

**As Introduced**

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

**H. B. No. 394**

**Representative Sears**

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**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 public employees retirement system;

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

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

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

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

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

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

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

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

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 259  
service in a private home cash remuneration of one thousand 260  
dollars in any calendar quarter in the current calendar year or 261  
the preceding calendar year: 262

(i) For the purposes of divisions (A) (1) (a) and (b) of 263  
this section, there shall not be taken into account any wages 264  
paid to, or employment of, an individual performing domestic 265  
service as described in this division. 266

(ii) An employer under this division shall not be an 267  
employer with respect to wages paid for any services other than 268  
domestic service unless the employer is also found to be an 269  
employer under division (A) (1) (a), (b), or (d) of this section. 270

(d) As a farm operator or a crew leader subsequent to 271  
December 31, 1977, had in employment individuals in agricultural 272  
labor; and 273

(i) During any calendar quarter in the current calendar 274  
year or the preceding calendar year, paid cash remuneration of 275  
twenty thousand dollars or more for the agricultural labor; or 276

(ii) Had at least ten individuals in employment in 277  
agricultural labor, not including agricultural workers who are 278  
aliens admitted to the United States to perform agricultural 279  
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 280  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 281  
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 282  
each of the twenty different calendar weeks, in either the 283  
current or preceding calendar year whether or not the same 284  
individual was in employment in each day; or 285

(e) Is not otherwise an employer as defined under division 286  
(A) (1) (a) or (b) of this section; and 287

(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. 1406  
1407

(III) A "pattern of failing" is established after the 1408  
third instance of benefits being paid because the claimant's 1409  
employer, or any employee, officer, or agent of that employer, 1410  
on behalf of the employer, failed to respond timely or 1411  
adequately to a request for information regarding a 1412  
determination of benefit rights or claims for benefits under 1413  
section 4141.28 of the Revised Code within a calendar year 1414  
period. 1415

(e) If the mutualized account established in division (B) 1416  
of section 4141.25 of the Revised Code is not charged for 1417  
benefits credited to a suspense account pursuant to division (D) 1418  
(3) (d) of this section, a corresponding charge shall be made to 1419  
the account of the employer whose failure to timely or 1420  
adequately respond to a request for information caused the 1421  
erroneous payment. 1422

(f) The appeal provisions of sections 4141.281 and 1423  
4141.282 of the Revised Code shall apply to all determinations 1424  
issued under division (D) (3) (d) of this section. 1425

(4) The director shall notify each employer at least once 1426  
each month of the benefits charged to the employer's account 1427  
since the last preceding notice; except that for the purposes of 1428  
sections 4141.241 and 4141.242 of the Revised Code which 1429  
provides the billing of employers on a payment in lieu of a 1430  
contribution basis, the director may prescribe a quarterly or 1431  
less frequent notice of benefits charged to the employer's 1432  
account. Such notice will show a summary of the amount of 1433  
benefits paid which were charged to the employer's account. This 1434  
notice shall not be deemed a determination of the claimant's 1435

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  
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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  
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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  
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(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  
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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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~~(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  
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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  
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2054  
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2058

**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  
2433  
2434  
2435

(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  
2437  
2438  
2439

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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(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

<del>Dependency Class</del>	<del>Maximum Weekly</del> <del>Benefit Amount</del>	3035
<del>A</del>	<del>\$147</del>	3037
<del>B</del>	<del>223</del>	3038
<del>C</del>	<del>233</del>	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  
3073  
3074  
3075  
3076  
3077  
3078  
3079  
3080  
3081

~~(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  
3084  
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

<del>Class</del>	<del>Description of Dependents</del>	
<del>A</del>	<del>No dependents, or has</del>	3179
	<del>insufficient wages to qualify</del>	3180
	<del>for more than the maximum</del>	3181
	<del>weekly benefit amount as</del>	3182
	<del>provided under dependency</del>	3183
	<del>class A</del>	3184
<del>B</del>	<del>One or two dependents</del>	3185
<del>C</del>	<del>Three or more dependents</del>	3186

~~As used in this division "dependent" means:~~ 3187

~~(1) Any natural child, stepchild, or adopted child of the~~ 3188  
~~individual claiming benefits for whom such individual at the~~ 3189  
~~beginning of the individual's current benefit year is supplying~~ 3190  
~~and for at least ninety consecutive days, or for the duration of~~ 3191  
~~the parental relationship if it existed less than ninety days,~~ 3192  
~~immediately preceding the beginning of such benefit year, has~~ 3193  
~~supplied more than one half of the cost of support and if such~~ 3194  
~~child on the beginning date of such benefit year was under~~ 3195  
~~eighteen years of age, or if unable to work because of permanent~~ 3196  
~~physical or mental disability;~~ 3197

~~(2) The legally married wife or husband of the individual~~ 3198  
~~claiming benefits for whom more than one half the cost of~~ 3199  
~~support has been supplied by such individual for at least ninety~~ 3200  
~~consecutive days, or for the duration of the marital~~ 3201  
~~relationship.~~ 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