the basis 2758
of other service subject to this chapter; except that after 2759
December 31, 1977: 2760

(a) Benefits based on service in an instructional, 2761
research, or principal administrative capacity in an institution 2762
of higher education, as defined in division (Y) of section 2763
4141.01 of the Revised Code; or for an educational institution 2764
as defined in division (CC) of section 4141.01 of the Revised 2765

Code, shall not be paid to any individual for any week of 2766
unemployment that begins during the period between two 2767
successive academic years or terms, or during a similar period 2768
between two regular but not successive terms or during a period 2769
of paid sabbatical leave provided for in the individual's 2770
contract, if the individual performs such services in the first 2771
of those academic years or terms and has a contract or a 2772
reasonable assurance that the individual will perform services 2773
in any such capacity for any such institution in the second of 2774
those academic years or terms. 2775

(b) Benefits based on service for an educational 2776
institution or an institution of higher education in other than 2777
an instructional, research, or principal administrative 2778
capacity, shall not be paid to any individual for any week of 2779
unemployment which begins during the period between two 2780
successive academic years or terms of the employing educational 2781
institution or institution of higher education, provided the 2782
individual performed those services for the educational 2783
institution or institution of higher education during the first 2784
such academic year or term and, there is a reasonable assurance 2785
that such individual will perform those services for any 2786
educational institution or institution of higher education in 2787
the second of such academic years or terms. 2788

If compensation is denied to any individual for any week 2789
under division (I) (1) (b) of this section and the individual was 2790
not offered an opportunity to perform those services for an 2791
institution of higher education or for an educational 2792
institution for the second of such academic years or terms, the 2793
individual is entitled to a retroactive payment of compensation 2794
for each week for which the individual timely filed a claim for 2795
compensation and for which compensation was denied solely by 2796

reason of division (I) (1) (b) of this section. An application for 2797
retroactive benefits shall be timely filed if received by the 2798
director or the director's deputy within or prior to the end of 2799
the fourth full calendar week after the end of the period for 2800
which benefits were denied because of reasonable assurance of 2801
employment. The provision for the payment of retroactive 2802
benefits under division (I) (1) (b) of this section is applicable 2803
to weeks of unemployment beginning on and after November 18, 2804
1983. The provisions under division (I) (1) (b) of this section 2805
shall be retroactive to September 5, 1982, only if, as a 2806
condition for full tax credit against the tax imposed by the 2807
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 2808
3301 to 3311, the United States secretary of labor determines 2809
that retroactivity is required by federal law. 2810

(c) With respect to weeks of unemployment beginning after 2811
December 31, 1977, benefits shall be denied to any individual 2812
for any week which commences during an established and customary 2813
vacation period or holiday recess, if the individual performs 2814
any services described in divisions (I) (1) (a) and (b) of this 2815
section in the period immediately before the vacation period or 2816
holiday recess, and there is a reasonable assurance that the 2817
individual will perform any such services in the period 2818
immediately following the vacation period or holiday recess. 2819

(d) With respect to any services described in division (I) 2820
(1) (a), (b), or (c) of this section, benefits payable on the 2821
basis of services in any such capacity shall be denied as 2822
specified in division (I) (1) (a), (b), or (c) of this section to 2823
any individual who performs such services in an educational 2824
institution or institution of higher education while in the 2825
employ of an educational service agency. For this purpose, the 2826
term "educational service agency" means a governmental agency or 2827

governmental entity that is established and operated exclusively 2828
for the purpose of providing services to one or more educational 2829
institutions or one or more institutions of higher education. 2830

(e) Any individual employed by a county board of 2831
developmental disabilities shall be notified by the thirtieth 2832
day of April each year if the individual is not to be reemployed 2833
the following academic year. 2834

(f) Any individual employed by a school district, other 2835
than a municipal school district as defined in section 3311.71 2836
of the Revised Code, shall be notified by the first day of June 2837
each year if the individual is not to be reemployed the 2838
following academic year. 2839

(2) No disqualification will be imposed, between academic 2840
years or terms or during a vacation period or holiday recess 2841
under this division, unless the director or the director's 2842
deputy has received a statement in writing from the educational 2843
institution or institution of higher education that the claimant 2844
has a contract for, or a reasonable assurance of, reemployment 2845
for the ensuing academic year or term. 2846

(3) If an individual has employment with an educational 2847
institution or an institution of higher education and employment 2848
with a noneducational employer, during the base period of the 2849
individual's benefit year, then the individual may become 2850
eligible for benefits during the between-term, or vacation or 2851
holiday recess, disqualification period, based on employment 2852
performed for the noneducational employer, provided that the 2853
employment is sufficient to qualify the individual for benefit 2854
rights separately from the benefit rights based on school 2855
employment. The weekly benefit amount and maximum benefits 2856
payable during a disqualification period shall be computed based 2857

solely on the nonschool employment. 2858

(J) Benefits shall not be paid on the basis of employment 2859
performed by an alien, unless the alien had been lawfully 2860
admitted to the United States for permanent residence at the 2861
time the services were performed, was lawfully present for 2862
purposes of performing the services, or was otherwise 2863
permanently residing in the United States under color of law at 2864
the time the services were performed, under section 212(d) (5) of 2865
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 2866
1101: 2867

(1) Any data or information required of individuals 2868
applying for benefits to determine whether benefits are not 2869
payable to them because of their alien status shall be uniformly 2870
required from all applicants for benefits. 2871

(2) In the case of an individual whose application for 2872
benefits would otherwise be approved, no determination that 2873
benefits to the individual are not payable because of the 2874
individual's alien status shall be made except upon a 2875
preponderance of the evidence that the individual had not, in 2876
fact, been lawfully admitted to the United States. 2877

(K) The director shall establish and utilize a system of 2878
profiling all new claimants under this chapter that: 2879

(1) Identifies which claimants will be likely to exhaust 2880
regular compensation and will need job search assistance 2881
services to make a successful transition to new employment; 2882

(2) Refers claimants identified pursuant to division (K) 2883
(1) of this section to reemployment services, such as job search 2884
assistance services, available under any state or federal law; 2885

(3) Collects follow-up information relating to the 2886

services received by such claimants and the employment outcomes 2887
for such claimant's subsequent to receiving such services and 2888
utilizes such information in making identifications pursuant to 2889
division (K) (1) of this section; and 2890

(4) Meets such other requirements as the United States 2891
secretary of labor determines are appropriate. 2892

(L) Except as otherwise provided in division (A) (6) of 2893
this section, ineligibility pursuant to division (A) of this 2894
section shall begin on the first day of the week in which the 2895
claimant becomes ineligible for benefits and shall end on the 2896
last day of the week preceding the week in which the claimant 2897
satisfies the eligibility requirements. 2898

(M) The director shall adopt rules to define "locality" 2899
for purposes of this section and may adopt rules that the 2900
director considers necessary for the administration of division 2901
(A) of this section. 2902

Sec. 4141.291. (A) Notwithstanding section 4141.29 of the 2903
Revised Code, an individual who voluntarily quits work: 2904

(1) To accept a recall from a prior employer and 2905
establishes that the refusal or failure to accept the recall 2906
would have resulted in a substantial loss of employment rights, 2907
benefits, or pension, under a labor-management agreement or 2908
company policy; 2909

(2) To accept a recall to employment from a prior employer 2910
and cannot establish that a substantial loss of employment 2911
rights, benefits, or pension was involved in the recall, or to 2912
accept other employment subject to this chapter, or the 2913
unemployment compensation act of another state, or of the United 2914
States, where the individual obtains such employment while still 2915

employed or commences such employment within seven calendar days 2916
after the last day of employment with the prior employer, and 2917
subsequent to the last day of the employment with the prior 2918
employer, works three weeks in the new employment and earns 2919
wages equal to one and one-half times the individual's average 2920
weekly wage or one hundred eighty dollars, whichever is less; 2921

(3) Shall, under the conditions specified in either 2922
division (A) (1) or (2) of this section, remove the 2923
disqualification imposed by division (D) (2) (a) (i) or (ii) of 2924
section 4141.29 of the Revised Code and shall be deemed to have 2925
fully complied with division (G) of such section. 2926

(B) Benefits which may become payable to such individual 2927
because of the individual's subsequent separation from the 2928
employer who recalled that individual shall be charged to 2929
employer accounts as provided in division (D) of section 4141.24 2930
of the Revised Code. 2931

(C) Any benefits which would be chargeable to the account 2932
of the employer from whom such individual voluntarily quit to 2933
accept such recall or other employment which are not chargeable 2934
to the recalling employer as provided in this section shall be 2935
charged to the mutualized account provided in section 4141.25 of 2936
the Revised Code; except that any benefits chargeable to the 2937
account of a reimbursing employer under this division shall be 2938
charged to the account of the reimbursing employer and not the 2939
mutualized account, except as provided in division (D) (2) of 2940
section 4141.24 of the Revised Code. 2941

Sec. 4141.292. An individual suffering total or partial 2942
unemployment directly attributable to a major disaster declared 2943
by the president of the United States pursuant to the "Disaster 2944
Relief Act of 1974," 88 Stat. 143, 42 U.S.C. 5121, who is not 2945

eligible to be paid unemployment compensation benefits under 2946
this chapter or any other state or federal unemployment 2947
compensation law for the first week of the individual's 2948
unemployment caused by the disaster is eligible to be paid a 2949
state disaster unemployment benefit payment for that week. 2950

The director shall compute the state disaster unemployment 2951
benefit payment as if the individual was otherwise qualified and 2952
claiming weekly unemployment compensation benefits under this 2953
chapter. The director shall pay the state disaster unemployment 2954
benefit payment from the unemployment compensation special 2955
administrative fund created in section 4141.11 of the Revised 2956
Code. The director shall maintain appropriate records of 2957
payments made under this section and shall submit those records 2958
at least annually to the ~~unemployment compensation advisory~~ 2959
~~council as prescribed by the council~~ president of the senate and 2960
the speaker of the house of representatives. 2961

Sec. 4141.294. (A) As used in this section: 2962

(1) "Controlled substance" means a substance listed on a 2963
schedule established under section 202 of the federal 2964
"Controlled Substances Act," 21 U.S.C. 812, 84 Stat. 1247, as 2965
amended. 2966

(2) "Drug test" means either of the following that is 2967
conducted to determine whether a controlled substance is present 2968
in a biological specimen taken from an individual's body: 2969

(a) A chemical test of an individual's urine; 2970

(b) An oral fluid test that uses a swab. 2971

(3) "Duration of unemployment" has the same meaning as in 2972
section 4141.29 of the Revised Code. 2973

(4) (a) Except as provided in division (A) (4) (b) of this section, "fail a drug test" means that a drug test reveals the presence of a controlled substance in a biological specimen taken from an individual's body. 2974
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(b) An individual shall not be determined to have failed a drug test if the individual obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and the individual injected, ingested, or inhaled the controlled substance in accordance with the licensed health professional's directions. 2978
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(5) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 2984
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(B) If the director of job and family services has reasonable cause to suspect that an individual who has filed an application for determination of benefit rights has engaged in the unlawful use of a controlled substance and the director has determined that either of the following apply to the individual, the director shall require the applicant to undergo a drug test to determine the individual's eligibility for benefits: 2987
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(1) The individual was discharged from employment with the individual's most recent employer because of the unlawful use of a controlled substance. 2994
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2996

(2) The individual is an individual for whom suitable work is only available in an occupation that the United States department of labor has determined, by final rule, is an occupation that regularly conducts drug testing. 2997
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(C) An individual who fails or refuses to submit to a drug test required under division (B) of this section shall be 3001
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disqualified from unemployment benefits pursuant to section 3003
4141.29 of the Revised Code for the duration of the individual's 3004
unemployment. 3005

(D) The director shall do both of the following: 3006

(1) Ensure that a drug test conducted under this section 3007
meets or exceeds the standards of the mandatory guidelines for 3008
federal workplace drug testing programs, published by the 3009
substance abuse and mental health services administration of the 3010
United States department of health; 3011

(2) Adopt rules that the director considers necessary for 3012
the administration of this section. 3013

Sec. 4141.30. (A) As used in this section, "unemployment 3014
compensation fund" means the unemployment compensation fund 3015
created in section 4141.09 of the Revised Code. 3016

(B) All benefits shall be paid through public employment 3017
offices in accordance with such rules as the director of job and 3018
family services prescribes. 3019

~~(B) With the exceptions in division (B) (4) of this 3020~~
~~section, benefits~~ (C) Benefits are payable to each eligible and 3021
qualified individual on account of each week of involuntary 3022
total unemployment after the specified waiting period at the 3023
weekly benefit amount determined by: 3024

(1) Computing the individual's average weekly wage as 3025
defined in division (O) (2) of section 4141.01 of the Revised 3026
Code; 3027

~~(2) Determining the individual's dependency class under 3028~~
~~division (E) of this section; 3029~~

~~(3) Computing the individual's weekly benefit amount to be 3030~~

fifty per cent of the individual's average weekly wage except, 3031
that the individual's weekly benefit amount shall not exceed the 3032
maximum amount ~~shown for the individual's dependency class in~~ 3033
~~the following table:~~ 3034

Dependency Class	Maximum Weekly Benefit Amount	3035
A	\$147	3037
B	223	3038
C	233	3039

~~Effective Sunday of the calendar week in which January 1,~~ 3040
~~1988, occurs and on each similar day of each year thereafter,~~ 3041
~~the current maximum weekly benefit amount for each dependency~~ 3042
~~class shall be adjusted based on the statewide average weekly~~ 3043
~~wage. Any percentage increase in such statewide average weekly~~ 3044
~~wage between the wage computed for the current year and the wage~~ 3045
~~computed for the preceding year shall be used to increase the~~ 3046
~~maximum amounts then in effect by the same percentage. Such~~ 3047
~~increased amounts will be effective with respect to applications~~ 3048
~~for benefit rights filed during the fifty-two consecutive~~ 3049
~~calendar weeks beginning with such Sunday date.~~ 3050

~~The director shall calculate the statewide average weekly~~ 3051
~~wage based on the average weekly earnings of all workers in~~ 3052
~~employment subject to this chapter during the preceding twelve~~ 3053
~~month period ending the thirtieth day of June. The calculation~~ 3054
~~shall be made in the following manner:~~ 3055

~~(a) The sum of the total monthly employment reported for~~ 3056
~~the previous twelve-month period shall be divided by twelve to~~ 3057
~~determine the average monthly employment;~~ 3058

~~(b) The sum of the total wages reported for the previous~~ 3059

~~twelve month period shall be divided by the average monthly
employment to determine the average annual wage;~~ 3060
3061

~~(c) The average annual wage shall be divided by fifty two
to determine the statewide average weekly wage described in
division (D) of this section.~~ 3062
3063
3064

In the computation of the weekly benefit amount, any 3065
resulting amount not a multiple of one dollar shall be rounded 3066
to the next lower multiple of one dollar. In the computation of 3067
the adjusted maximum benefit amounts, based on the statewide 3068
average weekly wage, any resulting amount not a multiple of one 3069
dollar shall be rounded to the next lower multiple of one 3070
dollar. 3071

~~(4) Effective Sunday of the calendar week in which January
1, occurs for calendar years 1988 through 1993, the maximum
weekly benefit amount payable for an individual's dependency
class for those years shall be computed in accordance with this
division, with an additional increase added to the prior year's
increase equal to one-sixth of total percentage increase that
otherwise would have been available in calendar years 1983,
1984, 1985, 1986, and 1987, if in those years an adjustment in
the maximum weekly benefit amount would have been made pursuant
to this division.~~ 3072
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~~(5) Effective Sunday of the calendar week in which January
1, 1991, occurs, the maximum weekly benefit amounts computed
under divisions (B) (3) and (4) of this section shall not exceed
the following amounts:~~ 3082
3083
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3085

~~(a) For dependency class A, fifty per cent of the
statewide average weekly wage;~~ 3086
3087

~~(b) For dependency class B, sixty per cent of the~~ 3088

~~statewide average weekly wage;~~ 3089

~~(c) For dependency class C, sixty-six and two-thirds per-~~ 3090
~~cent of the statewide average weekly wage.~~ 3091

~~Division (B) (5) of this section applies to all new claims-~~ 3092
~~filed on and after the Sunday of the calendar week in which-~~ 3093
~~January 1, 1991, occurs, provided that the maximum weekly-~~ 3094
~~benefit amounts established for the dependency classes prior to-~~ 3095
~~such date apply to all claims until the maximum weekly benefit-~~ 3096
~~amounts as determined pursuant to division (B) (5) of this-~~ 3097
~~section equal or exceed the maximum weekly benefit amounts in-~~ 3098
~~effect prior to such date.~~ 3099

~~(C)~~ (D) (1) Except as otherwise provided in division (D) (2) 3100
of this section, no individual's weekly benefit amount shall 3101
exceed fifty per cent of the statewide average weekly wage as 3102
calculated pursuant to section 4141.02 of the Revised Code. 3103

(2) For the time period beginning on the first day of 3104
January immediately following a computation date on which the 3105
director determines that the unemployment compensation fund is 3106
at or below fifty per cent of the minimum safe level and ending 3107
on the thirty-first day of December following a computation date 3108
on which the director determines that the unemployment 3109
compensation fund is at or above minimum safe level, no 3110
individual's weekly benefit amount shall exceed fifty per cent 3111
of the statewide average weekly wage as calculated pursuant to 3112
section 4141.02 of the Revised Code that was in effect on the 3113
thirty-first day of December immediately preceding that period. 3114

(E) Benefits are payable to each partially unemployed 3115
individual otherwise eligible on account of each week of 3116
involuntary partial unemployment after the specified waiting 3117

period in an amount equal to the individual's weekly benefit amount less that part of the remuneration payable to the individual with respect to such week which is in excess of twenty per cent of the individual's weekly benefit amount, and the resulting amount rounded to the next lower multiple of one dollar.

(F) (1) For any benefit year beginning on or after the effective date of this amendment, the maximum number of weeks for which an individual may receive benefits shall be determined by the director based on the adjusted unemployment rate that applies to the six-month period during which the application for a determination of benefit rights is filed, in accordance with the following schedule:

<u>Adjusted unemployment rate</u>	<u>Maximum number of weeks</u>	
<u>5.5% or below</u>	<u>12</u>	3132
<u>Greater than 5.5% to 6%</u>	<u>13</u>	3133
<u>Greater than 6% to 6.5%</u>	<u>14</u>	3134
<u>Greater than 6.5% to 7%</u>	<u>15</u>	3135
<u>Greater than 7% to 7.5%</u>	<u>16</u>	3136
<u>Greater than 7.5% to 8%</u>	<u>17</u>	3137
<u>Greater than 8% to 8.5%</u>	<u>18</u>	3138
<u>Greater than 8.5% to 9%</u>	<u>19</u>	3139
<u>Greater than 9%</u>	<u>20</u>	3140

(2) For purposes of division (F) of this section:

(a) The first six-month period of every year begins on the first day of January and ends on the thirtieth day of June. The

second six-month period begins on the first day of July and ends 3144
on the thirty-first day of December. 3145

(b) To determine the adjusted unemployment rate in effect 3146
for the first period of a year, the director shall average the 3147
state's seasonally adjusted unemployment rates, as determined by 3148
the United States department of labor, for the immediately 3149
preceding months of July, August, and September. 3150

(c) To determine the adjusted unemployment rate in effect 3151
for the second period of the year, the director shall average 3152
the state's seasonally adjusted unemployment rates, as 3153
determined by the United States department of labor, for the 3154
immediately preceding months of January, February, and March. 3155

~~(D) The~~ (G) (1) In any benefit year that begins before the 3156
effective date of this amendment, the total benefits to which an 3157
individual is entitled in any benefit year, whether for partial 3158
or total unemployment, or both, shall not exceed the lesser of 3159
the following two amounts: (1) an amount equal to twenty-six 3160
times the individual's weekly benefit amount determined in 3161
accordance with division ~~(B)~~ (C) of this section and this 3162
division, or (2) an amount computed by taking the sum of twenty 3163
times the individual's weekly benefit amount for the first 3164
twenty base period qualifying weeks plus one times the weekly 3165
benefit amount for each additional qualifying week beyond the 3166
first twenty qualifying weeks in the individual's base period. 3167

(2) In any benefit year that begins on or after the 3168
effective date of this amendment, the total benefits to which an 3169
individual is entitled, whether for partial or total 3170
unemployment, or both, shall not exceed an amount equal to the 3171
maximum number of weeks to which an individual may receive 3172
benefits under division (F) of this section times the 3173

individual's weekly benefit amount determined in accordance with 3174
division (C) of this section. 3175

~~(E) Each eligible and qualified individual shall be~~ 3176
~~assigned a dependency class in accordance with the following~~ 3177
~~schedule:~~ 3178

Class	Description of Dependents	
A	No dependents, or has	3180
	insufficient wages to qualify	3181
	for more than the maximum	3182
	weekly benefit amount as	3183
	provided under dependency	3184
	class A	3185
B	One or two dependents	3186
C	Three or more dependents	3187

~~As used in this division "dependent" means:~~ 3188

~~(1) Any natural child, stepchild, or adopted child of the~~ 3189
~~individual claiming benefits for whom such individual at the~~ 3190
~~beginning of the individual's current benefit year is supplying~~ 3191
~~and for at least ninety consecutive days, or for the duration of~~ 3192
~~the parental relationship if it existed less than ninety days,~~ 3193
~~immediately preceding the beginning of such benefit year, has~~ 3194
~~supplied more than one half of the cost of support and if such~~ 3195
~~child on the beginning date of such benefit year was under~~ 3196
~~eighteen years of age, or if unable to work because of permanent~~ 3197
~~physical or mental disability;~~ 3198

~~(2) The legally married wife or husband of the individual~~ 3199
~~claiming benefits for whom more than one half the cost of~~ 3200
~~support has been supplied by such individual for at least ninety~~ 3201
~~consecutive days, or for the duration of the marital~~ 3202

~~relationship if it has existed for less than ninety days,~~ 3203
~~immediately preceding the beginning of such individual's current~~ 3204
~~benefit year and such wife or husband was living with such~~ 3205
~~individual and had an average weekly income, in such period, not~~ 3206
~~in excess of twenty five per cent of the claimant's average~~ 3207
~~weekly wage.~~ 3208

~~(3) If both the husband and wife qualify for benefit~~ 3209
~~rights with overlapping benefit years, only one of them may~~ 3210
~~qualify for a dependency class other than A.~~ 3211

Sec. 4141.31. (A) Benefits otherwise payable for any week 3212
shall be reduced by the amount of remuneration or other payments 3213
a claimant receives with respect to such week as follows: 3214

(1) Remuneration in lieu of notice; 3215

~~(2) Compensation for wage loss under division (B) of~~ 3216
~~section 4123.56 of the Revised Code or a similar provision under~~ 3217
~~the workers' compensation law of any state or the United States;~~ 3218

~~(3) Payments in the form of retirement, or pension~~ 3219
allowances as provided under section 4141.312 of the Revised 3220
Code; 3221

~~(4)~~ (3) Except as otherwise provided in division (D) of 3222
this section, remuneration in the form of separation or 3223
termination pay paid to an employee at the time of the 3224
employee's separation from employment; 3225

~~(5)~~ (4) Vacation pay or allowance payable under the law, 3226
terms of a labor-management contract or agreement, or other 3227
contract of hire, which payments are allocated to designated 3228
weeks; 3229

~~(6)~~ (5) The determinable value of cost savings days. 3230

If payments under this division are paid with respect to a 3231
month then the amount of remuneration deemed to be received with 3232
respect to any week during such month shall be computed by 3233
multiplying such monthly amount by twelve and dividing the 3234
product by fifty-two. If there is no designation of the period 3235
with respect to which payments to an individual are made under 3236
this section then an amount equal to such individual's normal 3237
weekly wage shall be attributed to and deemed paid with respect 3238
to the first and each succeeding week following the individual's 3239
separation or termination from the employment of the employer 3240
making the payment until such amount so paid is exhausted. 3241

If benefits for any week, when reduced as provided in this 3242
division, result in an amount not a multiple of one dollar, such 3243
benefits shall be rounded to the next lower multiple of one 3244
dollar. 3245

Any payment allocated by the employer or the director of 3246
job and family services to weeks under division (A) (1), ~~(4)~~ (3), 3247
or ~~(5)~~ (4) of this section shall be deemed to be remuneration 3248
for the purposes of establishing a qualifying week and a benefit 3249
year under divisions (O) (1) and (R) of section 4141.01 of the 3250
Revised Code. 3251

(B) Benefits payable for any week shall not be reduced by 3252
the amount of remuneration a claimant receives with respect to 3253
such week in the form of drill or reserve pay received by a 3254
member of the Ohio national guard or the armed forces reserve 3255
for attendance at a regularly scheduled drill or meeting. 3256

(C) No benefits shall be paid for any week with respect to 3257
which or a part of which an individual has received or is 3258
seeking unemployment benefits under an unemployment compensation 3259
law of any other state or of the United States, provided the 3260

disqualifications shall not apply if the appropriate agency of 3261
such other state or of the United States finally determines that 3262
an individual is not entitled to such unemployment benefits. A 3263
law of the United States providing any payment of any type and 3264
in any amounts for periods of unemployment due to lack of work 3265
shall be considered an unemployment compensation law of the 3266
United States. 3267

(D) Benefits payable for any week shall not be reduced by 3268
the amount of military severance, disability, or separation pay 3269
paid to an individual who is a former member of the armed forces 3270
of the United States. 3271

(E) Remuneration for personal services includes cost 3272
savings days, as defined in division (DD) of section 4141.01 of 3273
the Revised Code, for which employees continue to accrue 3274
employee benefits that have a determinable value. Any 3275
unemployment compensation benefits that may be payable as a 3276
result of cost savings days shall be reduced as provided in 3277
division (A) ~~(6)~~ (5) of this section. 3278

Sec. 4141.312. ~~(A) Except as otherwise specified in~~ 3279
~~division (B) of this section, the~~ The amount of benefits payable 3280
to a claimant for any week with respect to which the claimant is 3281
receiving a governmental or other pension, retirement or retired 3282
pay, annuity or any other similar periodic payment which is 3283
based on the previous work of the individual, shall be reduced 3284
by an amount equal to the amount of the pension, retirement or 3285
retired pay, annuity or other payment which is reasonably 3286
attributable to that week, except that the requirements for this 3287
division shall apply to any pension, retirement or retired pay, 3288
annuity, or other similar periodic payment only if both of the 3289
following apply: 3290

~~(1)~~ ~~(A)~~ The payment is under a plan maintained or 3291
contributed to by a base period employer or chargeable employer. 3292

~~(2)~~ ~~(B)~~ In the case of a payment under a plan not made 3293
under the "Social Security Act," 42 U.S.C. 401 et seq., or the 3294
"Railroad Retirement Act of 1974," 45 U.S.C. 231 et seq., or the 3295
corresponding provisions of prior law, services performed for 3296
such employer by the individual after the beginning of the base 3297
period, or remuneration for such services, affect eligibility 3298
for, or increase the amount of, such pension, retirement or 3299
retired pay, annuity, or similar payment. 3300

~~(B)~~ If a claimant has made a contribution to social 3301
security pursuant to the "Social Security Act," 42 U.S.C. 401 et 3302
seq., and that claimant is receiving a retirement payment 3303
pursuant to that act, the claimant's weekly benefit shall not be 3304
reduced by the amount of that retirement payment because the 3305
claimant contributed to social security. 3306

Sec. 4141.35. (A) If the director of job and family 3307
services finds that any fraudulent misrepresentation has been 3308
made by an applicant for or a recipient of benefits with the 3309
object of obtaining benefits to which the applicant or recipient 3310
was not entitled, and in addition to any other penalty or 3311
forfeiture under this chapter, then the director: 3312

(1) Shall ~~within four years after the end of the benefit~~ 3313
~~year in which the fraudulent misrepresentation was made~~ reject 3314
or cancel such person's entire weekly claim for benefits that 3315
was fraudulently claimed, or the person's entire benefit rights 3316
if the misrepresentation was in connection with the filing of 3317
the claimant's application for determination of benefit rights; 3318

(2) Shall by order declare that, for each application for 3319

benefit rights and for each weekly claim canceled, such person 3320
shall be ineligible for two otherwise valid weekly claims for 3321
benefits, claimed ~~within six years~~ subsequent to the discovery 3322
of such misrepresentation; 3323

(3) By order shall require that the total amount of 3324
benefits rejected or canceled under division (A) (1) of this 3325
section be repaid to the director before such person may become 3326
eligible for further benefits, and shall withhold such unpaid 3327
sums from future benefit payments accruing and otherwise payable 3328
to such claimant. Effective with orders issued on or after 3329
January 1, 1993, if such benefits are not repaid within thirty 3330
days after the director's order becomes final, interest on the 3331
amount remaining unpaid shall be charged to the person at a rate 3332
and calculated in the same manner as provided under section 3333
4141.23 of the Revised Code. When a person ordered to repay 3334
benefits has repaid all overpaid benefits according to a plan 3335
approved by the director, the director may cancel the amount of 3336
interest that accrued during the period of the repayment plan. 3337
The director may take action in any court of competent 3338
jurisdiction to collect benefits and interest as provided in 3339
sections 4141.23 and 4141.27 of the Revised Code, in regard to 3340
the collection of unpaid contributions, using the final 3341
repayment order as the basis for such action. Except as 3342
otherwise provided in this division, there is no period of 3343
limitation on administrative or legal proceedings for the 3344
collection of such benefits or interest due, or for the 3345
collection of a penalty under division (A) (4) of this section, ~~3346~~
~~shall be initiated after the expiration of six years from the~~ 3347
~~date on which the director's order requiring repayment became~~ 3348
~~final and the amount of any benefits, penalty, or interest not~~ 3349
~~recovered at that time, and any liens thereon, shall be canceled~~ 3350

~~as uncollectible. The time limit for instituting proceedings—~~ 3351
~~shall be extended by the period of any stay to the collection or—~~ 3352
~~by any other time period to which the parties mutually agree.~~ 3353
The director may adopt rules specifying the period after which 3354
the amount of any benefits, interest, or penalty due from a 3355
person under division (A) of this section shall be canceled as 3356
uncollectible. 3357

(4) Shall, for findings made on or after October 21, 2013, 3358
by order assess a mandatory penalty on such a person in an 3359
amount equal to twenty-five per cent of the total amount of 3360
benefits rejected or canceled under division (A)(1) of this 3361
section. The first sixty per cent of each penalty collected 3362
under division (A)(4) of this section shall be deposited into 3363
the unemployment compensation fund created under section 4141.09 3364
of the Revised Code and shall be credited to the mutualized 3365
account, as provided in division (B)(2)(g) of section 4141.25 of 3366
the Revised Code. The remainder of each penalty collected shall 3367
be deposited into the unemployment compensation special 3368
administrative fund created under section 4141.11 of the Revised 3369
Code. 3370

(5) May take action to collect benefits fraudulently 3371
obtained under the unemployment compensation law of any other 3372
state or the United States or Canada. Such action may be 3373
initiated in the courts of this state in the same manner as 3374
provided for unpaid contributions in section 4141.41 of the 3375
Revised Code. 3376

(6) May take action to collect benefits that have been 3377
fraudulently obtained from the director, interest pursuant to 3378
division (A)(3) of this section, and court costs, through 3379
attachment proceedings under Chapter 2715. of the Revised Code 3380

and garnishment proceedings under Chapter 2716. of the Revised 3381
Code. 3382

(B) If the director finds that an applicant for benefits 3383
has been credited with a waiting period or paid benefits to 3384
which the applicant was not entitled for reasons other than 3385
fraudulent misrepresentation, the director shall: 3386

(1) (a) Within six months after the determination under 3387
which the claimant was credited with that waiting period or paid 3388
benefits becomes final pursuant to section 4141.28 of the 3389
Revised Code, or within ~~three~~six years after the end of the 3390
benefit year in which such benefits were claimed, whichever is 3391
later, by order cancel such waiting period and require that such 3392
benefits be repaid to the director or be withheld from any 3393
benefits to which such applicant is or may become entitled 3394
before any additional benefits are paid, provided that the 3395
repayment or withholding shall not be required where the 3396
overpayment is the result of the director's correcting a prior 3397
decision due to a typographical or clerical error in the 3398
director's prior decision, or an error in an employer's report 3399
under division (G) of section 4141.28 of the Revised Code. 3400

(b) The limitation specified in division (B) (1) (a) of this 3401
section shall not apply to cases involving the retroactive 3402
payment of remuneration covering periods for which benefits were 3403
previously paid to the claimant. However, in such cases, the 3404
director's order requiring repayment shall not be issued unless 3405
the director is notified of such retroactive payment within six 3406
months from the date the retroactive payment was made to the 3407
claimant. 3408

(2) The director may, by reciprocal agreement with the 3409
United States secretary of labor or another state, recover 3410

overpayment amounts from unemployment benefits otherwise payable 3411
to an individual under Chapter 4141. of the Revised Code. Any 3412
overpayments made to the individual that have not previously 3413
been recovered under an unemployment benefit program of the 3414
United States may be recovered in accordance with section 303(g) 3415
of the "Social Security Act" and sections 3304(a)(4) and 3306(f) 3416
of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 3417
U.S.C.A. 3301 to 3311. 3418

~~(3) If the amounts required to be repaid under division 3419
(B) of this section are not recovered within three years from 3420
the date the director's order requiring payment became final, 3421
initiate no further action to collect such benefits and the 3422
amount of any benefits not recovered at that time shall be 3423
canceled as uncollectible, provided that the time limit for 3424
collection shall be extended by the period of any stay to the 3425
collection or by any other time period to which the parties 3426
mutually agree. The director may adopt rules specifying a period 3427
after which the amount of any benefits due from a person under 3428
division (B) of this section shall be canceled as uncollectible. 3429~~

(C) The appeal provisions of sections 4141.281 and 3430
4141.282 of the Revised Code shall apply to all orders and 3431
determinations issued under this section, except that an 3432
individual's right of appeal under division (B)(2) of this 3433
section shall be limited to this state's authority to recover 3434
overpayment of benefits. 3435

(D) If an individual makes a full repayment or a repayment 3436
that is less than the full amount required by this section, the 3437
director shall apply the repayment to the mutualized account 3438
under division (B) of section 4141.25 of the Revised Code, 3439
except that the director shall credit the repayment to the 3440

accounts of the individual's base period employers that 3441
previously have not been credited for the amount of improperly 3442
paid benefits charged against their accounts based on the 3443
proportion of benefits charged against the accounts as 3444
determined pursuant to division (D) of section 4141.24 of the 3445
Revised Code. 3446

The director shall deposit any repayment collected under 3447
this section that the director determines to be payment of 3448
interest or court costs into the unemployment compensation 3449
special administrative fund established pursuant to section 3450
4141.11 of the Revised Code. 3451

This division does not apply to any of the following: 3452

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 3453

(2) Unclaimed fund recoveries under section 131.024 of the 3454
Revised Code; 3455

(3) Lottery award offsets under section 3770.073 of the 3456
Revised Code; 3457

(4) State tax refund offsets under section 5747.12 of the 3458
Revised Code. 3459

Sec. 4141.43. (A) The director of job and family services 3460
may cooperate with the industrial commission, the bureau of 3461
workers' compensation, the United States internal revenue 3462
service, the United States employment service, and other similar 3463
departments and agencies, as determined by the director, in the 3464
exchange or disclosure of information as to wages, employment, 3465
payrolls, unemployment, and other information. The director may 3466
employ, jointly with one or more of such agencies or 3467
departments, auditors, examiners, inspectors, and other 3468
employees necessary for the administration of this chapter and 3469

employment and training services for workers in the state. 3470

(B) The director may make the state's record relating to 3471
the administration of this chapter available to the railroad 3472
retirement board and may furnish the board at the board's 3473
expense such copies thereof as the board deems necessary for its 3474
purposes. 3475

(C) The director may afford reasonable cooperation with 3476
every agency of the United States charged with the 3477
administration of any unemployment compensation law. 3478

(D) The director may enter into arrangements with the 3479
appropriate agencies of other states or of the United States or 3480
Canada whereby individuals performing services in this and other 3481
states for a single employer under circumstances not 3482
specifically provided for in division (B) of section 4141.01 of 3483
the Revised Code or in similar provisions in the unemployment 3484
compensation laws of such other states shall be deemed to be 3485
engaged in employment performed entirely within this state or 3486
within one of such other states or within Canada, and whereby 3487
potential rights to benefits accumulated under the unemployment 3488
compensation laws of several states or under such a law of the 3489
United States, or both, or of Canada may constitute the basis 3490
for the payment of benefits through a single appropriate agency 3491
under terms that the director finds will be fair and reasonable 3492
as to all affected interests and will not result in any 3493
substantial loss to the unemployment compensation fund. 3494

(E) The director may enter into agreements with the 3495
appropriate agencies of other states or of the United States or 3496
Canada: 3497

(1) Whereby services or wages upon the basis of which an 3498

individual may become entitled to benefits under the 3499
unemployment compensation law of another state or of the United 3500
States or Canada shall be deemed to be employment or wages for 3501
employment by employers for the purposes of qualifying claimants 3502
for benefits under this chapter, and the director may estimate 3503
the number of weeks of employment represented by the wages 3504
reported to the director for such claimants by such other 3505
agency, provided such other state agency or agency of the United 3506
States or Canada has agreed to reimburse the unemployment 3507
compensation fund for such portion of benefits paid under this 3508
chapter upon the basis of such services or wages as the director 3509
finds will be fair and reasonable as to all affected interests; 3510

(2) Whereby the director will reimburse other state or 3511
federal or Canadian agencies charged with the administration of 3512
unemployment compensation laws with such reasonable portion of 3513
benefits, paid under the law of such other states or of the 3514
United States or of Canada upon the basis of employment or wages 3515
for employment by employers, as the director finds will be fair 3516
and reasonable as to all affected interests. Reimbursements so 3517
payable shall be deemed to be benefits for the purpose of 3518
section 4141.09 and division ~~(A)~~(B) of section 4141.30 of the 3519
Revised Code. However, no reimbursement so payable shall be 3520
charged against any employer's account for the purposes of 3521
section 4141.24 of the Revised Code if the employer's account, 3522
under the same or similar circumstances, with respect to 3523
benefits charged under the provisions of this chapter, other 3524
than this section, would not be charged or, if the claimant at 3525
the time the claimant files the combined wage claim cannot 3526
establish benefit rights under this chapter. This noncharging 3527
shall not be applicable to a nonprofit organization that has 3528
elected to make payments in lieu of contributions under section 3529

4141.241 of the Revised Code, except as provided in division (D) 3530
(2) of section 4141.24 of the Revised Code. The director may 3531
make to other state or federal or Canadian agencies and receive 3532
from such other state or federal or Canadian agencies 3533
reimbursements from or to the unemployment compensation fund, in 3534
accordance with arrangements pursuant to this section. 3535

(3) Notwithstanding division (B) (2) (f) of section 4141.01 3536
of the Revised Code, the director may enter into agreements with 3537
other states whereby services performed for a crew leader, as 3538
defined in division (BB) of section 4141.01 of the Revised Code, 3539
may be covered in the state in which the crew leader either: 3540

(a) Has the crew leader's place of business or from which 3541
the crew leader's business is operated or controlled; 3542

(b) Resides if the crew leader has no place of business in 3543
any state. 3544

(F) The director may apply for an advance to the 3545
unemployment compensation fund and do all things necessary or 3546
required to obtain such advance and arrange for the repayment of 3547
such advance in accordance with Title XII of the "Social 3548
Security Act" as amended. 3549

(G) The director may enter into reciprocal agreements or 3550
arrangements with the appropriate agencies of other states in 3551
regard to services on vessels engaged in interstate or foreign 3552
commerce whereby such services for a single employer, wherever 3553
performed, shall be deemed performed within this state or within 3554
such other states. 3555

(H) The director shall participate in any arrangements for 3556
the payment of compensation on the basis of combining an 3557
individual's wages and employment, covered under this chapter, 3558

with the individual's wages and employment covered under the 3559
unemployment compensation laws of other states which are 3560
approved by the United States secretary of labor in consultation 3561
with the state unemployment compensation agencies as reasonably 3562
calculated to assure the prompt and full payment of compensation 3563
in such situations and which include provisions for: 3564

(1) Applying the base period of a single state law to a 3565
claim involving the combining of an individual's wages and 3566
employment covered under two or more state unemployment 3567
compensation laws, and 3568

(2) Avoiding the duplicate use of wages and employment by 3569
reason of such combining. 3570

(I) The director shall cooperate with the United States 3571
department of labor to the fullest extent consistent with this 3572
chapter, and shall take such action, through the adoption of 3573
appropriate rules, regulations, and administrative methods and 3574
standards, as may be necessary to secure to this state and its 3575
citizens all advantages available under the provisions of the 3576
"Social Security Act" that relate to unemployment compensation, 3577
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 3578
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 3579
113, 29 U.S.C.A. 49, and the "Federal-State Extended 3580
Unemployment Compensation Act of 1970," 84 Stat. 596, 26 3581
U.S.C.A. 3306, and the "Workforce Investment Act of 1998," 112 3582
Stat. 936, 29 U.S.C.A. 2801 et seq. 3583

(J) The director may disclose wage information furnished 3584
to or maintained by the director under Chapter 4141. of the 3585
Revised Code to a consumer reporting agency as defined by the 3586
"Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 3587
as amended, for the purpose of verifying an individual's income 3588

under a written agreement that requires all of the following: 3589

(1) A written statement of informed consent from the 3590
individual whose information is to be disclosed; 3591

(2) A written statement confirming that the consumer 3592
reporting agency and any other entity to which the information 3593
is disclosed or released will safeguard the information from 3594
illegal or unauthorized disclosure; 3595

(3) A written statement confirming that the consumer 3596
reporting agency will pay to the bureau all costs associated 3597
with the disclosure. 3598

The director shall prescribe a manner and format in which 3599
this information may be provided. 3600

(K) The director shall adopt rules defining the 3601
requirements of the release of individual income verification 3602
information specified in division (J) of this section, which 3603
shall include all terms and conditions necessary to meet the 3604
requirements of federal law as interpreted by the United States 3605
department of labor or considered necessary by the director for 3606
the proper administration of this division. 3607

(L) The director shall disclose information furnished to 3608
or maintained by the director under this chapter upon request 3609
and on a reimbursable basis as required by section 303 of the 3610
"Social Security Act," 42 U.S.C.A. 503, and section 3304 of the 3611
"Internal Revenue Code," 26 U.S.C.A. 3304. 3612

Sec. 4141.53. (A) An individual is eligible to receive 3613
shared work compensation for a week in which the individual 3614
satisfies all of the following: 3615

(1) The individual is employed by a participating employer 3616

and is subject to a shared work plan that was approved before 3617
that week and is in effect for that week. 3618

(2) The individual is available for work and is actively 3619
seeking work by being available for the individual's normal 3620
weekly hours of work. 3621

(3) The individual's normal weekly hours of work with the 3622
participating employer have been reduced by at least ten per 3623
cent but not more than fifty per cent. 3624

(4) The individual has been employed by an employer or 3625
employers subject to this chapter in at least twenty qualifying 3626
weeks within the individual's base period and has earned or been 3627
paid remuneration at an average weekly wage of not less than 3628
twenty-seven and one-half per cent of the statewide average 3629
weekly wage for those weeks. 3630

(5) The individual has been subject to a shared work plan 3631
for at least one week prior to the week for which the 3632
compensation is to be paid, or otherwise satisfies the waiting 3633
period requirement of division (B) of section 4141.29 of the 3634
Revised Code for the individual's benefit year. 3635

(6) The individual otherwise satisfies the requirements of 3636
this chapter and is not otherwise disqualified from receiving 3637
unemployment compensation benefits. 3638

(B) For purposes of division (A) (2) of this section, an 3639
individual is available for the individual's normal weekly hours 3640
of work with the participating employer if the individual does 3641
any of the following: 3642

(1) Works the number of weekly hours assigned to the 3643
individual under an approved shared work plan; 3644

(2) Works fewer hours than the number of weekly hours 3645
assigned to the individual under an approved shared work plan 3646
and either of the following apply: 3647

(a) The individual takes approved time off during the week 3648
with pay, and the combined work hours and paid leave hours equal 3649
the number of hours the employee would have worked under the 3650
plan; 3651

(b) The individual does not take approved time off with 3652
pay during that week and the reduction in hours was not the 3653
fault of the individual and was not more than fifty per cent of 3654
the individual's normal weekly hours of work. 3655

(C)(1) Except as provided in division (C)(2) or (D) of 3656
this section, the director of job and family services shall pay 3657
a participating employee who is eligible for weekly shared work 3658
compensation in an amount equal to the participating employee's 3659
weekly benefit amount as described in division ~~(B)~~ (C) of section 3660
4141.30 of the Revised Code for a period of total unemployment, 3661
multiplied by the reduction percentage specified in the approved 3662
shared work plan applicable to the participating employee. 3663

(2) The director shall pay a participating employee who is 3664
eligible for weekly shared work compensation in an amount equal 3665
to the participating employee's weekly benefit amount as 3666
described in division ~~(B)~~ (C) of section 4141.30 of the Revised 3667
Code for a period of total unemployment, multiplied by the 3668
percentage by which the participating employee's normal weekly 3669
hours of work were actually reduced during the workweek, if all 3670
of the following apply: 3671

(a) The participating employee did not take approved paid 3672
leave during the week. 3673

(b) The participating employee's normal weekly hours of work were actually reduced by not less than ten per cent and not greater than fifty per cent.

(c) The increase or decrease in the participating employee's hours above or below the number of hours assigned to the employee in the approved shared work plan was not the fault of the employee.

(3) The director shall determine fault for purposes of divisions (B) (2) (b) and (C) (2) (c) of this section in the same manner that the director makes determinations for benefit rights and determines claims for unemployment compensation benefits under sections 4141.28 and 4141.281 of the Revised Code.

(4) The director shall round the amount of a shared work compensation payment that is not a multiple of one dollar to the next lower multiple of one dollar.

(5) No shared work compensation shall be payable during the one-week period described in division (A) (5) of this section.

(D) If an individual works for a participating employer and another employer during the weeks the individual is covered by an approved shared work plan, eligibility for shared work compensation is determined as follows:

(1) If the combined number of hours the individual works for both the participating employer and the other employer in a week exceeds the amount of the individual's normal weekly hours of work reduced by ten per cent, the individual is not eligible for shared work compensation.

(2) If the combined number of hours the individual works in a week for both employers equals the amount of the

individual's normal weekly hours of work reduced between ten and 3703
fifty per cent, the director shall pay the individual, if the 3704
individual is otherwise eligible, shared work compensation in an 3705
amount equal to the individual's weekly benefit amount as 3706
described in division ~~(B)~~(C) of section 4141.30 of the Revised 3707
Code for a period of total unemployment, multiplied by the 3708
percentage by which the individual's normal weekly hours of work 3709
were reduced during the week when factoring in both the amount 3710
of hours worked for the other employer and the amount of hours 3711
worked for the participating employer. 3712

(E) A participating employee is not entitled to receive 3713
shared work compensation and unemployment compensation benefits 3714
that, when combined, exceed the maximum total benefits payable 3715
to the participating employee in a benefit year under section 3716
4141.30 of the Revised Code. No participating employee shall be 3717
paid shared work compensation during the employee's benefit year 3718
in an amount that exceeds twenty-six times the amount of the 3719
employee's weekly benefit amount for a period of total 3720
unemployment under section 4141.30 of the Revised Code. 3721

(F) An individual who has received all of the shared work 3722
compensation and unemployment compensation benefits available in 3723
a benefit year is an individual who has exhausted regular 3724
benefits under section 4141.30 of the Revised Code and is 3725
entitled to receive extended benefits under section 4141.301 of 3726
the Revised Code if the individual is otherwise eligible to 3727
receive benefits under that section. 3728

(G) Except as provided in division (C) (2) of this section, 3729
the director shall not pay shared work compensation to an 3730
individual for a week during which the individual performs paid 3731
work for the individual's participating employer that exceeds or 3732

falls below the reduced hours established under an approved 3733
shared work plan that covers the individual. 3734

(H) (1) Except as provided in divisions (H) (2) and (3) of 3735
this section, a participating employee is not eligible to 3736
receive benefits for being partially unemployed for any week 3737
during which the individual works as a participating employee. 3738

(2) A participating employee who performs no services 3739
during a week for the participating employer and who is 3740
otherwise eligible may be paid benefits for being totally or 3741
partially unemployed for that week. 3742

(3) A participating employee whose normal weekly hours of 3743
work are reduced by more than fifty per cent and who is 3744
otherwise eligible may be paid benefits for partial unemployment 3745
for that week. 3746

(I) Any payment of total or partial unemployment 3747
compensation benefits under this section is not a payment of 3748
shared work compensation under an approved plan but shall be 3749
calculated against the maximum total benefits payable to the 3750
participating employee in a benefit year under section 4141.30 3751
of the Revised Code. 3752

(J) For purposes of this section and unless another 3753
benefit year applies to the individual, notwithstanding division 3754
(R) (1) of section 4141.01 of the Revised Code, a participating 3755
employee's "benefit year" is the fifty-two week period beginning 3756
with the first day of that week with respect to which the 3757
employee's participating employer first files a claim on behalf 3758
of the participating employee pursuant to division (B) of 3759
section 4141.54 of the Revised Code. 3760

Section 2. That existing sections 145.012, 4123.56, 3761

4141.01, 4141.131, 4141.24, 4141.25, 4141.28, 4141.29, 4141.291, 3762
4141.292, 4141.30, 4141.31, 4141.312, 4141.35, 4141.43, and 3763
4141.53 and section 4141.08 of the Revised Code are hereby 3764
repealed. 3765

Section 3. (A) As used in this section, "benefit year" has 3766
the same meaning as in section 4141.01 of the Revised Code, as 3767
amended by this act. 3768

(B) Section 4141.30 of the Revised Code, as amended by 3769
this act, shall apply to an individual whose benefit year begins 3770
on or after the first day of January immediately following the 3771
effective date of this act. 3772

(C) Division (G) of section 4141.01 of the Revised Code, 3773
as amended by this act, and division (D) (2) of section 4141.30 3774
of the Revised Code, as amended by this act, take effect on June 3775
30, 2017. 3776

(D) Sections 4141.29, 4141.31, and 4141.312 of the Revised 3777
Code, as amended by this act, apply to any application for 3778
determination of benefit rights filed on or after the effective 3779
date of this section. 3780