

As Introduced

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H. B. No. 620

Representative Schuring

Cosponsors: Representatives Cupp, Scherer

A BILL

To amend sections 4141.01, 4141.25, 4141.251, 1
4141.281, 4141.29, 4141.30, 4141.35, 4141.43, 2
and 4141.53 and to enact section 4141.252 of the 3
Revised Code to increase the taxable wage base 4
under the Unemployment Compensation Law, to 5
temporarily freeze the maximum amount of weekly 6
unemployment benefits a claimant may receive, to 7
revise the amount of dependent unemployment 8
benefits a claimant may receive, and to make 9
other changes to Ohio's Unemployment 10
Compensation Law. 11

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

Section 1. That sections 4141.01, 4141.25, 4141.251, 12
4141.281, 4141.29, 4141.30, 4141.35, 4141.43, and 4141.53 be 13
amended and section 4141.252 of the Revised Code be enacted to 14
read as follows: 15

Sec. 4141.01. As used in this chapter, unless the context 16
otherwise requires: 17

(A) (1) "Employer" means the state, its instrumentalities, 18

its political subdivisions and their instrumentalities, Indian 19
tribes, and any individual or type of organization including any 20
partnership, limited liability company, association, trust, 21
estate, joint-stock company, insurance company, or corporation, 22
whether domestic or foreign, or the receiver, trustee in 23
bankruptcy, trustee, or the successor thereof, or the legal 24
representative of a deceased person who subsequent to December 25
31, 1971, or in the case of political subdivisions or their 26
instrumentalities, subsequent to December 31, 1973: 27

(a) Had in employment at least one individual, or in the 28
case of a nonprofit organization, subsequent to December 31, 29
1973, had not less than four individuals in employment for some 30
portion of a day in each of twenty different calendar weeks, in 31
either the current or the preceding calendar year whether or not 32
the same individual was in employment in each such day; or 33

(b) Except for a nonprofit organization, had paid for 34
service in employment wages of fifteen hundred dollars or more 35
in any calendar quarter in either the current or preceding 36
calendar year; or 37

(c) Had paid, subsequent to December 31, 1977, for 38
employment in domestic service in a local college club, or local 39
chapter of a college fraternity or sorority, cash remuneration 40
of one thousand dollars or more in any calendar quarter in the 41
current calendar year or the preceding calendar year, or had 42
paid subsequent to December 31, 1977, for employment in domestic 43
service in a private home cash remuneration of one thousand 44
dollars in any calendar quarter in the current calendar year or 45
the preceding calendar year: 46

(i) For the purposes of divisions (A) (1) (a) and (b) of 47
this section, there shall not be taken into account any wages 48

paid to, or employment of, an individual performing domestic 49
service as described in this division. 50

(ii) An employer under this division shall not be an 51
employer with respect to wages paid for any services other than 52
domestic service unless the employer is also found to be an 53
employer under division (A) (1) (a), (b), or (d) of this section. 54

(d) As a farm operator or a crew leader subsequent to 55
December 31, 1977, had in employment individuals in agricultural 56
labor; and 57

(i) During any calendar quarter in the current calendar 58
year or the preceding calendar year, paid cash remuneration of 59
twenty thousand dollars or more for the agricultural labor; or 60

(ii) Had at least ten individuals in employment in 61
agricultural labor, not including agricultural workers who are 62
aliens admitted to the United States to perform agricultural 63
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 64
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 65
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 66
each of the twenty different calendar weeks, in either the 67
current or preceding calendar year whether or not the same 68
individual was in employment in each day; or 69

(e) Is not otherwise an employer as defined under division 70
(A) (1) (a) or (b) of this section; and 71

(i) For which, within either the current or preceding 72
calendar year, service, except for domestic service in a private 73
home not covered under division (A) (1) (c) of this section, is or 74
was performed with respect to which such employer is liable for 75
any federal tax against which credit may be taken for 76
contributions required to be paid into a state unemployment 77

fund; 78

(ii) Which, as a condition for approval of this chapter 79
for full tax credit against the tax imposed by the "Federal 80
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 81
is required, pursuant to such act to be an employer under this 82
chapter; or 83

(iii) Who became an employer by election under division 84
(A) (4) or (5) of this section and for the duration of such 85
election; or 86

(f) In the case of the state, its instrumentalities, its 87
political subdivisions, and their instrumentalities, and Indian 88
tribes, had in employment, as defined in divisions (B) (2) (a) and 89
(B) (2) (1) of this section, at least one individual; 90

(g) For the purposes of division (A) (1) (a) of this 91
section, if any week includes both the thirty-first day of 92
December and the first day of January, the days of that week 93
before the first day of January shall be considered one calendar 94
week and the days beginning the first day of January another 95
week. 96

(2) Each individual employed to perform or to assist in 97
performing the work of any agent or employee of an employer is 98
employed by such employer for all the purposes of this chapter, 99
whether such individual was hired or paid directly by such 100
employer or by such agent or employee, provided the employer had 101
actual or constructive knowledge of the work. All individuals 102
performing services for an employer of any person in this state 103
who maintains two or more establishments within this state are 104
employed by a single employer for the purposes of this chapter. 105

(3) An employer subject to this chapter within any 106

calendar year is subject to this chapter during the whole of 107
such year and during the next succeeding calendar year. 108

(4) An employer not otherwise subject to this chapter who 109
files with the director of job and family services a written 110
election to become an employer subject to this chapter for not 111
less than two calendar years shall, with the written approval of 112
such election by the director, become an employer subject to 113
this chapter to the same extent as all other employers as of the 114
date stated in such approval, and shall cease to be subject to 115
this chapter as of the first day of January of any calendar year 116
subsequent to such two calendar years only if at least thirty 117
days prior to such first day of January the employer has filed 118
with the director a written notice to that effect. 119

(5) Any employer for whom services that do not constitute 120
employment are performed may file with the director a written 121
election that all such services performed by individuals in the 122
employer's employ in one or more distinct establishments or 123
places of business shall be deemed to constitute employment for 124
all the purposes of this chapter, for not less than two calendar 125
years. Upon written approval of the election by the director, 126
such services shall be deemed to constitute employment subject 127
to this chapter from and after the date stated in such approval. 128
Such services shall cease to be employment subject to this 129
chapter as of the first day of January of any calendar year 130
subsequent to such two calendar years only if at least thirty 131
days prior to such first day of January such employer has filed 132
with the director a written notice to that effect. 133

(B) (1) "Employment" means service performed by an 134
individual for remuneration under any contract of hire, written 135
or oral, express or implied, including service performed in 136

interstate commerce and service performed by an officer of a 137
corporation, without regard to whether such service is 138
executive, managerial, or manual in nature, and without regard 139
to whether such officer is a stockholder or a member of the 140
board of directors of the corporation, unless it is shown to the 141
satisfaction of the director that such individual has been and 142
will continue to be free from direction or control over the 143
performance of such service, both under a contract of service 144
and in fact. The director shall adopt rules to define "direction 145
or control." 146

(2) "Employment" includes: 147

(a) Service performed after December 31, 1977, by an 148
individual in the employ of the state or any of its 149
instrumentalities, or any political subdivision thereof or any 150
of its instrumentalities or any instrumentality of more than one 151
of the foregoing or any instrumentality of any of the foregoing 152
and one or more other states or political subdivisions and 153
without regard to divisions (A)(1)(a) and (b) of this section, 154
provided that such service is excluded from employment as 155
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 156
U.S.C.A. 3301, 3306(c)(7) and is not excluded under division (B) 157
(3) of this section; or the services of employees covered by 158
voluntary election, as provided under divisions (A)(4) and (5) 159
of this section; 160

(b) Service performed after December 31, 1971, by an 161
individual in the employ of a religious, charitable, 162
educational, or other organization which is excluded from the 163
term "employment" as defined in the "Federal Unemployment Tax 164
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 165
of section 26 U.S.C.A. 3306(c)(8) of that act and is not 166

excluded under division (B) (3) of this section;	167
(c) Domestic service performed after December 31, 1977,	168
for an employer, as provided in division (A) (1) (c) of this	169
section;	170
(d) Agricultural labor performed after December 31, 1977,	171
for a farm operator or a crew leader, as provided in division	172
(A) (1) (d) of this section;	173
(e) Service not covered under division (B) (1) of this	174
section which is performed after December 31, 1971:	175
(i) As an agent-driver or commission-driver engaged in	176
distributing meat products, vegetable products, fruit products,	177
bakery products, beverages other than milk, laundry, or dry-	178
cleaning services, for the individual's employer or principal;	179
(ii) As a traveling or city salesperson, other than as an	180
agent-driver or commission-driver, engaged on a full-time basis	181
in the solicitation on behalf of and in the transmission to the	182
salesperson's employer or principal except for sideline sales	183
activities on behalf of some other person of orders from	184
wholesalers, retailers, contractors, or operators of hotels,	185
restaurants, or other similar establishments for merchandise for	186
resale, or supplies for use in their business operations,	187
provided that for the purposes of division (B) (2) (e) (ii) of this	188
section, the services shall be deemed employment if the contract	189
of service contemplates that substantially all of the services	190
are to be performed personally by the individual and that the	191
individual does not have a substantial investment in facilities	192
used in connection with the performance of the services other	193
than in facilities for transportation, and the services are not	194
in the nature of a single transaction that is not a part of a	195

continuing relationship with the person for whom the services	196
are performed.	197
(f) An individual's entire service performed within or	198
both within and without the state if:	199
(i) The service is localized in this state.	200
(ii) The service is not localized in any state, but some	201
of the service is performed in this state and either the base of	202
operations, or if there is no base of operations then the place	203
from which such service is directed or controlled, is in this	204
state or the base of operations or place from which such service	205
is directed or controlled is not in any state in which some part	206
of the service is performed but the individual's residence is in	207
this state.	208
(g) Service not covered under division (B) (2) (f) (ii) of	209
this section and performed entirely without this state, with	210
respect to no part of which contributions are required and paid	211
under an unemployment compensation law of any other state, the	212
Virgin Islands, Canada, or of the United States, if the	213
individual performing such service is a resident of this state	214
and the director approves the election of the employer for whom	215
such services are performed; or, if the individual is not a	216
resident of this state but the place from which the service is	217
directed or controlled is in this state, the entire services of	218
such individual shall be deemed to be employment subject to this	219
chapter, provided service is deemed to be localized within this	220
state if the service is performed entirely within this state or	221
if the service is performed both within and without this state	222
but the service performed without this state is incidental to	223
the individual's service within the state, for example, is	224
temporary or transitory in nature or consists of isolated	225

transactions;	226
(h) Service of an individual who is a citizen of the United States, performed outside the United States except in Canada after December 31, 1971, or the Virgin Islands, after December 31, 1971, and before the first day of January of the year following that in which the United States secretary of labor approves the Virgin Islands law for the first time, in the employ of an American employer, other than service which is "employment" under divisions (B) (2) (f) and (g) of this section or similar provisions of another state's law, if:	227 228 229 230 231 232 233 234 235
(i) The employer's principal place of business in the United States is located in this state;	236 237
(ii) The employer has no place of business in the United States, but the employer is an individual who is a resident of this state; or the employer is a corporation which is organized under the laws of this state, or the employer is a partnership or a trust and the number of partners or trustees who are residents of this state is greater than the number who are residents of any other state; or	238 239 240 241 242 243 244
(iii) None of the criteria of divisions (B) (2) (f) (i) and (ii) of this section is met but the employer has elected coverage in this state or the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under this chapter.	245 246 247 248 249
(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	250 251 252 253 254

residents of the United States; or a corporation organized under 255
the laws of the United States or of any state, provided the term 256
"United States" includes the states, the District of Columbia, 257
the Commonwealth of Puerto Rico, and the Virgin Islands. 258

(j) Notwithstanding any other provisions of divisions (B) 259
(1) and (2) of this section, service, except for domestic 260
service in a private home not covered under division (A) (1) (c) 261
of this section, with respect to which a tax is required to be 262
paid under any federal law imposing a tax against which credit 263
may be taken for contributions required to be paid into a state 264
unemployment fund, or service, except for domestic service in a 265
private home not covered under division (A) (1) (c) of this 266
section, which, as a condition for full tax credit against the 267
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 268
26 U.S.C.A. 3301 to 3311, is required to be covered under this 269
chapter. 270

(k) Construction services performed by any individual 271
under a construction contract, as defined in section 4141.39 of 272
the Revised Code, if the director determines that the employer 273
for whom services are performed has the right to direct or 274
control the performance of the services and that the individuals 275
who perform the services receive remuneration for the services 276
performed. The director shall presume that the employer for whom 277
services are performed has the right to direct or control the 278
performance of the services if ten or more of the following 279
criteria apply: 280

(i) The employer directs or controls the manner or method 281
by which instructions are given to the individual performing 282
services; 283

(ii) The employer requires particular training for the 284

individual performing services;	285
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	286 287
(iv) The employer requires that services be provided by a particular individual;	288 289
(v) The employer hires, supervises, or pays the wages of the individual performing services;	290 291
(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;	292 293 294
(vii) The employer requires the individual to perform services during established hours;	295 296
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	297 298 299
(ix) The employer requires the individual to perform services on the employer's premises;	300 301
(x) The employer requires the individual performing services to follow the order of work established by the employer;	302 303 304
(xi) The employer requires the individual performing services to make oral or written reports of progress;	305 306
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	307 308
(xiii) The employer pays expenses for the individual performing services;	309 310
(xiv) The employer furnishes the tools and materials for	311

use by the individual to perform services;	312
(xv) The individual performing services has not invested	313
in the facilities used to perform services;	314
(xvi) The individual performing services does not realize	315
a profit or suffer a loss as a result of the performance of the	316
services;	317
(xvii) The individual performing services is not	318
performing services for more than two employers simultaneously;	319
(xviii) The individual performing services does not make	320
the services available to the general public;	321
(xix) The employer has a right to discharge the individual	322
performing services;	323
(xx) The individual performing services has the right to	324
end the individual's relationship with the employer without	325
incurring liability pursuant to an employment contract or	326
agreement.	327
(1) Service performed by an individual in the employ of an	328
Indian tribe as defined by section 4(e) of the "Indian Self-	329
Determination and Education Assistance Act," 88 Stat. 2204	330
(1975), 25 U.S.C.A. 450b(e), including any subdivision,	331
subsidiary, or business enterprise wholly owned by an Indian	332
tribe provided that the service is excluded from employment as	333
defined in the "Federal Unemployment Tax Act," 53 Stat. 183	334
(1939), 26 U.S.C.A. 3301 and 3306(c) (7) and is not excluded	335
under division (B) (3) of this section.	336
(3) "Employment" does not include the following services	337
if they are found not subject to the "Federal Unemployment Tax	338
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the	339

services are not required to be included under division (B) (2)	340
(j) of this section:	341
(a) Service performed after December 31, 1977, in	342
agricultural labor, except as provided in division (A) (1) (d) of	343
this section;	344
(b) Domestic service performed after December 31, 1977, in	345
a private home, local college club, or local chapter of a	346
college fraternity or sorority except as provided in division	347
(A) (1) (c) of this section;	348
(c) Service performed after December 31, 1977, for this	349
state or a political subdivision as described in division (B) (2)	350
(a) of this section when performed:	351
(i) As a publicly elected official;	352
(ii) As a member of a legislative body, or a member of the	353
judiciary;	354
(iii) As a military member of the Ohio national guard;	355
(iv) As an employee, not in the classified service as	356
defined in section 124.11 of the Revised Code, serving on a	357
temporary basis in case of fire, storm, snow, earthquake, flood,	358
or similar emergency;	359
(v) In a position which, under or pursuant to law, is	360
designated as a major nontenured policymaking or advisory	361
position, not in the classified service of the state, or a	362
policymaking or advisory position the performance of the duties	363
of which ordinarily does not require more than eight hours per	364
week.	365
(d) In the employ of any governmental unit or	366
instrumentality of the United States;	367

(e) Service performed after December 31, 1971:	368
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	369 370 371 372 373 374
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers.	375 376 377 378 379 380 381 382 383 384 385
(f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;	386 387 388 389
(g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:	390 391 392 393 394 395 396 397

(i) By an individual for an employer as an insurance agent	398
or as an insurance solicitor, if all this service is performed	399
for remuneration solely by way of commission;	400
(ii) As a home worker performing work, according to	401
specifications furnished by the employer for whom the services	402
are performed, on materials or goods furnished by such employer	403
which are required to be returned to the employer or to a person	404
designated for that purpose.	405
(h) Service performed after December 31, 1971:	406
(i) In the employ of a church or convention or association	407
of churches, or in an organization which is operated primarily	408
for religious purposes and which is operated, supervised,	409
controlled, or principally supported by a church or convention	410
or association of churches;	411
(ii) By a duly ordained, commissioned, or licensed	412
minister of a church in the exercise of the individual's	413
ministry or by a member of a religious order in the exercise of	414
duties required by such order; or	415
(iii) In a facility conducted for the purpose of carrying	416
out a program of rehabilitation for individuals whose earning	417
capacity is impaired by age or physical or mental deficiency or	418
injury, or providing remunerative work for individuals who	419
because of their impaired physical or mental capacity cannot be	420
readily absorbed in the competitive labor market, by an	421
individual receiving such rehabilitation or remunerative work.	422
(i) Service performed after June 30, 1939, with respect to	423
which unemployment compensation is payable under the "Railroad	424
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C.	425
351;	426

(j) Service performed by an individual in the employ of 427
any organization exempt from income tax under section 501 of the 428
"Internal Revenue Code of 1954," if the remuneration for such 429
service does not exceed fifty dollars in any calendar quarter, 430
or if such service is in connection with the collection of dues 431
or premiums for a fraternal beneficial society, order, or 432
association and is performed away from the home office or is 433
ritualistic service in connection with any such society, order, 434
or association; 435

(k) Casual labor not in the course of an employer's trade 436
or business; incidental service performed by an officer, 437
appraiser, or member of a finance committee of a bank, building 438
and loan association, savings and loan association, or savings 439
association when the remuneration for such incidental service 440
exclusive of the amount paid or allotted for directors' fees 441
does not exceed sixty dollars per calendar quarter is casual 442
labor; 443

(l) Service performed in the employ of a voluntary 444
employees' beneficial association providing for the payment of 445
life, sickness, accident, or other benefits to the members of 446
such association or their dependents or their designated 447
beneficiaries, if admission to a membership in such association 448
is limited to individuals who are officers or employees of a 449
municipal or public corporation, of a political subdivision of 450
the state, or of the United States and no part of the net 451
earnings of such association inures, other than through such 452
payments, to the benefit of any private shareholder or 453
individual; 454

(m) Service performed by an individual in the employ of a 455
foreign government, including service as a consular or other 456

officer or employee or of a nondiplomatic representative; 457

(n) Service performed in the employ of an instrumentality 458
wholly owned by a foreign government if the service is of a 459
character similar to that performed in foreign countries by 460
employees of the United States or of an instrumentality thereof 461
and if the director finds that the secretary of state of the 462
United States has certified to the secretary of the treasury of 463
the United States that the foreign government, with respect to 464
whose instrumentality exemption is claimed, grants an equivalent 465
exemption with respect to similar service performed in the 466
foreign country by employees of the United States and of 467
instrumentalities thereof; 468

(o) Service with respect to which unemployment 469
compensation is payable under an unemployment compensation 470
system established by an act of congress; 471

(p) Service performed as a student nurse in the employ of 472
a hospital or a nurses' training school by an individual who is 473
enrolled and is regularly attending classes in a nurses' 474
training school chartered or approved pursuant to state law, and 475
service performed as an intern in the employ of a hospital by an 476
individual who has completed a four years' course in a medical 477
school chartered or approved pursuant to state law; 478

(q) Service performed by an individual under the age of 479
eighteen in the delivery or distribution of newspapers or 480
shopping news, not including delivery or distribution to any 481
point for subsequent delivery or distribution; 482

(r) Service performed in the employ of the United States 483
or an instrumentality of the United States immune under the 484
Constitution of the United States from the contributions imposed 485

by this chapter, except that to the extent that congress permits 486
states to require any instrumentalities of the United States to 487
make payments into an unemployment fund under a state 488
unemployment compensation act, this chapter shall be applicable 489
to such instrumentalities and to services performed for such 490
instrumentalities in the same manner, to the same extent, and on 491
the same terms as to all other employers, individuals, and 492
services, provided that if this state is not certified for any 493
year by the proper agency of the United States under section 494
3304 of the "Internal Revenue Code of 1954," the payments 495
required of such instrumentalities with respect to such year 496
shall be refunded by the director from the fund in the same 497
manner and within the same period as is provided in division (E) 498
of section 4141.09 of the Revised Code with respect to 499
contributions erroneously collected; 500

(s) Service performed by an individual as a member of a 501
band or orchestra, provided such service does not represent the 502
principal occupation of such individual, and which service is 503
not subject to or required to be covered for full tax credit 504
against the tax imposed by the "Federal Unemployment Tax Act," 505
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 506

(t) Service performed in the employ of a day camp whose 507
camping season does not exceed twelve weeks in any calendar 508
year, and which service is not subject to the "Federal 509
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 510
3311. Service performed after December 31, 1971: 511

(i) In the employ of a hospital, if the service is 512
performed by a patient of the hospital, as defined in division 513
(W) of this section; 514

(ii) For a prison or other correctional institution by an 515

inmate of the prison or correctional institution; 516

(iii) Service performed after December 31, 1977, by an 517
inmate of a custodial institution operated by the state, a 518
political subdivision, or a nonprofit organization. 519

(u) Service that is performed by a nonresident alien 520
individual for the period the individual temporarily is present 521
in the United States as a nonimmigrant under division (F), (J), 522
(M), or (Q) of section 101(a)(15) of the "Immigration and 523
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 524
that is excluded under section 3306(c)(19) of the "Federal 525
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 526
3311. 527

(v) Notwithstanding any other provisions of division (B) 528
(3) of this section, services that are excluded under divisions 529
(B)(3)(g), (j), (k), and (l) of this section shall not be 530
excluded from employment when performed for a nonprofit 531
organization, as defined in division (X) of this section, or for 532
this state or its instrumentalities, or for a political 533
subdivision or its instrumentalities or for Indian tribes; 534

(w) Service that is performed by an individual working as 535
an election official or election worker if the amount of 536
remuneration received by the individual during the calendar year 537
for services as an election official or election worker is less 538
than one thousand dollars; 539

(x) Service performed for an elementary or secondary 540
school that is operated primarily for religious purposes, that 541
is described in subsection 501(c)(3) and exempt from federal 542
income taxation under subsection 501(a) of the Internal Revenue 543
Code, 26 U.S.C.A. 501; 544

(y) Service performed by a person committed to a penal institution.	545 546
(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:	547 548 549
(i) As a publicly elected official;	550
(ii) As a member of an Indian tribal council;	551
(iii) As a member of a legislative or judiciary body;	552
(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;	553 554 555 556 557
(v) As an employee serving on a temporary basis in the case of a fire, storm, snow, earthquake, flood, or similar emergency.	558 559 560
(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-training.	561 562 563 564 565 566 567 568
(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code.	569 570
(4) If the services performed during one half or more of any pay period by an employee for the person employing that	571 572

employee constitute employment, all the services of such 573
employee for such period shall be deemed to be employment; but 574
if the services performed during more than one half of any such 575
pay period by an employee for the person employing that employee 576
do not constitute employment, then none of the services of such 577
employee for such period shall be deemed to be employment. As 578
used in division (B) (4) of this section, "pay period" means a 579
period, of not more than thirty-one consecutive days, for which 580
payment of remuneration is ordinarily made to the employee by 581
the person employing that employee. Division (B) (4) of this 582
section does not apply to services performed in a pay period by 583
an employee for the person employing that employee, if any of 584
such service is excepted by division (B) (3) (o) of this section. 585

(C) "Benefits" means money payments payable to an 586
individual who has established benefit rights, as provided in 587
this chapter, for loss of remuneration due to the individual's 588
unemployment. 589

(D) "Benefit rights" means the weekly benefit amount and 590
the maximum benefit amount that may become payable to an 591
individual within the individual's benefit year as determined by 592
the director. 593

(E) "Claim for benefits" means a claim for waiting period 594
or benefits for a designated week. 595

(F) "Additional claim" means the first claim for benefits 596
filed following any separation from employment during a benefit 597
year; "continued claim" means any claim other than the first 598
claim for benefits and other than an additional claim. 599

(G) ~~(1)~~ "Wages" means remuneration paid to an employee by 600
each of the employee's employers with respect to employment; 601

except that wages shall not include that part of remuneration 602
paid during any calendar year to an individual by an employer or 603
such employer's predecessor in interest in the same business or 604
enterprise, which in any calendar year is in excess of ~~eight-~~ 605
~~thousand two hundred fifty dollars on and after January 1, 1992;~~ 606
~~eight thousand five hundred dollars on and after January 1,~~ 607
~~1993; eight thousand seven hundred fifty dollars on and after~~ 608
~~January 1, 1994; and nine thousand dollars on and after January~~ 609
~~1, 1995, and eleven thousand dollars on and after January 1,~~ 610
2018. Remuneration in excess of such amounts shall be deemed 611
wages subject to contribution to the same extent that such 612
remuneration is defined as wages under the "Federal Unemployment 613
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 614
amended. The remuneration paid an employee by an employer with 615
respect to employment in another state, upon which contributions 616
were required and paid by such employer under the unemployment 617
compensation act of such other state, shall be included as a 618
part of remuneration in computing the amount specified in this 619
division. 620

~~(2) Notwithstanding division (G)(1) of this section, if,~~ 621
~~as of the computation date for any calendar year, the director~~ 622
~~determines that the level of the unemployment compensation fund~~ 623
~~is sixty per cent or more below the minimum safe level as~~ 624
~~defined in section 4141.25 of the Revised Code, then, effective~~ 625
~~the first day of January of the following calendar year, wages~~ 626
~~subject to this chapter shall not include that part of~~ 627
~~remuneration paid during any calendar year to an individual by~~ 628
~~an employer or such employer's predecessor in interest in the~~ 629
~~same business or enterprise which is in excess of nine thousand~~ 630
~~dollars. The increase in the dollar amount of wages subject to~~ 631
~~this chapter under this division shall remain in effect from the~~ 632

~~date of the director's determination pursuant to division (G) (2) of this section and thereafter notwithstanding the fact that the level in the fund may subsequently become less than sixty percent below the minimum safe level.~~

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

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

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

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

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

(I) "Interested party" means the director and any party to

whom notice of a determination of an application for benefit 662
rights or a claim for benefits is required to be given under 663
section 4141.28 of the Revised Code. 664

(J) "Annual payroll" means the total amount of wages 665
subject to contributions during a twelve-month period ending 666
with the last day of the second calendar quarter of any calendar 667
year. 668

(K) "Average annual payroll" means the average of the last 669
three annual payrolls of an employer, provided that if, as of 670
any computation date, the employer has had less than three 671
annual payrolls in such three-year period, such average shall be 672
based on the annual payrolls which the employer has had as of 673
such date. 674

(L) (1) "Contributions" means the money payments to the 675
state unemployment compensation fund required of employers by 676
section 4141.25 of the Revised Code and of the state and any of 677
its political subdivisions electing to pay contributions under 678
section 4141.242 of the Revised Code. Employers paying 679
contributions shall be described as "contributory employers." 680

(2) "Payments in lieu of contributions" means the money 681
payments to the state unemployment compensation fund required of 682
reimbursing employers under sections 4141.241 and 4141.242 of 683
the Revised Code. 684

(M) An individual is "totally unemployed" in any week 685
during which the individual performs no services and with 686
respect to such week no remuneration is payable to the 687
individual. 688

(N) An individual is "partially unemployed" in any week 689
if, due to involuntary loss of work, the total remuneration 690

payable to the individual for such week is less than the 691
individual's weekly benefit amount. 692

(O) "Week" means the calendar week ending at midnight 693
Saturday unless an equivalent week of seven consecutive calendar 694
days is prescribed by the director. 695

(1) "Qualifying week" means any calendar week in an 696
individual's base period with respect to which the individual 697
earns or is paid remuneration in employment subject to this 698
chapter. A calendar week with respect to which an individual 699
earns remuneration but for which payment was not made within the 700
base period, when necessary to qualify for benefit rights, may 701
be considered to be a qualifying week. The number of qualifying 702
weeks which may be established in a calendar quarter shall not 703
exceed the number of calendar weeks in the quarter. 704

(2) "Average weekly wage" means the amount obtained by 705
dividing an individual's total remuneration for all qualifying 706
weeks during the base period by the number of such qualifying 707
weeks, provided that if the computation results in an amount 708
that is not a multiple of one dollar, such amount shall be 709
rounded to the next lower multiple of one dollar. 710

(P) "Weekly benefit amount" means the amount of benefits 711
an individual would be entitled to receive for one week of total 712
unemployment. 713

(Q) (1) "Base period" means the first four of the last five 714
completed calendar quarters immediately preceding the first day 715
of an individual's benefit year, except as provided in division 716
(Q) (2) of this section. 717

(2) If an individual does not have sufficient qualifying 718
weeks and wages in the base period to qualify for benefit 719

rights, the individual's base period shall be the four most 720
recently completed calendar quarters preceding the first day of 721
the individual's benefit year. Such base period shall be known 722
as the "alternate base period." If information as to weeks and 723
wages for the most recent quarter of the alternate base period 724
is not available to the director from the regular quarterly 725
reports of wage information, which are systematically 726
accessible, the director may, consistent with the provisions of 727
section 4141.28 of the Revised Code, base the determination of 728
eligibility for benefits on the affidavit of the claimant with 729
respect to weeks and wages for that calendar quarter. The 730
claimant shall furnish payroll documentation, where available, 731
in support of the affidavit. The determination based upon the 732
alternate base period as it relates to the claimant's benefit 733
rights, shall be amended when the quarterly report of wage 734
information from the employer is timely received and that 735
information causes a change in the determination. As provided in 736
division (B) of section 4141.28 of the Revised Code, any 737
benefits paid and charged to an employer's account, based upon a 738
claimant's affidavit, shall be adjusted effective as of the 739
beginning of the claimant's benefit year. No calendar quarter in 740
a base period or alternate base period shall be used to 741
establish a subsequent benefit year. 742

(3) The "base period" of a combined wage claim, as 743
described in division (H) of section 4141.43 of the Revised 744
Code, shall be the base period prescribed by the law of the 745
state in which the claim is allowed. 746

(4) For purposes of determining the weeks that comprise a 747
completed calendar quarter under this division, only those weeks 748
ending at midnight Saturday within the calendar quarter shall be 749
utilized. 750

(R) (1) "Benefit year" with respect to an individual means 751
the fifty-two week period beginning with the first day of that 752
week with respect to which the individual first files a valid 753
application for determination of benefit rights, and thereafter 754
the fifty-two week period beginning with the first day of that 755
week with respect to which the individual next files a valid 756
application for determination of benefit rights after the 757
termination of the individual's last preceding benefit year, 758
except that the application shall not be considered valid unless 759
the individual has had employment in six weeks that is subject 760
to this chapter or the unemployment compensation act of another 761
state, or the United States, and has, since the beginning of the 762
individual's previous benefit year, in the employment earned 763
three times the average weekly wage determined for the previous 764
benefit year. The "benefit year" of a combined wage claim, as 765
described in division (H) of section 4141.43 of the Revised 766
Code, shall be the benefit year prescribed by the law of the 767
state in which the claim is allowed. Any application for 768
determination of benefit rights made in accordance with section 769
4141.28 of the Revised Code is valid if the individual filing 770
such application is unemployed, has been employed by an employer 771
or employers subject to this chapter in at least twenty 772
qualifying weeks within the individual's base period, and has 773
earned or been paid remuneration at an average weekly wage of 774
not less than twenty-seven and one-half per cent of the 775
statewide average weekly wage for such weeks. For purposes of 776
determining whether an individual has had sufficient employment 777
since the beginning of the individual's previous benefit year to 778
file a valid application, "employment" means the performance of 779
services for which remuneration is payable. 780

(2) Effective for benefit years beginning on and after 781

December 26, 2004, any application for determination of benefit 782
rights made in accordance with section 4141.28 of the Revised 783
Code is valid if the individual satisfies the criteria described 784
in division (R) (1) of this section, and if the reason for the 785
individual's separation from employment is not disqualifying 786
pursuant to division (D) (2) of section 4141.29 or section 787
4141.291 of the Revised Code. A disqualification imposed 788
pursuant to division (D) (2) of section 4141.29 or section 789
4141.291 of the Revised Code must be removed as provided in 790
those sections as a requirement of establishing a valid 791
application for benefit years beginning on and after December 792
26, 2004. 793

(3) The statewide average weekly wage shall be calculated 794
by the director once a year based on the twelve-month period 795
ending the thirtieth day of June, as set forth in division ~~(B)~~ 796
~~(3)~~ (C) of section 4141.30 of the Revised Code, rounded down to 797
the nearest dollar. Increases or decreases in the amount of 798
remuneration required to have been earned or paid in order for 799
individuals to have filed valid applications shall become 800
effective on Sunday of the calendar week in which the first day 801
of January occurs that follows the twelve-month period ending 802
the thirtieth day of June upon which the calculation of the 803
statewide average weekly wage was based. 804

(4) As used in this division, an individual is 805
"unemployed" if, with respect to the calendar week in which such 806
application is filed, the individual is "partially unemployed" 807
or "totally unemployed" as defined in this section or if, prior 808
to filing the application, the individual was separated from the 809
individual's most recent work for any reason which terminated 810
the individual's employee-employer relationship, or was laid off 811
indefinitely or for a definite period of seven or more days. 812

(S) "Calendar quarter" means the period of three 813
consecutive calendar months ending on the thirty-first day of 814
March, the thirtieth day of June, the thirtieth day of 815
September, and the thirty-first day of December, or the 816
equivalent thereof as the director prescribes by rule. 817

(T) "Computation date" means the first day of the third 818
calendar quarter of any calendar year. 819

(U) "Contribution period" means the calendar year 820
beginning on the first day of January of any year. 821

(V) "Agricultural labor," for the purpose of this 822
division, means any service performed prior to January 1, 1972, 823
which was agricultural labor as defined in this division prior 824
to that date, and service performed after December 31, 1971: 825

(1) On a farm, in the employ of any person, in connection 826
with cultivating the soil, or in connection with raising or 827
harvesting any agricultural or horticultural commodity, 828
including the raising, shearing, feeding, caring for, training, 829
and management of livestock, bees, poultry, and fur-bearing 830
animals and wildlife; 831

(2) In the employ of the owner or tenant or other operator 832
of a farm in connection with the operation, management, 833
conservation, improvement, or maintenance of such farm and its 834
tools and equipment, or in salvaging timber or clearing land of 835
brush and other debris left by hurricane, if the major part of 836
such service is performed on a farm; 837

(3) In connection with the production or harvesting of any 838
commodity defined as an agricultural commodity in section 15 (g) 839
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 840
U.S.C. 1141j, as amended, or in connection with the ginning of 841

cotton, or in connection with the operation or maintenance of 842
ditches, canals, reservoirs, or waterways, not owned or operated 843
for profit, used exclusively for supplying and storing water for 844
farming purposes; 845

(4) In the employ of the operator of a farm in handling, 846
planting, drying, packing, packaging, processing, freezing, 847
grading, storing, or delivering to storage or to market or to a 848
carrier for transportation to market, in its unmanufactured 849
state, any agricultural or horticultural commodity, but only if 850
the operator produced more than one half of the commodity with 851
respect to which such service is performed; 852

(5) In the employ of a group of operators of farms, or a 853
cooperative organization of which the operators are members, in 854
the performance of service described in division (V) (4) of this 855
section, but only if the operators produced more than one-half 856
of the commodity with respect to which the service is performed; 857

(6) Divisions (V) (4) and (5) of this section shall not be 858
deemed to be applicable with respect to service performed: 859

(a) In connection with commercial canning or commercial 860
freezing or in connection with any agricultural or horticultural 861
commodity after its delivery to a terminal market for 862
distribution for consumption; or 863

(b) On a farm operated for profit if the service is not in 864
the course of the employer's trade or business. 865

As used in division (V) of this section, "farm" includes 866
stock, dairy, poultry, fruit, fur-bearing animal, and truck 867
farms, plantations, ranches, nurseries, ranges, greenhouses, or 868
other similar structures used primarily for the raising of 869
agricultural or horticultural commodities and orchards. 870

(W) "Hospital" means an institution which has been 871
registered or licensed by the Ohio department of health as a 872
hospital. 873

(X) "Nonprofit organization" means an organization, or 874
group of organizations, described in section 501(c)(3) of the 875
"Internal Revenue Code of 1954," and exempt from income tax 876
under section 501(a) of that code. 877

(Y) "Institution of higher education" means a public or 878
nonprofit educational institution, including an educational 879
institution operated by an Indian tribe, which: 880

(1) Admits as regular students only individuals having a 881
certificate of graduation from a high school, or the recognized 882
equivalent; 883

(2) Is legally authorized in this state or by the Indian 884
tribe to provide a program of education beyond high school; and 885

(3) Provides an educational program for which it awards a 886
bachelor's or higher degree, or provides a program which is 887
acceptable for full credit toward such a degree, a program of 888
post-graduate or post-doctoral studies, or a program of training 889
to prepare students for gainful employment in a recognized 890
occupation. 891

For the purposes of this division, all colleges and 892
universities in this state are institutions of higher education. 893

(Z) For the purposes of this chapter, "states" includes 894
the District of Columbia, the Commonwealth of Puerto Rico, and 895
the Virgin Islands. 896

(AA) "Alien" means, for the purposes of division (A)(1)(d) 897
of this section, an individual who is an alien admitted to the 898

United States to perform service in agricultural labor pursuant 899
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 900
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 901

(BB) (1) "Crew leader" means an individual who furnishes 902
individuals to perform agricultural labor for any other employer 903
or farm operator, and: 904

(a) Pays, either on the individual's own behalf or on 905
behalf of the other employer or farm operator, the individuals 906
so furnished by the individual for the service in agricultural 907
labor performed by them; 908

(b) Has not entered into a written agreement with the 909
other employer or farm operator under which the agricultural 910
worker is designated as in the employ of the other employer or 911
farm operator. 912

(2) For the purposes of this chapter, any individual who 913
is a member of a crew furnished by a crew leader to perform 914
service in agricultural labor for any other employer or farm 915
operator shall be treated as an employee of the crew leader if: 916

(a) The crew leader holds a valid certificate of 917
registration under the "Farm Labor Contractor Registration Act 918
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 919

(b) Substantially all the members of the crew operate or 920
maintain tractors, mechanized harvesting or crop-dusting 921
equipment, or any other mechanized equipment, which is provided 922
by the crew leader; and 923

(c) If the individual is not in the employment of the 924
other employer or farm operator within the meaning of division 925
(B) (1) of this section. 926

(3) For the purposes of this division, any individual who 927
is furnished by a crew leader to perform service in agricultural 928
labor for any other employer or farm operator and who is not 929
treated as in the employment of the crew leader under division 930
(BB)(2) of this section shall be treated as the employee of the 931
other employer or farm operator and not of the crew leader. The 932
other employer or farm operator shall be treated as having paid 933
cash remuneration to the individual in an amount equal to the 934
amount of cash remuneration paid to the individual by the crew 935
leader, either on the crew leader's own behalf or on behalf of 936
the other employer or farm operator, for the service in 937
agricultural labor performed for the other employer or farm 938
operator. 939

(CC) "Educational institution" means an institution other 940
than an institution of higher education as defined in division 941
(Y) of this section, including an educational institution 942
operated by an Indian tribe, which: 943

(1) Offers participants, trainees, or students an 944
organized course of study or training designed to transfer to 945
them knowledge, skills, information, doctrines, attitudes, or 946
abilities from, by, or under the guidance of an instructor or 947
teacher; and 948

(2) Is approved, chartered, or issued a permit to operate 949
as a school by the state board of education, other government 950
agency, or Indian tribe that is authorized within the state to 951
approve, charter, or issue a permit for the operation of a 952
school. 953

For the purposes of this division, the courses of study or 954
training which the institution offers may be academic, 955
technical, trade, or preparation for gainful employment in a 956

recognized occupation. 957

(DD) "Cost savings day" means any unpaid day off from work 958
in which employees continue to accrue employee benefits which 959
have a determinable value including, but not limited to, 960
vacation, pension contribution, sick time, and life and health 961
insurance. 962

Sec. 4141.25. (A) The director of job and family services 963
shall determine as of each computation date the contribution 964
rate of each contributing employer subject to this chapter for 965
the next succeeding contribution period. The director shall 966
determine a standard rate of contribution or an experience rate 967
for each contributing employer. Once a rate of contribution has 968
been established under this section for a contribution period, 969
except as provided in division (D) of section 4141.26 of the 970
Revised Code, that rate shall remain effective throughout such 971
contribution period. The rate of contribution shall be 972
determined in accordance with the following requirements: 973

(1) An employer whose experience does not meet the terms 974
of division (A) (2) of this section shall be assigned a standard 975
rate of contribution. Effective for contribution periods 976
beginning on and after January 1, 1998, an employer's standard 977
rate of contribution shall be a rate of two and seven-tenths per 978
cent, except that the rate for employers engaged in the 979
construction industry shall be the average contribution rate 980
computed for the construction industry or a rate of two and 981
seven-tenths per cent, whichever is greater. 982

The standard rate set forth in this division shall be 983
applicable to a nonprofit organization whose election to make 984
payments in lieu of contributions is voluntarily terminated or 985
canceled by the director under section 4141.241 of the Revised 986

Code, and thereafter pays contributions as required by this 987
section. If such nonprofit organization had been a contributory 988
employer prior to its election to make payments in lieu of 989
contributions, then any prior balance in the contributory 990
account shall become part of the reactivated account. 991

As used in division (A) of this section, "the average 992
contribution rate computed for the construction industry" means 993
the most recent annual average rate attributable to the 994
construction industry as prescribed by the director. 995

(2) A contributing employer subject to this chapter shall 996
qualify for an experience rate only if there have been four 997
consecutive quarters, ending on the thirtieth day of June 998
immediately prior to the computation date, throughout which the 999
employer's account was chargeable with benefits. Upon meeting 1000
the qualifying requirements provided in division (A)(2) of this 1001
section, the director shall calculate the total credits to each 1002
employer's account consisting of the contributions other than 1003
mutualized contributions including all contributions paid prior 1004
to the computation date for all past periods plus: 1005

(a) The contributions owing on the computation date that 1006
are paid within thirty days after the computation date, and 1007
credited to the employer's account; 1008

(b) All voluntary contributions paid by an employer 1009
pursuant to division (B) of section 4141.24 of the Revised Code. 1010

(3) The director also shall determine the benefits which 1011
are chargeable to each employer's account and which were paid 1012
prior to the computation date with respect to weeks of 1013
unemployment ending prior to the computation date. The director 1014
then shall determine the positive or negative balance of each 1015

employer's account by calculating the excess of such 1016
contributions and interest over the benefits chargeable, or the 1017
excess of such benefits over such contributions and interest. 1018
Any resulting negative balance then shall be subject to 1019
adjustment as provided in division (A) (2) of section 4141.24 of 1020
the Revised Code after which the positive or negative balance 1021
shall be expressed in terms of a percentage of the employer's 1022
average annual payroll. If the total standing to the credit of 1023
an employer's account exceeds the total charges, as provided in 1024
this division, the employer has a positive balance and if such 1025
charges exceed such credits the employer has a negative balance. 1026
Each employer's contribution rate shall then be determined in 1027
accordance with the following schedule: 1028

Contribution Rate Schedule 1029

If, as of the computation date The employer's 1030
the contribution rate balance of contribution rate for 1031
an employer's account as a the next succeeding 1032
percentage of the employer's contribution period 1033
average annual payroll is shall be 1034

- (a) A negative balance of: 1035
- | | | |
|---------------------------|------|------|
| 20.0% or more | 6.5% | 1036 |
| 19.0% but less than 20.0% | 6.4% | 1037 |
| 17.0% but less than 19.0% | 6.3% | 1038 |
| 15.0% but less than 17.0% | 6.2% | 1039 |
| 13.0% but less than 15.0% | 6.1% | 1040 |
| 11.0% but less than 13.0% | 6.0% | 1041 |
| 9.0% but less than 11.0% | 5.9% | 1042 |
| 5.0% but less than 9.0% | 5.7% | 1043 |
| 4.0% but less than 5.0% | 5.5% | 1044 |
| 3.0% but less than 4.0% | 5.3% | 1045 |
| 2.0% but less than 3.0% | 5.1% | 1046 |

	1.0% but less than 2.0%	4.9%	1047
	more than 0.0% but less than 1.0%	4.8%	1048
(b)	A 0.0% or a positive		1049
	balance of less than 1.0%	4.7%	1050
(c)	A positive balance of:		1051
	1.0% or more, but less than 1.5%	4.6%	1052
	1.5% or more, but less than 2.0%	4.5%	1053
	2.0% or more, but less than 2.5%	4.3%	1054
	2.5% or more, but less than 3.0%	4.0%	1055
	3.0% or more, but less than 3.5%	3.8%	1056
	3.5% or more, but less than 4.0%	3.5%	1057
	4.0% or more, but less than 4.5%	3.3%	1058
	4.5% or more, but less than 5.0%	3.0%	1059
	5.0% or more, but less than 5.5%	2.8%	1060
	5.5% or more, but less than 6.0%	2.5%	1061
	6.0% or more, but less than 6.5%	2.2%	1062
	6.5% or more, but less than 7.0%	2.0%	1063
	7.0% or more, but less than 7.5%	1.8%	1064
	7.5% or more, but less than 8.0%	1.6%	1065
	8.0% or more, but less than 8.5%	1.4%	1066
	8.5% or more, but less than 9.0%	1.3%	1067
	9.0% or more, but less than 9.5%	1.1%	1068
	9.5% or more, but less than 10.0%	1.0%	1069
	10.0% or more, but less than 10.5%	.9%	1070
	10.5% or more, but less than 11.0%	.7%	1071
	11.0% or more, but less than 11.5%	.6%	1072
	11.5% or more, but less than 12.0%	.5%	1073
	12.0% or more, but less than 12.5%	.4%	1074
	12.5% or more, but less than 13.0%	.3%	1075
	13.0% or more, but less than 14.0%	.2%	1076
	14.0% or more	.1%	1077

(d) The contribution rates shall be as specified in 1078
divisions (a), (b), and (c) of the contribution rate schedule 1079
except that notwithstanding the amendments made to division (a) 1080
of the contribution rate schedule in this section, if, as of the 1081
computation date: for 1991, the negative balance is 5.0% or 1082
more, the contribution rate shall be 5.7%; for 1992, if the 1083
negative balance is 11.0% or more, the contribution rate shall 1084
be 6.0%; and for 1993, if the negative balance is 17.0% or more, 1085
the contribution rate shall be 6.3%. Thereafter, the 1086
contribution rates shall be as specified in the contribution 1087
rate schedule. 1088

(B) (1) The director shall establish and maintain a 1089
separate account to be known as the "mutualized account." As of 1090
each computation date there shall be charged to this account: 1091

(a) As provided in division (A) (2) of section 4141.24 of 1092
the Revised Code, an amount equal to the sum of that portion of 1093
the negative balances of employer accounts which exceeds the 1094
applicable limitations as such balances are computed under 1095
division (A) of this section as of such date; 1096

(b) An amount equal to the sum of the negative balances 1097
remaining in employer accounts which have been closed during the 1098
year immediately preceding such computation date pursuant to 1099
division (E) of section 4141.24 of the Revised Code; 1100

(c) An amount equal to the sum of all benefits improperly 1101
paid preceding such computation date which are not recovered but 1102
which are not charged to an employer's account, or which after 1103
being charged, are credited back to an employer's account; 1104

(d) An amount equal to the sum of any other benefits paid 1105
preceding such computation date which, under this chapter, are 1106

not chargeable to an employer's account; 1107

(e) An amount equal to the sum of any refunds made during 1108
the year immediately preceding such computation date of 1109
erroneously collected mutualized contributions required by this 1110
division which were previously credited to this account; 1111

(f) An amount equal to the sum of any repayments made to 1112
the federal government during the year immediately preceding 1113
such computation date of amounts which may have been advanced by 1114
it to the unemployment compensation fund under section 1201 of 1115
the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301; 1116

(g) Any amounts appropriated by the general assembly out 1117
of funds paid by the federal government, under section 903 of 1118
the "Social Security Act," to the account of this state in the 1119
federal unemployment trust fund. 1120

(2) As of every computation date there shall be credited 1121
to the mutualized account provided for in this division: 1122

(a) The proceeds of the mutualized contributions as 1123
provided in this division; 1124

(b) Any positive balances remaining in employer accounts 1125
which are closed as provided in division (E) of section 4141.24 1126
of the Revised Code; 1127

(c) Any benefits improperly paid which are recovered but 1128
which cannot be credited to an employer's account; 1129

(d) All amounts which may be paid by the federal 1130
government under section 903 of the "Social Security Act" to the 1131
account of this state in the federal unemployment trust fund; 1132

(e) Amounts advanced by the federal government to the 1133
account of this state in the federal unemployment trust fund 1134

under section 1201 of the "Social Security Act" to the extent 1135
such advances have been repaid to or recovered by the federal 1136
government; 1137

(f) Interest credited to the Ohio unemployment trust fund 1138
as deposited with the secretary of the treasury of the United 1139
States; 1140

(g) Amounts deposited into the unemployment compensation 1141
fund for penalties collected pursuant to division (A) (4) of 1142
section 4141.35 of the Revised Code. 1143

(3) Annually, as of the computation date, the director 1144
shall determine the total credits and charges made to the 1145
mutualized account during the preceding twelve months and the 1146
overall condition of the account. The director shall issue an 1147
annual statement containing this information and such other 1148
information as the director deems pertinent, including a report 1149
that the sum of the balances in the mutualized account, 1150
employers' accounts, and any subsidiary accounts equal the 1151
balance in the state's unemployment trust fund maintained under 1152
section 904 of the "Social Security Act." 1153

(4) As used in this division: 1154

(a) "Fund as of the computation date" means as of any 1155
computation date, the aggregate amount of the unemployment 1156
compensation fund, including all contributions owing on the 1157
computation date that are paid within thirty days thereafter, 1158
all payments in lieu of contributions that are paid within sixty 1159
days after the computation date, all reimbursements of the 1160
federal share of extended benefits described in section 4141.301 1161
of the Revised Code that are owing on the computation date, and 1162
all interest earned by the fund and received on or before the 1163

computation date from the federal government. 1164

(b) "Minimum safe level" means an amount equal to ~~two~~ 1165
~~standard deviations above the average of the adjusted annual~~ 1166
~~average unemployment compensation benefit payment from 1970 to~~ 1167
~~the most recent calendar year prior to the computation date, as~~ 1168
~~determined by the director pursuant to division (B) (4) (b) of~~ 1169
~~this section. To determine the adjusted annual payment of~~ 1170
~~unemployment compensation benefits, the director first shall~~ 1171
~~multiply the number of weeks compensated during each calendar~~ 1172
~~year beginning with 1970 by the most recent annual average~~ 1173
~~weekly unemployment compensation benefit payment and then~~ 1174
~~compute the average and standard deviation of the resultant~~ 1175
~~products 0.75 of the average high cost multiple calculated~~ 1176
~~annually under division (B) of section 4141.252 of the Revised~~ 1177
~~Code.~~ 1178

~~(c) "Annual average weekly unemployment compensation~~ 1179
~~benefit payment" means the amount resulting from dividing the~~ 1180
~~unemployment compensation benefits paid from the benefit account~~ 1181
~~maintained within the unemployment compensation fund pursuant to~~ 1182
~~section 4141.09 of the Revised Code, by the number of weeks~~ 1183
~~compensated during the same time period.~~ 1184

(5) If, as of any computation date, the charges to the 1185
mutualized account during the entire period subsequent to the 1186
computation date, July 1, 1966, made in accordance with division 1187
(B) (1) of this section, exceed the credits to such account 1188
including mutualized contributions during such period, made in 1189
accordance with division (B) (2) of this section, the amount of 1190
such excess charges shall be recovered during the next 1191
contribution period. To recover such amount, the director shall 1192
compute the percentage ratio of such excess charges to the 1193

average annual payroll of all employers eligible for an 1194
experience rate under division (A) of this section. The 1195
percentage so determined shall be computed to the nearest tenth 1196
of one per cent and shall be an additional contribution rate to 1197
be applied to the wages paid by each employer whose rate is 1198
computed under the provisions of division (A) of this section in 1199
the contribution period next following such computation date, 1200
but such percentage shall not exceed five-tenths of one per 1201
cent; however, when there are any excess charges in the 1202
mutualized account, as computed in this division, then the 1203
mutualized contribution rate shall not be less than one-tenth of 1204
one per cent. 1205

(6) If the fund as of the computation date is above or 1206
below minimum safe level, the contribution rates provided for in 1207
each classification in division (A) (3) of this section for the 1208
next contribution period shall be adjusted as follows: 1209

(a) If the fund is thirty per cent or more above minimum 1210
safe level, the contribution rates provided in division (A) (3) 1211
of this section shall be decreased two-tenths of one per cent. 1212

(b) If the fund is more than fifteen per cent but less 1213
than thirty per cent above minimum safe level, the contribution 1214
rates provided in division (A) (3) of this section shall be 1215
decreased one-tenth of one per cent. 1216

(c) If the fund is more than fifteen per cent but less 1217
than thirty per cent below minimum safe level, the contribution 1218
rates of all employers shall be increased ~~twenty-five one-~~ 1219
~~thousandths of one~~ 0.125 per cent plus a per cent increase 1220
calculated and rounded pursuant to division (B) (6) (g) of this 1221
section. 1222

(d) If the fund is more than thirty per cent but less than 1223
forty-five per cent below minimum safe level, the contribution 1224
rates of all employers shall be increased ~~seventy-five one-~~ 1225
~~thousandths of one~~ 0.175 per cent plus a per cent increase 1226
calculated and rounded pursuant to division (B) (6) (g) of this 1227
section. 1228

(e) If the fund is more than forty-five per cent but less 1229
than sixty per cent below minimum safe level, the contribution 1230
rates of all employers shall be increased ~~one eighth of one-~~ 1231
0.225 per cent plus a per cent increase calculated and rounded 1232
pursuant to division (B) (6) (g) of this section. 1233

(f) If the fund is sixty per cent or more below minimum 1234
safe level, the contribution rates of all employers shall be 1235
increased ~~two tenths of one~~ 0.3 per cent plus a per cent 1236
increase calculated and rounded pursuant to division (B) (6) (g) 1237
of this section. 1238

(g) The additional per cent increase in contribution rates 1239
required by divisions (B) (6) (c), (d), (e), and (f) of this 1240
section that is payable by each individual employer shall be 1241
calculated in the following manner. The flat rate increase 1242
required by a particular division shall be ~~increased by the-~~ 1243
~~amount required under division (B) (7) of this section, if-~~ 1244
~~applicable, and that sum shall be~~ multiplied by three and the 1245
product divided by the average experienced-rated contribution 1246
rate for all employers as determined by the director for the 1247
most recent calendar year. The resulting quotient shall be 1248
multiplied by an individual employer's contribution rate 1249
determined pursuant to division (A) (3) of this section. The 1250
resulting product shall be rounded to the nearest tenth of one 1251
per cent, added to the flat rate increase required by division 1252

(B) (6) (c), (d), (e), or (f) of this section, as appropriate, and 1253
the total shall be rounded to the nearest tenth of one per cent. 1254
As used in division (B) (6) (g) of this section, the "average 1255
experienced-rated contribution rate" means the most recent 1256
annual average contribution rate reported by the director 1257
contained in report RS 203.2 less the mutualized and minimum 1258
safe level contribution rates included in such rate. 1259

(h) If any of the increased contribution rates of division 1260
(B) (6) (c), (d), (e), or (f) of this section are imposed, the 1261
rate shall remain in effect for the calendar year in which it is 1262
imposed and for each calendar year thereafter until the director 1263
determines as of the computation date for calendar year 1991 and 1264
as of the computation date for any calendar year thereafter 1265
pursuant to this section, that the level of the unemployment 1266
compensation fund equals or exceeds the minimum safe level ~~as~~ 1267
~~defined in division (B) (4) (b) of this section.~~ Nothing in 1268
division (B) (6) (h) of this section shall be construed as 1269
restricting the imposition of the increased contribution rates 1270
provided in divisions (B) (6) (c), (d), (e), and (f) of this 1271
section if the fund falls below the percentage of the minimum 1272
safe level as specified in those divisions. 1273

~~(7) (a) If, as of the computation date, an outstanding~~ 1274
~~balance for advances made to the state under section 1201 of the~~ 1275
~~"Social Security Act," 42 U.S.C. 1321, exists, the contribution~~ 1276
~~rates of all contributory employers subject to an experience~~ 1277
~~rate under division (A) (2) of this section shall be increased,~~ 1278
~~as determined by the director, in an amount up to five tenths of~~ 1279
~~one per cent for the purpose of eliminating the principal on any~~ 1280
~~outstanding balance of the advances.~~ 1281

~~(b) If the increase in contribution rates under division~~ 1282

~~(B) (7) (a) of this section is imposed, the increase shall remain
in effect for each calendar year thereafter until the earlier of
the following:~~ 1283
1284
1285

~~(i) The principal on any outstanding balance of the
advances has been eliminated.~~ 1286
1287

~~(ii) The director determines that the total credits
allowable against the tax imposed by section 3301 of the
"Federal Unemployment Tax Act," 26 U.S.C. 3301, for employers of
the state will be reduced pursuant to section 3302(c) (2) of the
"Federal Unemployment Tax Act," 26 U.S.C. 3302(c) (2) for that
calendar year.~~ 1288
1289
1290
1291
1292
1293

~~(8) The additional contributions required by division (B)
(5) of this section shall be credited to the mutualized account.
The additional contributions required by ~~divisions~~ division (B)
(6) ~~and (7)~~ of this section shall be credited fifty per cent to
individual employer accounts and fifty per cent to the
mutualized account.~~ 1294
1295
1296
1297
1298
1299

(C) If an employer makes a payment of contributions which 1300
is less than the full amount required by this section and 1301
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, 1302
and 4141.27 of the Revised Code, such partial payment shall be 1303
applied first against the mutualized contributions required 1304
under this chapter. Any remaining partial payment shall be 1305
credited to the employer's individual account. 1306

(D) Whenever there are any increases in contributions 1307
resulting from an increase in wages subject to contributions as 1308
defined in division (G) of section 4141.01 of the Revised Code, 1309
or from an increase in the mutualized rate of contributions 1310
provided in division (B) of this section, or from a revision of 1311

the contribution rate schedule provided in division (A) of this 1312
section, except for that portion of the increase attributable to 1313
a change in the positive or negative balance in an employer's 1314
account, which increases become effective after a contract for 1315
the construction of real property, as defined in section 5701.02 1316
of the Revised Code, has been entered into, the contractee upon 1317
written notice by a prime contractor shall reimburse the 1318
contractor for all increased contributions paid by the prime 1319
contractor or by subcontractors upon wages for services 1320
performed under the contract. Upon reimbursement by the 1321
contractee to the prime contractor, the prime contractor shall 1322
reimburse each subcontractor for the increased contributions. 1323

(E) Effective only for the contribution period beginning 1324
on January 1, 1996, and ending on December 31, 1996, mutualized 1325
contributions collected or received by the director pursuant to 1326
division (B)(5) of this section and amounts credited to the 1327
mutualized account pursuant to division (B) ~~(8)~~ (7) of this 1328
section shall be deposited into or credited to the unemployment 1329
compensation benefit reserve fund that is created under division 1330
(F) of this section, except that amounts collected, received, or 1331
credited in excess of two hundred million dollars shall be 1332
deposited into or credited to the unemployment trust fund 1333
established pursuant to section 4141.09 of the Revised Code. 1334

(F) The state unemployment compensation benefit reserve 1335
fund is hereby created as a trust fund in the custody of the 1336
treasurer of state and shall not be part of the state treasury. 1337
The fund shall consist of all moneys collected or received as 1338
mutualized contributions pursuant to division (B)(5) of this 1339
section and amounts credited to the mutualized account pursuant 1340
to division (B) ~~(8)~~ (7) of this section as provided by division 1341
(E) of this section. All moneys in the fund shall be used solely 1342

to pay unemployment compensation benefits in the event that 1343
funds are no longer available for that purpose from the 1344
unemployment trust fund established pursuant to section 4141.09 1345
of the Revised Code. 1346

(G) The balance in the unemployment compensation benefit 1347
reserve fund remaining at the end of the contribution period 1348
beginning January 1, 2000, and any mutualized contribution 1349
amounts for the contribution period beginning on January 1, 1350
1996, that may be received after December 31, 2000, shall be 1351
deposited into the unemployment trust fund established pursuant 1352
to section 4141.09 of the Revised Code. Income earned on moneys 1353
in the state unemployment compensation benefit reserve fund 1354
shall be available for use by the director only for the purposes 1355
described in division (I) of this section, and shall not be used 1356
for any other purpose. 1357

(H) The unemployment compensation benefit reserve fund 1358
balance shall be added to the unemployment trust fund balance in 1359
determining the minimum safe level tax to be imposed pursuant to 1360
division (B) of this section and shall be included in the 1361
mutualized account balance for the purpose of determining the 1362
mutualized contribution rate pursuant to division (B) (5) of this 1363
section. 1364

(I) All income earned on moneys in the unemployment 1365
compensation benefit reserve fund from the investment of the 1366
fund by the treasurer of state shall accrue to the department of 1367
job and family services automation administration fund, which is 1368
hereby established in the state treasury. Moneys within the 1369
automation administration fund shall be used to meet the costs 1370
related to automation of the department and the administrative 1371
costs related to collecting and accounting for unemployment 1372

compensation benefit reserve fund revenue. Any funds remaining 1373
in the automation administration fund upon completion of the 1374
department's automation projects that are funded by that fund 1375
shall be deposited into the unemployment trust fund established 1376
pursuant to section 4141.09 of the Revised Code. 1377

(J) The director shall prepare and submit monthly reports 1378
to the unemployment compensation advisory commission with 1379
respect to the status of efforts to collect and account for 1380
unemployment compensation benefit reserve fund revenue and the 1381
costs related to collecting and accounting for that revenue. The 1382
director shall obtain approval from the unemployment 1383
compensation advisory commission for expenditure of funds from 1384
the department of job and family services automation 1385
administration fund. Funds may be approved for expenditure for 1386
purposes set forth in division (I) of this section only to the 1387
extent that federal or other funds are not available. 1388

Sec. 4141.251. (A) Beginning October 1, 2016, if the 1389
director of job and family services has paid interest charged 1390
under section 1202(b) of the "Social Security Act," 42 U.S.C. 1391
1322(b), for an advance made to the state under section 1201 of 1392
the "Social Security Act," 42 U.S.C. 1321, from the unemployment 1393
compensation interest contingency fund created in this section, 1394
the director shall require each contributory employer to pay a 1395
surcharge in accordance with this section. 1396

(B) If division (A) of this section applies, the director 1397
shall determine the amount of a surcharge to assess against each 1398
contributory employer that generates an amount not greater in 1399
the aggregate than the amount sufficient to repay the fund for 1400
the amount of that interest paid. The director shall determine 1401
the amount of the surcharge on a flat rate basis. 1402

(C) The director shall collect any surcharge due under 1403
this section at the same time and in the same manner as 1404
contributions due under section 4141.25 of the Revised Code. The 1405
director shall provide notice to each employer subject to a 1406
surcharge under this section, either upon the quarterly 1407
contribution report due from each employer under section 4141.20 1408
of the Revised Code or by other appropriate notice, a separate 1409
listing of the amount of any surcharge due under this section. 1410
Surcharge payments made pursuant to this section shall not be 1411
used to satisfy an employer's contribution obligations under 1412
section 4141.25 of the Revised Code. 1413

(D) If an employer makes a payment that is insufficient to 1414
pay the amount of contributions due under this chapter and the 1415
amount of a surcharge due under this section, the partial 1416
payment shall be applied first ~~against the surcharge to any~~ 1417
mutualized contributions due under this ~~section~~ chapter. The 1418
director shall apply any remaining amounts from the partial 1419
payment in the following order: 1420

(1) ~~Against any mutualized contributions due under this~~ 1421
~~chapter;~~ 1422

~~(2)~~ To the credit of the employer's individual account; 1423

~~(3)~~ (2) Against any interest, forfeiture, and fines due 1424
under this chapter; 1425

(3) Against the surcharge due under this section. 1426

(E) Any surcharge due from an employer under this section, 1427
if not paid when due, shall be treated the same as delinquent 1428
contributions under section 4141.23 of the Revised Code. Any 1429
forfeiture or interest payments associated with the collection 1430
of the surcharge shall be deposited consistent with forfeiture 1431

and interest associated with contributions, pursuant to section 1432
4141.11 of the Revised Code. 1433

(F) There is hereby created in the state treasury the 1434
unemployment compensation interest contingency fund. The fund 1435
shall be used to pay interest charged under section 1202(b) of 1436
the "Social Security Act," 42 U.S.C. 1322(b) on advances made to 1437
the state under section 1201 of the "Social Security Act," 42 1438
U.S.C. 1321. Any interest earned on the money in the fund shall 1439
be retained in the fund. The director shall deposit amounts 1440
received pursuant to the surcharge assessed under this section 1441
in the fund. 1442

Sec. 4141.252. (A) As used in this section, the "benefit 1443
cost ratio" for a calendar year means the percentage obtained by 1444
dividing the aggregate of the following by the total 1445
remuneration paid to all employees in that calendar year: 1446

(1) All benefits actually paid by the state under this 1447
chapter during that calendar year including all regular, 1448
additional, and extended benefits, as those benefit types are 1449
defined in section 4141.301 of the Revised Code, and excluding 1450
all of the following: 1451

(a) Benefits paid for which the state is entitled to 1452
reimbursement or for which the state was reimbursed by the 1453
federal government; 1454

(b) Benefits paid that are attributable to services 1455
performed for a reimbursing employer and that are not included 1456
in the total dollar amount reported under division (A)(1)(a) of 1457
this section. 1458

(2) Any interest paid during that calendar year on 1459
advances under Title XII of the Social Security Act. 1460

(B) (1) Annually, on the computation date, the director of 1461
job and family services shall calculate the state's average high 1462
cost multiple, average high cost rate, and reserve ratio for the 1463
most recent calendar year prior to the computation date. 1464

(2) The director shall calculate the average high cost 1465
multiple for that year by dividing the state's reserve ratio by 1466
the state's average high cost rate for the same year. 1467

(3) The director shall calculate the average high cost 1468
rate for that year by doing all of the following: 1469

(a) Determining the time period over which calculations 1470
are to be made by selecting the longer of the following two time 1471
periods: 1472

(i) The twenty-calendar-year period that ends with the 1473
year for which the calculation is made; 1474

(ii) The time period beginning with the calendar year in 1475
which the first of the last three completed national recessions 1476
began, as determined by the national bureau of economic 1477
research, and ending with the calendar year for which the 1478
calculation is made. 1479

(b) For each calendar year during the selected time 1480
period, calculating the benefit-cost ratio; 1481

(c) Averaging the three highest calendar year benefit-cost 1482
ratios for the selected time period and rounding the final 1483
calculation to the nearest one-hundredth of a per cent. 1484

(4) The director shall calculate the state's reserve ratio 1485
for that year by dividing the balance, on the thirty-first day 1486
of December of that year, of the state's account in the 1487
unemployment trust fund maintained under section 904 of the 1488

"Social Security Act" by the total remuneration paid to workers 1489
in all employment during that year. The director shall round 1490
final calculations to the nearest multiple of 0.01 per cent. 1491

Sec. 4141.281. 1492

APPEALS 1493

(A) APPEAL FILED 1494

Any party notified of a determination of benefit rights or 1495
a claim for benefits determination may appeal within twenty-one 1496
calendar days after the written determination was sent to the 1497
party or within an extended period as provided under division 1498
(D) (9) of this section. 1499

(B) REDETERMINATION 1500

Within twenty-one days after receipt of the appeal, the 1501
director of job and family services shall issue a 1502
redetermination or transfer the appeal to the unemployment 1503
compensation review commission. A redetermination under this 1504
section is appealable in the same manner as an initial 1505
determination by the director. 1506

(C) REVIEW COMMISSION 1507

(1) JURISDICTION 1508

The commission shall provide an opportunity for a fair 1509
hearing to the interested parties of appeals over which the 1510
commission has jurisdiction. The commission has jurisdiction 1511
over an appeal on transfer or on direct appeal to the 1512
commission. If the commission concludes that a pending appeal 1513
does not warrant a hearing, the commission may remand the appeal 1514
to the director for redetermination. The commission retains 1515
jurisdiction until the appeal is remanded to the director or a 1516

final decision is issued and appealed to court, or the time to 1517
request a review or to appeal a decision of a hearing officer or 1518
the commission is expired. 1519

(2) CONDUCT OF HEARINGS 1520

Hearings before the commission are held at the hearing 1521
officer level and the review level. Unless otherwise provided in 1522
this chapter, initial hearings involving claims for compensation 1523
and other unemployment compensation issues are conducted at the 1524
hearing officer level by hearing officers appointed by the 1525
commission. Hearings at the review level are conducted by 1526
hearing officers appointed by the commission, by members of the 1527
commission acting either individually or collectively, and by 1528
members of the commission and hearing officers acting jointly. 1529
In all hearings conducted at the review level, the commission 1530
shall designate the hearing officer or officers who are to 1531
conduct the hearing. When the term "hearing officer" is used in 1532
reference to hearings conducted at the review level, the term 1533
includes members of the commission. All decisions issued at the 1534
review level are issued by the commission. 1535

Provisions contained in the remainder of this paragraph 1536
apply to hearings at both the hearing officer level and the 1537
review level. The principles of due process in administrative 1538
hearings shall be applied to all hearings conducted under the 1539
authority of the commission. In conducting hearings, all hearing 1540
officers shall control the conduct of the hearing, exclude 1541
irrelevant or cumulative evidence, and give weight to the kind 1542
of evidence on which reasonably prudent persons are accustomed 1543
to rely in the conduct of serious affairs. Hearing officers have 1544
an affirmative duty to question parties and witnesses in order 1545
to ascertain the relevant facts and to fully and fairly develop 1546

the record. Hearing officers are not bound by common law or 1547
statutory rules of evidence or by technical or formal rules of 1548
procedure. No person shall impose upon the claimant or the 1549
employer any burden of proof as is required in a court of law. 1550
The proceedings at hearings shall be recorded by mechanical 1551
means or otherwise as may be prescribed by the commission. In 1552
the absence of further proceedings, the record need not be 1553
transcribed. After considering all of the evidence, a hearing 1554
officer shall issue a written decision that sets forth the facts 1555
as the hearing officer finds them to be, cites the applicable 1556
law, and gives the reasoning for the decision. 1557

(3) HEARING OFFICER LEVEL 1558

When an appeal is transferred to the commission by the 1559
director, the commission shall notify all interested parties of 1560
the time and place of the hearing and assign the appeal for a 1561
hearing by a hearing officer. The hearings shall be de novo, 1562
except that the director's file pertaining to a case shall be 1563
included in the record to be considered. 1564

Following a hearing, the hearing officer shall affirm, 1565
modify, or reverse the determination of the director in the 1566
manner that appears just and proper. The hearing officer's 1567
written decision shall be sent to all interested parties. The 1568
decision shall state the right of an interested party to request 1569
a review by the commission. 1570

A request for review shall be filed within twenty-one days 1571
after the decision was sent to the party, or within an extended 1572
period as provided under division (D) (9) of this section. The 1573
hearing officer's decision shall become final unless a request 1574
for review is filed and allowed or the commission removes the 1575
appeal to itself within twenty-one days after the hearing 1576

officer's decision is sent. 1577

(4) REVIEW LEVEL 1578

At the review level, the commission may affirm, modify, or 1579
reverse previous determinations by the director or at the 1580
hearing officer level. At the review level, the commission may 1581
affirm, modify, or reverse a hearing officer's decision or 1582
remand the decision to the hearing officer level for further 1583
hearing. The commission shall consider an appeal at the review 1584
level under the following circumstances: when an appeal is 1585
required to be heard initially at the review level under this 1586
chapter; when the commission on its own motion removes an appeal 1587
to itself within twenty-one days after the hearing officer's 1588
decision is sent; when the assigned hearing officer refers an 1589
appeal to the commission before the hearing officer's decision 1590
is sent; or when an interested party files a request for review 1591
with the commission within twenty-one days after the hearing 1592
officer's decision is sent. 1593

(5) COMMISSION EXAMINATION 1594

The commission shall consider a request for review by an 1595
interested party, including the reasons for the request. The 1596
commission may adopt rules prescribing the methods for 1597
requesting a review. The commission may allow or disallow the 1598
request for review. The disallowance of a request for review 1599
constitutes a final decision by the commission. 1600

(6) REVIEW PROCEDURE 1601

If the commission allows a request for review, the 1602
commission shall notify all interested parties of that fact and 1603
provide a reasonable period of time, as the commission defines 1604
by rule, in which interested parties may file a response. After 1605

that period of time, the commission, based on the record before 1606
it, may do one of the following: affirm the decision of the 1607
hearing officer; provide for the appeal to be heard or reheard 1608
at the hearing officer or review level; provide for the appeal 1609
to be heard at the review level as a potential precedential 1610
decision; or provide for the decision to be rewritten without 1611
further hearing at the review level. When a further hearing is 1612
provided or the decision is rewritten, the commission may 1613
affirm, modify, or reverse the previous decision. 1614

(7) NOTICES 1615

The commission shall send written notice to all interested 1616
parties when it orders an appeal to be heard or reheard. The 1617
notice shall include the reasons for the hearing or rehearing. 1618

(8) PRECEDENTIAL 1619

An appeal the commission identifies as potentially 1620
precedential shall be heard at the review level. In the notice 1621
for that type of hearing, the commission shall notify the 1622
director, all interested parties, and any other parties, as the 1623
commission determines appropriate, that the appeal is designated 1624
as potentially precedential. After the hearing, parties shall be 1625
given the opportunity to submit briefs on the issue or issues 1626
involved. The commission may designate a decision as 1627
precedential after issuing the decision or at any point in the 1628
appeal process, even if the commission does not initially 1629
identify the appeal as potentially precedential. 1630

(9) MASS APPEALS 1631

When the commission determines that it has five appeals 1632
pending that have common facts or common issues, the commission 1633
may transfer the appeals to the review level on its own motion 1634

to be heard as a mass appeal, including appeals from claimants 1635
separated due to a labor dispute, on the condition that there 1636
are fewer than twenty-five claimants involved. 1637

To facilitate a mass hearing, the commission may allow an 1638
authorized agent to accept notice of hearing on behalf of 1639
claimants. An authorized agent may waive this notice of hearing 1640
and also the sending of decisions to individual claimants 1641
represented by the agent. 1642

(D) SPECIAL PROVISIONS 1643

(1) TIMELINESS OF APPEALS 1644

The date of the mailing provided by the director or the 1645
commission is sufficient evidence upon which to conclude that a 1646
determination, redetermination, or decision was sent to the 1647
party on that date. Appeals may be filed with the director, 1648
commission, with an employee of another state or federal agency 1649
charged with the duty of accepting claims, or with the 1650
unemployment insurance commission of Canada. Any timely written 1651
notice by an interested party indicating a desire to appeal 1652
shall be accepted. 1653

The director, commission, or authorized agent must receive 1654
the appeal within the specified appeal period in order for the 1655
appeal to be deemed timely filed, except that: if the United 1656
States postal service is used as the means of delivery, the 1657
enclosing envelope must have a postmark date or postal meter 1658
postmark that is on or before the last day of the specified 1659
appeal period; and where the postmark is illegible or missing, 1660
the appeal is timely filed if received not later than the end of 1661
the fifth calendar day following the last day of the specified 1662
appeal period. 1663

The director and the commission may adopt rules pertaining 1664
to alternate methods of filing appeals under this section. 1665

(2) WAIVER 1666

Interested parties may waive, in writing, a hearing at 1667
either the hearing officer or review level. If the parties waive 1668
a hearing, the hearing officer shall issue a decision based on 1669
the evidence of record. 1670

(3) TELEPHONE HEARINGS 1671

~~Hearing~~ (a) Except as otherwise specified in division (D) 1672
(3) (b) of this section, hearing officers may conduct hearings at 1673
either the hearing officer or review level in person or by 1674
telephone. The commission shall adopt rules that designate the 1675
circumstances under which hearing officers may conduct a hearing 1676
by telephone or grant a party to the hearing the opportunity to 1677
object to a hearing by telephone. An interested party whose 1678
hearing would be by telephone may elect to have an in-person 1679
hearing, provided that the party agrees to have the hearing at 1680
the time and place the commission determines pursuant to rule. 1681

(b) If an interested party elects to have an in-person 1682
hearing pursuant to division (D) (3) (a) of this section, the 1683
hearing officer shall permit the other party to elect to 1684
participate in the hearing via telephone or other electronic 1685
means. 1686

(4) EVENING HEARINGS 1687

Where a party requests that a hearing at either the 1688
hearing officer or review level be scheduled in the evening 1689
because the party is employed during the day, the commission 1690
shall schedule the hearing during hours that the party is not 1691
employed. If a conflict concerning a request for an evening 1692

hearing and an in-person hearing arises, the commission shall 1693
schedule the hearing by telephone during evening hours. 1694

(5) NO APPEARANCE -- APPELLANT 1695

For hearings at either the hearing officer or review 1696
level, if the appealing party fails to appear at the hearing, 1697
the hearing officer shall dismiss the appeal. The commission 1698
shall vacate the dismissal upon a showing that written notice of 1699
the hearing was not sent to that party's last known address, or 1700
good cause for the appellant's failure to appear is shown to the 1701
commission within fourteen days after the hearing date. 1702

If the commission finds that the appealing party's reason 1703
for failing to appear does not constitute good cause for failing 1704
to appear, the commission shall send written notice of that 1705
finding, and the appealing party may request a hearing to 1706
present testimony on the issue of good cause for failing to 1707
appear. The appealing party shall file a request for a hearing 1708
on the issue of good cause for failing to appear within ten days 1709
after the commission sends written notice indicating a finding 1710
of no good cause for failing to appear. 1711

(6) NO APPEARANCE -- APPELLEE 1712

For hearings at either the hearing officer or review 1713
level, if the appellee fails to appear at the hearing, the 1714
hearing officer shall proceed with the hearing and shall issue a 1715
decision based on the evidence of record. The commission shall 1716
vacate the decision upon a showing that written notice of the 1717
hearing was not sent to the appellee's last known address, or 1718
good cause for the appellee's failure to appear is shown to the 1719
commission within fourteen days after the hearing date. 1720

(7) AGENT 1721

Any appeal or request for review may be executed on behalf 1722
of any party or any group of claimants by an agent. 1723

(8) COLLATERAL ESTOPPEL 1724

No finding of fact or law, decision, or order of the 1725
director, hearing officer, the commission, or a reviewing court 1726
under this section or section 4141.28 of the Revised Code shall 1727
be given collateral estoppel or res judicata effect in any 1728
separate or subsequent judicial, administrative, or arbitration 1729
proceeding, other than a proceeding arising under this chapter. 1730

(9) EXTENSION OF APPEAL PERIODS 1731

The time for filing an appeal or a request for review 1732
under this section or a court appeal under section 4141.282 of 1733
the Revised Code shall be extended in the manner described in 1734
the following four sentences. When the last day of an appeal 1735
period is a Saturday, Sunday, or legal holiday, the appeal 1736
period is extended to the next work day after the Saturday, 1737
Sunday, or legal holiday. When an interested party provides 1738
certified medical evidence stating that the interested party's 1739
physical condition or mental capacity prevented the interested 1740
party from filing an appeal or request for review under this 1741
section within the appropriate twenty-one-day period, the appeal 1742
period is extended to twenty-one days after the end of the 1743
physical or mental condition, and the appeal or request for 1744
review is considered timely filed if filed within that extended 1745
period. When an interested party provides evidence, which 1746
evidence may consist of testimony from the interested party, 1747
that is sufficient to establish that the party did not actually 1748
receive the determination or decision within the applicable 1749
appeal period under this section, and the director or the 1750
commission finds that the interested party did not actually 1751

receive the determination or decision within the applicable 1752
appeal period, then the appeal period is extended to twenty-one 1753
days after the interested party actually receives the 1754
determination or decision. When an interested party provides 1755
evidence, which evidence may consist of testimony from the 1756
interested party, that is sufficient to establish that the party 1757
did not actually receive a decision within the thirty-day appeal 1758
period provided in section 4141.282 of the Revised Code, and a 1759
court of common pleas finds that the interested party did not 1760
actually receive the decision within that thirty-day appeal 1761
period, then the appeal period is extended to thirty days after 1762
the interested party actually receives the decision. 1763

(10) POSTPONEMENT FOR NEW ALLEGATIONS 1764

For hearings at either the hearing officer or review 1765
level, if a claimant presents an allegation at the hearing that 1766
was not previously alleged, an employer may request a 1767
postponement of the hearing to review the new allegation. A 1768
hearing officer shall postpone the hearing for a reasonable 1769
amount of time upon the employer's request. 1770

Sec. 4141.29. Each eligible individual shall receive 1771
benefits as compensation for loss of remuneration due to 1772
involuntary total or partial unemployment in the amounts and 1773
subject to the conditions stipulated in this chapter. 1774

(A) No individual is entitled to a waiting period or 1775
benefits for any week unless the individual: 1776

(1) Has filed a valid application for determination of 1777
benefit rights in accordance with section 4141.28 of the Revised 1778
Code; 1779

(2) Has made a claim for benefits in accordance with 1780

section 4141.28 of the Revised Code; 1781

(3) (a) Has registered for work and thereafter continues to 1782
report to an employment office or other registration place 1783
maintained or designated by the director of job and family 1784
services. Registration shall be made in accordance with the time 1785
limits, frequency, and manner prescribed by the director. 1786

(b) For purposes of division (A) (3) of this section, an 1787
individual has "registered" upon doing any of the following: 1788

(i) Filing an application for benefit rights; 1789

(ii) Making a weekly claim for benefits; 1790

(iii) Reopening an existing claim following a period of 1791
employment or nonreporting. 1792

(c) After an applicant is registered, that registration 1793
continues for a period of three calendar weeks, including the 1794
week during which the applicant registered. However, an 1795
individual is not registered for purposes of division (A) (3) of 1796
this section during any period in which the individual fails to 1797
report, as instructed by the director, or fails to reopen an 1798
existing claim following a period of employment. 1799

(d) The director may, for good cause, extend the period of 1800
registration. 1801

(e) For purposes of this section, "report" means contact 1802
by phone, access electronically, or be present for an in-person 1803
appointment, as designated by the director. 1804

(4) (a) (i) Is able to work and available for suitable work 1805
and, except as provided in division (A) (4) (a) (ii) or (iii) of 1806
this section, is actively seeking suitable work either in a 1807
locality in which the individual has earned wages subject to 1808

this chapter during the individual's base period, or if the 1809
individual leaves that locality, then in a locality where 1810
suitable work normally is performed. 1811

(ii) The director may waive the requirement that a 1812
claimant be actively seeking work when the director finds that 1813
the individual has been laid off and the employer who laid the 1814
individual off has notified the director within ten days after 1815
the layoff, that work is expected to be available for the 1816
individual within a specified number of days not to exceed 1817
forty-five calendar days following the last day the individual 1818
worked. In the event the individual is not recalled within the 1819
specified period, this waiver shall cease to be operative with 1820
respect to that layoff. 1821

(iii) The director may waive the requirement that a 1822
claimant be actively seeking work if the director determines 1823
that the individual has been laid off and the employer who laid 1824
the individual off has notified the director in accordance with 1825
division (C) of section 4141.28 of the Revised Code that the 1826
employer has closed the employer's entire plant or part of the 1827
employer's plant for a purpose other than inventory or vacation 1828
that will cause unemployment for a definite period not exceeding 1829
twenty-six weeks beginning on the date the employer notifies the 1830
director, for the period of the specific shutdown, if all of the 1831
following apply: 1832

(I) The employer and the individuals affected by the 1833
layoff who are claiming benefits under this chapter jointly 1834
request the exemption. 1835

(II) The employer provides that the affected individuals 1836
shall return to work for the employer within twenty-six weeks 1837
after the date the employer notifies the director. 1838

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

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

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

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

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

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

(ii) An individual who is registered with OhioMeansJobs shall receive a weekly listing of available jobs based on information provided by the individual at the time of registration. For each week that the individual claims benefits, the individual shall keep a record of the individual's work search efforts and shall produce that record in the manner and means prescribed by the director.

(iii) No individual shall be required to register with

OhioMeansJobs if the individual is legally prohibited from using 1868
a computer, has a physical or visual impairment that makes the 1869
individual unable to use a computer, or has a limited ability to 1870
read, write, speak, or understand a language in which 1871
OhioMeansJobs is available. 1872

(iv) As used in division (A)(4)(b) of this section: 1873

(I) "OhioMeansJobs" means the electronic job placement 1874
system operated by the state. 1875

(II) "Registration" includes the creation, electronic 1876
posting, and maintenance of an active, searchable resume. 1877

(c) An individual who is attending a training course 1878
approved by the director meets the requirement of this division, 1879
if attendance was recommended by the director and the individual 1880
is regularly attending the course and is making satisfactory 1881
progress. An individual also meets the requirements of this 1882
division if the individual is participating and advancing in a 1883
training program, as defined in division (P) of section 5709.61 1884
of the Revised Code, and if an enterprise, defined in division 1885
(B) of section 5709.61 of the Revised Code, is paying all or 1886
part of the cost of the individual's participation in the 1887
training program with the intention of hiring the individual for 1888
employment as a new employee, as defined in division (L) of 1889
section 5709.61 of the Revised Code, for at least ninety days 1890
after the individual's completion of the training program. 1891

(d) An individual who becomes unemployed while attending a 1892
regularly established school and whose base period qualifying 1893
weeks were earned in whole or in part while attending that 1894
school, meets the availability and active search for work 1895
requirements of division (A)(4)(a) of this section if the 1896

individual regularly attends the school during weeks with 1897
respect to which the individual claims unemployment benefits and 1898
makes self available on any shift of hours for suitable 1899
employment with the individual's most recent employer or any 1900
other employer in the individual's base period, or for any other 1901
suitable employment to which the individual is directed, under 1902
this chapter. 1903

(e) An individual who is a member in good standing with a 1904
labor organization that refers individuals to jobs meets the 1905
active search for work requirement specified in division (A) (4) 1906
(a) of this section if the individual provides documentation 1907
that the individual is eligible for a referral or placement upon 1908
request and in a manner prescribed by the director. 1909

(f) Notwithstanding any other provisions of this section, 1910
no otherwise eligible individual shall be denied benefits for 1911
any week because the individual is in training approved under 1912
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 1913
U.S.C.A. 2296, nor shall that individual be denied benefits by 1914
reason of leaving work to enter such training, provided the work 1915
left is not suitable employment, or because of the application 1916
to any week in training of provisions in this chapter, or any 1917
applicable federal unemployment compensation law, relating to 1918
availability for work, active search for work, or refusal to 1919
accept work. 1920

For the purposes of division (A) (4) (f) of this section, 1921
"suitable employment" means with respect to an individual, work 1922
of a substantially equal or higher skill level than the 1923
individual's past adversely affected employment, as defined for 1924
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 1925
U.S.C.A. 2101, and wages for such work at not less than eighty 1926

per cent of the individual's average weekly wage as determined 1927
for the purposes of that federal act. 1928

(5) Is unable to obtain suitable work. An individual who 1929
is provided temporary work assignments by the individual's 1930
employer under agreed terms and conditions of employment, and 1931
who is required pursuant to those terms and conditions to 1932
inquire with the individual's employer for available work 1933
assignments upon the conclusion of each work assignment, is not 1934
considered unable to obtain suitable employment if suitable work 1935
assignments are available with the employer but the individual 1936
fails to contact the employer to inquire about work assignments. 1937

(6) Participates in reemployment services, such as job 1938
search assistance services, if the individual has been 1939
determined to be likely to exhaust benefits under this chapter, 1940
including compensation payable pursuant to 5 U.S.C.A. Chapter 1941
85, other than extended compensation, and needs reemployment 1942
services pursuant to the profiling system established by the 1943
director under division (K) of this section, unless the director 1944
determines that: 1945

(a) The individual has completed such services; or 1946

(b) There is justifiable cause for the claimant's failure 1947
to participate in such services. 1948

Ineligibility for failure to participate in reemployment 1949
services as described in division (A) (6) of this section shall 1950
be for the week or weeks in which the claimant was scheduled and 1951
failed to participate without justifiable cause. 1952

(7) Participates in the reemployment and eligibility 1953
assessment program, or other reemployment services, as required 1954
by the director. As used in division (A) (7) of this section, 1955

"reemployment services" includes job search assistance 1956
activities, skills assessments, and the provision of labor 1957
market statistics or analysis. 1958

(a) For purposes of division (A)(7) of this section, 1959
participation is required unless the director determines that 1960
either of the following circumstances applies to the individual: 1961

(i) The individual has completed similar services. 1962

(ii) Justifiable cause exists for the failure of the 1963
individual to participate in those services. 1964

(b) Within six months after October 11, 2013, 1965
notwithstanding any earlier contact an individual may have had 1966
with a local one-stop county office, including as described in 1967
section 6301.08 of the Revised Code, beginning with the eighth 1968
week after the week during which an individual first files a 1969
valid application for determination of benefit rights in the 1970
individual's benefit year, the individual shall report to a 1971
local one-stop county office for reemployment services in the 1972
manner prescribed by the director. 1973

(c) An individual whose active search for work requirement 1974
has been waived under division (A)(4)(a) of this section or is 1975
considered to be satisfied under division (A)(4)(c), (d), or (e) 1976
of this section is exempt from the requirements of division (A) 1977
(7) of this section. 1978

(B) An individual suffering total or partial unemployment 1979
is eligible for benefits for unemployment occurring subsequent 1980
to a waiting period of one week and no benefits shall be payable 1981
during this required waiting period. Not more than one week of 1982
waiting period shall be required of any individual in any 1983
benefit year in order to establish the individual's eligibility 1984

for total or partial unemployment benefits. 1985

(C) The waiting period for total or partial unemployment 1986
shall commence on the first day of the first week with respect 1987
to which the individual first files a claim for benefits at an 1988
employment office or other place of registration maintained or 1989
designated by the director or on the first day of the first week 1990
with respect to which the individual has otherwise filed a claim 1991
for benefits in accordance with the rules of the department of 1992
job and family services, provided such claim is allowed by the 1993
director. 1994

(D) Notwithstanding division (A) of this section, no 1995
individual may serve a waiting period or be paid benefits under 1996
the following conditions: 1997

(1) For any week with respect to which the director finds 1998
that: 1999

(a) The individual's unemployment was due to a labor 2000
dispute other than a lockout at any factory, establishment, or 2001
other premises located in this or any other state and owned or 2002
operated by the employer by which the individual is or was last 2003
employed; and for so long as the individual's unemployment is 2004
due to such labor dispute. No individual shall be disqualified 2005
under this provision if either of the following applies: 2006

(i) The individual's employment was with such employer at 2007
any factory, establishment, or premises located in this state, 2008
owned or operated by such employer, other than the factory, 2009
establishment, or premises at which the labor dispute exists, if 2010
it is shown that the individual is not financing, participating 2011
in, or directly interested in such labor dispute; 2012

(ii) The individual's employment was with an employer not 2013

involved in the labor dispute but whose place of business was 2014
located within the same premises as the employer engaged in the 2015
dispute, unless the individual's employer is a wholly owned 2016
subsidiary of the employer engaged in the dispute, or unless the 2017
individual actively participates in or voluntarily stops work 2018
because of such dispute. If it is established that the claimant 2019
was laid off for an indefinite period and not recalled to work 2020
prior to the dispute, or was separated by the employer prior to 2021
the dispute for reasons other than the labor dispute, or that 2022
the individual obtained a bona fide job with another employer 2023
while the dispute was still in progress, such labor dispute 2024
shall not render the employee ineligible for benefits. 2025

(b) The individual has been given a disciplinary layoff 2026
for misconduct in connection with the individual's work. 2027

(2) For the duration of the individual's unemployment if 2028
the director finds that: 2029

(a) The individual quit work without just cause or has 2030
been discharged for just cause in connection with the 2031
individual's work, provided division (D) (2) of this section does 2032
not apply to the separation of a person under any of the 2033
following circumstances: 2034

(i) Separation from employment for the purpose of entering 2035
the armed forces of the United States if the individual is 2036
inducted into the armed forces within one of the following 2037
periods: 2038

(I) Thirty days after separation; 2039

(II) One hundred eighty days after separation if the 2040
individual's date of induction is delayed solely at the 2041
discretion of the armed forces. 2042

(ii) Separation from employment pursuant to a labor- 2043
management contract or agreement, or pursuant to an established 2044
employer plan, program, or policy, which permits the employee, 2045
because of lack of work, to accept a separation from employment; 2046

(iii) The individual has left employment to accept a 2047
recall from a prior employer or, except as provided in division 2048
(D) (2) (a) (iv) of this section, to accept other employment as 2049
provided under section 4141.291 of the Revised Code, or left or 2050
was separated from employment that was concurrent employment at 2051
the time of the most recent separation or within six weeks prior 2052
to the most recent separation where the remuneration, hours, or 2053
other conditions of such concurrent employment were 2054
substantially less favorable than the individual's most recent 2055
employment and where such employment, if offered as new work, 2056
would be considered not suitable under the provisions of 2057
divisions (E) and (F) of this section. Any benefits that would 2058
otherwise be chargeable to the account of the employer from whom 2059
an individual has left employment or was separated from 2060
employment that was concurrent employment under conditions 2061
described in division (D) (2) (a) (iii) of this section, shall 2062
instead be charged to the mutualized account created by division 2063
(B) of section 4141.25 of the Revised Code, except that any 2064
benefits chargeable to the account of a reimbursing employer 2065
under division (D) (2) (a) (iii) of this section shall be charged 2066
to the account of the reimbursing employer and not to the 2067
mutualized account, except as provided in division (D) (2) of 2068
section 4141.24 of the Revised Code. 2069

(iv) When an individual has been issued a definite layoff 2070
date by the individual's employer and before the layoff date, 2071
the individual quits to accept other employment, the provisions 2072
of division (D) (2) (a) (iii) of this section apply and no 2073

disqualification shall be imposed under division (D) of this 2074
section. However, if the individual fails to meet the employment 2075
and earnings requirements of division (A) (2) of section 4141.291 2076
of the Revised Code, then the individual, pursuant to division 2077
(A) (5) of this section, shall be ineligible for benefits for any 2078
week of unemployment that occurs prior to the layoff date. 2079

(b) The individual has refused without good cause to 2080
accept an offer of suitable work when made by an employer either 2081
in person or to the individual's last known address, or has 2082
refused or failed to investigate a referral to suitable work 2083
when directed to do so by a local employment office of this 2084
state or another state, provided that this division shall not 2085
cause a disqualification for a waiting week or benefits under 2086
the following circumstances: 2087

(i) When work is offered by the individual's employer and 2088
the individual is not required to accept the offer pursuant to 2089
the terms of the labor-management contract or agreement; or 2090

(ii) When the individual is attending a training course 2091
pursuant to division (A) (4) of this section except, in the event 2092
of a refusal to accept an offer of suitable work or a refusal or 2093
failure to investigate a referral, benefits thereafter paid to 2094
such individual shall not be charged to the account of any 2095
employer and, except as provided in division (B) (1) (b) of 2096
section 4141.241 of the Revised Code, shall be charged to the 2097
mutualized account as provided in division (B) of section 2098
4141.25 of the Revised Code. 2099

(c) Such individual quit work to marry or because of 2100
marital, parental, filial, or other domestic obligations. 2101

(d) The individual became unemployed by reason of 2102

commitment to any correctional institution. 2103

(e) The individual became unemployed because of dishonesty 2104
in connection with the individual's most recent or any base 2105
period work. Remuneration earned in such work shall be excluded 2106
from the individual's total base period remuneration and 2107
qualifying weeks that otherwise would be credited to the 2108
individual for such work in the individual's base period shall 2109
not be credited for the purpose of determining the total 2110
benefits to which the individual is eligible and the weekly 2111
benefit amount to be paid under section 4141.30 of the Revised 2112
Code. Such excluded remuneration and noncredited qualifying 2113
weeks shall be excluded from the calculation of the maximum 2114
amount to be charged, under division (D) of section 4141.24 and 2115
section 4141.33 of the Revised Code, against the accounts of the 2116
individual's base period employers. In addition, no benefits 2117
shall thereafter be paid to the individual based upon such 2118
excluded remuneration or noncredited qualifying weeks. 2119

For purposes of division (D) (2) (e) of this section, 2120
"dishonesty" means the commission of substantive theft, fraud, 2121
or deceitful acts. 2122

(3) For purposes of division (D) (2) (a) of this section, a 2123
discharge for just cause shall include any discharge in which 2124
both of the following apply: 2125

(a) The individual was not suitable for the position from 2126
which the individual was discharged, as shown by evidence that 2127
the individual did not perform the work required of the 2128
position. 2129

(b) The employer did not raise the employer's expectations 2130
of the individual during the individual's employment in that 2131

position. 2132

(E) No individual otherwise qualified to receive benefits 2133
shall lose the right to benefits by reason of a refusal to 2134
accept new work if: 2135

(1) As a condition of being so employed the individual 2136
would be required to join a company union, or to resign from or 2137
refrain from joining any bona fide labor organization, or would 2138
be denied the right to retain membership in and observe the 2139
lawful rules of any such organization. 2140

(2) The position offered is vacant due directly to a 2141
strike, lockout, or other labor dispute. 2142

(3) The work is at an unreasonable distance from the 2143
individual's residence, having regard to the character of the 2144
work the individual has been accustomed to do, and travel to the 2145
place of work involves expenses substantially greater than that 2146
required for the individual's former work, unless the expense is 2147
provided for. The director shall adopt rules to define 2148
"unreasonable distance" for purposes of division (E) (3) of this 2149
section. 2150

(4) The remuneration, hours, or other conditions of the 2151
work offered are substantially less favorable to the individual 2152
than those prevailing for similar work in the locality. 2153

(F) Subject to the special exceptions contained in 2154
division (A) (4) (f) of this section and section 4141.301 of the 2155
Revised Code, in determining whether any work is suitable for a 2156
claimant in the administration of this chapter, the director, in 2157
addition to the determination required under division (E) of 2158
this section, shall consider the degree of risk to the 2159
claimant's health, safety, and morals, the individual's physical 2160

fitness for the work, the individual's prior training and 2161
experience, the length of the individual's unemployment, the 2162
distance of the available work from the individual's residence, 2163
and the individual's prospects for obtaining local work. 2164

(G) The "duration of unemployment" as used in this section 2165
means the full period of unemployment next ensuing after a 2166
separation from any base period or subsequent work and until an 2167
individual has become reemployed in employment subject to this 2168
chapter, or the unemployment compensation act of another state, 2169
or of the United States, and until such individual has worked 2170
six weeks and for those weeks has earned or been paid 2171
remuneration equal to six times an average weekly wage of not 2172
less than: eighty-five dollars and ten cents per week beginning 2173
on June 26, 1990; and beginning on and after January 1, 1992, 2174
twenty-seven and one-half per cent of the statewide average 2175
weekly wage as computed each first day of January under division 2176
~~(B) (3)~~ (C) of section 4141.30 of the Revised Code, rounded down 2177
to the nearest dollar, except for purposes of division (D) (2) (c) 2178
of this section, such term means the full period of unemployment 2179
next ensuing after a separation from such work and until such 2180
individual has become reemployed subject to the terms set forth 2181
above, and has earned wages equal to one-half of the 2182
individual's average weekly wage or sixty dollars, whichever is 2183
less. 2184

(H) If a claimant is disqualified under division (D) (2) 2185
(a), (c), or (d) of this section or found to be qualified under 2186
the exceptions provided in division (D) (2) (a) (i), (iii), or (iv) 2187
of this section or division (A) (2) of section 4141.291 of the 2188
Revised Code, then benefits that may become payable to such 2189
claimant, which are chargeable to the account of the employer 2190
from whom the individual was separated under such conditions, 2191

shall be charged to the mutualized account provided in section 2192
4141.25 of the Revised Code, provided that no charge shall be 2193
made to the mutualized account for benefits chargeable to a 2194
reimbursing employer, except as provided in division (D) (2) of 2195
section 4141.24 of the Revised Code. In the case of a 2196
reimbursing employer, the director shall refund or credit to the 2197
account of the reimbursing employer any over-paid benefits that 2198
are recovered under division (B) of section 4141.35 of the 2199
Revised Code. Amounts chargeable to other states, the United 2200
States, or Canada that are subject to agreements and 2201
arrangements that are established pursuant to section 4141.43 of 2202
the Revised Code shall be credited or reimbursed according to 2203
the agreements and arrangements to which the chargeable amounts 2204
are subject. 2205

(I) (1) Benefits based on service in employment as provided 2206
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 2207
Code shall be payable in the same amount, on the same terms, and 2208
subject to the same conditions as benefits payable on the basis 2209
of other service subject to this chapter; except that after 2210
December 31, 1977: 2211

(a) Benefits based on service in an instructional, 2212
research, or principal administrative capacity in an institution 2213
of higher education, as defined in division (Y) of section 2214
4141.01 of the Revised Code; or for an educational institution 2215
as defined in division (CC) of section 4141.01 of the Revised 2216
Code, shall not be paid to any individual for any week of 2217
unemployment that begins during the period between two 2218
successive academic years or terms, or during a similar period 2219
between two regular but not successive terms or during a period 2220
of paid sabbatical leave provided for in the individual's 2221
contract, if the individual performs such services in the first 2222

of those academic years or terms and has a contract or a 2223
reasonable assurance that the individual will perform services 2224
in any such capacity for any such institution in the second of 2225
those academic years or terms. 2226

(b) Benefits based on service for an educational 2227
institution or an institution of higher education in other than 2228
an instructional, research, or principal administrative 2229
capacity, shall not be paid to any individual for any week of 2230
unemployment which begins during the period between two 2231
successive academic years or terms of the employing educational 2232
institution or institution of higher education, provided the 2233
individual performed those services for the educational 2234
institution or institution of higher education during the first 2235
such academic year or term and, there is a reasonable assurance 2236
that such individual will perform those services for any 2237
educational institution or institution of higher education in 2238
the second of such academic years or terms. 2239

If compensation is denied to any individual for any week 2240
under division (I)(1)(b) of this section and the individual was 2241
not offered an opportunity to perform those services for an 2242
institution of higher education or for an educational 2243
institution for the second of such academic years or terms, the 2244
individual is entitled to a retroactive payment of compensation 2245
for each week for which the individual timely filed a claim for 2246
compensation and for which compensation was denied solely by 2247
reason of division (I)(1)(b) of this section. An application for 2248
retroactive benefits shall be timely filed if received by the 2249
director or the director's deputy within or prior to the end of 2250
the fourth full calendar week after the end of the period for 2251
which benefits were denied because of reasonable assurance of 2252
employment. The provision for the payment of retroactive 2253

benefits under division (I) (1) (b) of this section is applicable 2254
to weeks of unemployment beginning on and after November 18, 2255
1983. The provisions under division (I) (1) (b) of this section 2256
shall be retroactive to September 5, 1982, only if, as a 2257
condition for full tax credit against the tax imposed by the 2258
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 2259
3301 to 3311, the United States secretary of labor determines 2260
that retroactivity is required by federal law. 2261

(c) With respect to weeks of unemployment beginning after 2262
December 31, 1977, benefits shall be denied to any individual 2263
for any week which commences during an established and customary 2264
vacation period or holiday recess, if the individual performs 2265
any services described in divisions (I) (1) (a) and (b) of this 2266
section in the period immediately before the vacation period or 2267
holiday recess, and there is a reasonable assurance that the 2268
individual will perform any such services in the period 2269
immediately following the vacation period or holiday recess. 2270

(d) With respect to any services described in division (I) 2271
(1) (a), (b), or (c) of this section, benefits payable on the 2272
basis of services in any such capacity shall be denied as 2273
specified in division (I) (1) (a), (b), or (c) of this section to 2274
any individual who performs such services in an educational 2275
institution or institution of higher education while in the 2276
employ of an educational service agency. For this purpose, the 2277
term "educational service agency" means a governmental agency or 2278
governmental entity that is established and operated exclusively 2279
for the purpose of providing services to one or more educational 2280
institutions or one or more institutions of higher education. 2281

(e) Any individual employed by a county board of 2282
developmental disabilities shall be notified by the thirtieth 2283

day of April each year if the individual is not to be reemployed 2284
the following academic year. 2285

(f) Any individual employed by a school district, other 2286
than a municipal school district as defined in section 3311.71 2287
of the Revised Code, shall be notified by the first day of June 2288
each year if the individual is not to be reemployed the 2289
following academic year. 2290

(2) No disqualification will be imposed, between academic 2291
years or terms or during a vacation period or holiday recess 2292
under this division, unless the director or the director's 2293
deputy has received a statement in writing from the educational 2294
institution or institution of higher education that the claimant 2295
has a contract for, or a reasonable assurance of, reemployment 2296
for the ensuing academic year or term. 2297

(3) If an individual has employment with an educational 2298
institution or an institution of higher education and employment 2299
with a noneducational employer, during the base period of the 2300
individual's benefit year, then the individual may become 2301
eligible for benefits during the between-term, or vacation or 2302
holiday recess, disqualification period, based on employment 2303
performed for the noneducational employer, provided that the 2304
employment is sufficient to qualify the individual for benefit 2305
rights separately from the benefit rights based on school 2306
employment. The weekly benefit amount and maximum benefits 2307
payable during a disqualification period shall be computed based 2308
solely on the nonschool employment. 2309

(J) Benefits shall not be paid on the basis of employment 2310
performed by an alien, unless the alien had been lawfully 2311
admitted to the United States for permanent residence at the 2312
time the services were performed, was lawfully present for 2313

purposes of performing the services, or was otherwise 2314
permanently residing in the United States under color of law at 2315
the time the services were performed, under section 212(d)(5) of 2316
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 2317
1101: 2318

(1) Any data or information required of individuals 2319
applying for benefits to determine whether benefits are not 2320
payable to them because of their alien status shall be uniformly 2321
required from all applicants for benefits. 2322

(2) In the case of an individual whose application for 2323
benefits would otherwise be approved, no determination that 2324
benefits to the individual are not payable because of the 2325
individual's alien status shall be made except upon a 2326
preponderance of the evidence that the individual had not, in 2327
fact, been lawfully admitted to the United States. 2328

(K) The director shall establish and utilize a system of 2329
profiling all new claimants under this chapter that: 2330

(1) Identifies which claimants will be likely to exhaust 2331
regular compensation and will need job search assistance 2332
services to make a successful transition to new employment; 2333

(2) Refers claimants identified pursuant to division (K) 2334
(1) of this section to reemployment services, such as job search 2335
assistance services, available under any state or federal law; 2336

(3) Collects follow-up information relating to the 2337
services received by such claimants and the employment outcomes 2338
for such claimant's subsequent to receiving such services and 2339
utilizes such information in making identifications pursuant to 2340
division (K)(1) of this section; and 2341

(4) Meets such other requirements as the United States 2342

secretary of labor determines are appropriate. 2343

(L) Except as otherwise provided in division (A) (6) of 2344
this section, ineligibility pursuant to division (A) of this 2345
section shall begin on the first day of the week in which the 2346
claimant becomes ineligible for benefits and shall end on the 2347
last day of the week preceding the week in which the claimant 2348
satisfies the eligibility requirements. 2349

(M) The director shall adopt rules to define "locality" 2350
for purposes of this section and may adopt rules that the 2351
director considers necessary for the administration of division 2352
(A) of this section. 2353

Sec. 4141.30. (A) As used in this section, "unemployment 2354
compensation fund" means the unemployment compensation fund 2355
created in section 4141.09 of the Revised Code. 2356

(B) All benefits shall be paid through public employment 2357
offices in accordance with such rules as the director of job and 2358
family services prescribes. 2359

~~(B) With the exceptions in division (B) (4) of this~~ 2360
~~section, benefits~~ (C) Benefits are payable to each eligible and 2361
qualified individual on account of each week of involuntary 2362
total unemployment after the specified waiting period at the 2363
weekly benefit amount determined by: 2364

(1) Computing the individual's average weekly wage as 2365
defined in division (O) (2) of section 4141.01 of the Revised 2366
Code; 2367

~~(2) Determining the individual's dependency class under~~ 2368
~~division (E) of this section;~~ 2369

~~(3) Computing the individual's weekly benefit amount to be~~ 2370

fifty per cent of the individual's average weekly wage except, 2371
that the individual's weekly benefit amount shall not exceed the 2372
maximum amount ~~shown for the individual's dependency class in~~ 2373
~~the following table:~~ 2374

Maximum Weekly	2375
Dependency Class Benefit Amount	2376
A \$147	2377
B 223	2378
C 233	2379

~~Effective Sunday of the calendar week in which January 1,~~ 2380
~~1988, occurs and on each similar day of each year thereafter,~~ 2381
~~the current maximum weekly benefit amount for each dependency~~ 2382
~~class shall be adjusted based on the statewide average weekly~~ 2383
~~wage. Any percentage increase in such statewide average weekly~~ 2384
~~wage between the wage computed for the current year and the wage~~ 2385
~~computed for the preceding year shall be used to increase the~~ 2386
~~maximum amounts then in effect by the same percentage. Such~~ 2387
~~increased amounts will be effective with respect to applications~~ 2388
~~for benefit rights filed during the fifty two consecutive~~ 2389
~~calendar weeks beginning with such Sunday date described in~~ 2390
~~division (D) of this section.~~ 2391

The director shall calculate the statewide average weekly 2392
wage based on the average weekly earnings of all workers in 2393
employment subject to this chapter during the preceding twelve- 2394
month period ending the thirtieth day of June. The calculation 2395
shall be made in the following manner: 2396

(a) The sum of the total monthly employment reported for 2397
the previous twelve-month period shall be divided by twelve to 2398
determine the average monthly employment; 2399

(b) The sum of the total wages reported for the previous 2400
twelve-month period shall be divided by the average monthly 2401
employment to determine the average annual wage; 2402

(c) The average annual wage shall be divided by fifty-two 2403
to determine the statewide average weekly wage. 2404

In the computation of the weekly benefit amount, any 2405
resulting amount not a multiple of one dollar shall be rounded 2406
to the next lower multiple of one dollar. In the computation of 2407
the adjusted maximum benefit amounts, based on the statewide 2408
average weekly wage, any resulting amount not a multiple of one 2409
dollar shall be rounded to the next lower multiple of one 2410
dollar. 2411

~~(4) Effective Sunday of the calendar week in which January 2412
1, occurs for calendar years 1988 through 1993, the maximum 2413
weekly benefit amount payable for an individual's dependency 2414
class for those years shall be computed in accordance with this 2415
division, with an additional increase added to the prior year's 2416
increase equal to one-sixth of total percentage increase that 2417
otherwise would have been available in calendar years 1983, 2418
1984, 1985, 1986, and 1987, if in those years an adjustment in 2419
the maximum weekly benefit amount would have been made pursuant 2420
to this division. 2421~~

~~(5) Effective Sunday of the calendar week in which January 2422
1, 1991, occurs, the maximum weekly benefit amounts computed 2423
under divisions (B) (3) and (4) of this section shall not exceed 2424
the following amounts: 2425~~

~~(a) For dependency class A, fifty per cent of the 2426
statewide average weekly wage; 2427~~

~~(b) For dependency class B, sixty per cent of the 2428~~

~~statewide average weekly wage;~~ 2429

~~(c) For dependency class C, sixty-six and two-thirds per-~~ 2430
~~cent of the statewide average weekly wage.~~ 2431

~~Division (B) (5) of this section applies to all new claims-~~ 2432
~~filed on and after the Sunday of the calendar week in which-~~ 2433
~~January 1, 1991, occurs, provided that the maximum weekly-~~ 2434
~~benefit amounts established for the dependency classes prior to-~~ 2435
~~such date apply to all claims until the maximum weekly benefit-~~ 2436
~~amounts as determined pursuant to division (B) (5) of this-~~ 2437
~~section equal or exceed the maximum weekly benefit amounts in-~~ 2438
~~effect prior to such date.~~ 2439

~~(C)~~ (D) (1) Except as provided in division (D) (2) of this 2440
section, no individual's weekly benefit amount shall exceed 2441
fifty per cent of the statewide average weekly wage as 2442
calculated pursuant to division (C) of this section. 2443

(2) For the time period beginning on the effective date of 2444
this amendment and ending on the Saturday of the calendar week 2445
in which the first day of January occurs immediately following 2446
the computation date on which the director determines that the 2447
unemployment compensation fund is at or above the minimum safe 2448
level as defined in section 4141.25 of the Revised Code, no 2449
individual's weekly benefit amount shall exceed fifty per cent 2450
of the statewide average weekly wage as calculated pursuant to 2451
division (C) of this section that was in effect on the effective 2452
date of this amendment. 2453

(E) Benefits are payable to each partially unemployed 2454
individual otherwise eligible on account of each week of 2455
involuntary partial unemployment after the specified waiting 2456
period in an amount equal to the individual's weekly benefit 2457

amount less that part of the remuneration payable to the 2458
individual with respect to such week which is in excess of 2459
twenty per cent of the individual's weekly benefit amount, and 2460
the resulting amount rounded to the next lower multiple of one 2461
dollar. 2462

~~(D)~~ (F) (1) For any benefit year beginning on or after 2463
the effective date of this amendment, the maximum number of 2464
weeks for which an individual may receive benefits shall be 2465
determined by the director based on the state's adjusted 2466
unemployment rate, as stated in the most recently issued monthly 2467
report of the state's adjusted unemployment rate from the 2468
department of job and family services, at the time the 2469
individual's application for a determination of benefit rights 2470
is filed, in accordance with the following schedule: 2471

<u>Adjusted unemployment rate</u>	<u>Maximum number of weeks</u>	
<u>5.5% or below</u>	<u>20</u>	2473
<u>Greater than 5.5% to 6%</u>	<u>21</u>	2474
<u>Greater than 6% to 6.5%</u>	<u>22</u>	2475
<u>Greater than 6.5% to 7%</u>	<u>23</u>	2476
<u>Greater than 7% to 7.5%</u>	<u>24</u>	2477
<u>Greater than 7.5% to 8%</u>	<u>25</u>	2478
<u>Greater than 8%</u>	<u>26</u>	2479

(2) If the report used to determine an individual's 2480
maximum number of benefit weeks under division (F) (1) of this 2481
section is revised with respect to the adjusted unemployment 2482
rate reported for that month, the director shall use the higher 2483
rate to determine the individual's maximum number of benefit 2484

weeks under division (F) (1) of this section. 2485

(G) (1) In any benefit year that begins before the 2486
effective date of this amendment, the total benefits to which an 2487
individual is entitled in any benefit year, whether for partial 2488
or total unemployment, or both, shall not exceed the lesser of 2489
the following two amounts: (1) an amount equal to twenty-six 2490
times the individual's weekly benefit amount determined in 2491
accordance with division ~~(B)~~(C) of this section and this 2492
division, or (2) an amount computed by taking the sum of twenty 2493
times the individual's weekly benefit amount for the first 2494
twenty base period qualifying weeks plus one times the weekly 2495
benefit amount for each additional qualifying week beyond the 2496
first twenty qualifying weeks in the individual's base period. 2497

(2) In any benefit year that begins on or after the 2498
effective date of this amendment, the total benefits to which an 2499
individual is entitled, whether for partial or total 2500
unemployment, or both, shall not exceed an amount equal to the 2501
maximum number of weeks to which an individual may receive 2502
benefits under division (F) of this section times the 2503
individual's weekly benefit amount determined in accordance with 2504
division (C) of this section. 2505

~~(E) Each~~ (H) In addition to an individual's weekly benefit 2506
amount determined in accordance with division (C) of this 2507
section, each eligible and qualified individual shall be 2508
~~assigned receive a dependency class in accordance with the~~ 2509
~~following schedule:~~ 2510

~~Class Description of Dependents~~ 2511
~~A No dependents, or has~~ 2512
~~insufficient wages to qualify~~ 2513
~~for more than the maximum~~ 2514

~~_____ weekly benefit amount as~~ 2515
~~_____ provided under dependency~~ 2516
~~_____ class A~~ 2517
~~_____ B One or two dependents~~ 2518
~~_____ C Three or more dependents~~ allowance for each week in 2519
which the individual receives benefits. An individual shall 2520
receive in each week the individual receives benefits, five 2521
dollars for one dependent, plus three dollars for an additional 2522
dependent. The total amount of a dependency allowance under this 2523
division shall not exceed eight dollars in any week. 2524

As used in this division "dependent" means: 2525

(1) Any natural child, stepchild, or adopted child of the 2526
individual claiming benefits for whom such individual at the 2527
beginning of the individual's current benefit year is ~~supplying~~ 2528
~~and for at least ninety consecutive days, or for the duration of~~ 2529
~~the parental relationship if it existed less than ninety days,~~ 2530
~~immediately preceding the beginning of such benefit year, has~~ 2531
~~supplied more than one half of the cost of support wholly or~~ 2532
chiefly supporting and if such child on the beginning date of 2533
such benefit year was under eighteen years of age, or if unable 2534
to work because of permanent physical or mental disability; 2535

(2) The legally married wife or husband of the individual 2536
claiming benefits for whom ~~more than one half the cost of~~ 2537
~~support has been supplied by such individual for at least ninety~~ 2538
~~consecutive days, or for the duration of the marital~~ 2539
~~relationship if it has existed for less than ninety days,~~ 2540
immediately preceding the beginning of such individual's current 2541
benefit year ~~and such wife or husband,~~ was living with such 2542
~~individual and had an average weekly income, in such period, not~~ 2543
~~in excess of twenty five per cent of the claimant's average~~ 2544

~~weekly wage and wholly or chiefly supporting.~~ 2545

(3) If both the husband and wife qualify for benefit 2546
rights with overlapping benefit years, only one of them may 2547
qualify for a dependency ~~class other than A~~ allowance under this 2548
division. 2549

Sec. 4141.35. (A) If the director of job and family 2550
services finds that any fraudulent misrepresentation has been 2551
made by an applicant for or a recipient of benefits with the 2552
object of obtaining benefits to which the applicant or recipient 2553
was not entitled, and in addition to any other penalty or 2554
forfeiture under this chapter, then the director: 2555

(1) Shall within four years after the end of the benefit 2556
year in which the fraudulent misrepresentation was made reject 2557
or cancel such person's entire weekly claim for benefits that 2558
was fraudulently claimed, or the person's entire benefit rights 2559
if the misrepresentation was in connection with the filing of 2560
the claimant's application for determination of benefit rights; 2561

(2) Shall by order declare that, for each application for 2562
benefit rights and for each weekly claim canceled, such person 2563
shall be ineligible for two otherwise valid weekly claims for 2564
benefits, claimed within six years subsequent to the discovery 2565
of such misrepresentation; 2566

(3) By order shall require that the total amount of 2567
benefits rejected or canceled under division (A)(1) of this 2568
section be repaid to the director before such person may become 2569
eligible for further benefits, and shall withhold such unpaid 2570
sums from future benefit payments accruing and otherwise payable 2571
to such claimant. Effective with orders issued on or after 2572
January 1, 1993, if such benefits are not repaid within thirty 2573

days after the director's order becomes final, interest on the 2574
amount remaining unpaid shall be charged to the person at a rate 2575
and calculated in the same manner as provided under section 2576
4141.23 of the Revised Code. When a person ordered to repay 2577
benefits has repaid all overpaid benefits according to a plan 2578
approved by the director, the director may cancel the amount of 2579
interest that accrued during the period of the repayment plan. 2580
The director may take action in any court of competent 2581
jurisdiction to collect benefits and interest as provided in 2582
sections 4141.23 and 4141.27 of the Revised Code, in regard to 2583
the collection of unpaid contributions, using the final 2584
repayment order as the basis for such action. Except as 2585
otherwise provided in this division, no administrative or legal 2586
proceedings for the collection of such benefits or interest due, 2587
or for the collection of a penalty under division (A) (4) of this 2588
section, shall be initiated after the expiration of ~~six~~eight 2589
years from the date on which the director's order requiring 2590
repayment became final and the amount of any benefits, penalty, 2591
or interest not recovered at that time, and any liens thereon, 2592
shall be canceled as uncollectible. The time limit for 2593
instituting proceedings shall be extended by the period of any 2594
stay to the collection or by any other time period to which the 2595
parties mutually agree. 2596

(4) Shall, for findings made on or after October 21, 2013, 2597
by order assess a mandatory penalty on such a person in an 2598
amount equal to twenty-five per cent of the total amount of 2599
benefits rejected or canceled under division (A) (1) of this 2600
section. The first sixty per cent of each penalty collected 2601
under division (A) (4) of this section shall be deposited into 2602
the unemployment compensation fund created under section 4141.09 2603
of the Revised Code and shall be credited to the mutualized 2604

account, as provided in division (B) (2) (g) of section 4141.25 of 2605
the Revised Code. The remainder of each penalty collected shall 2606
be deposited into the unemployment compensation special 2607
administrative fund created under section 4141.11 of the Revised 2608
Code. 2609

(5) May take action to collect benefits fraudulently 2610
obtained under the unemployment compensation law of any other 2611
state or the United States or Canada. Such action may be 2612
initiated in the courts of this state in the same manner as 2613
provided for unpaid contributions in section 4141.41 of the 2614
Revised Code. 2615

(6) May take action to collect benefits that have been 2616
fraudulently obtained from the director, interest pursuant to 2617
division (A) (3) of this section, and court costs, through 2618
attachment proceedings under Chapter 2715. of the Revised Code 2619
and garnishment proceedings under Chapter 2716. of the Revised 2620
Code. 2621

(B) If the director finds that an applicant for benefits 2622
has been credited with a waiting period or paid benefits to 2623
which the applicant was not entitled for reasons other than 2624
fraudulent misrepresentation, the director shall: 2625

(1) (a) Within six months after the determination under 2626
which the claimant was credited with that waiting period or paid 2627
benefits becomes final pursuant to section 4141.28 of the 2628
Revised Code, or within three years after the end of the benefit 2629
year in which such benefits were claimed, whichever is later, by 2630
order cancel such waiting period and require that such benefits 2631
be repaid to the director or be withheld from any benefits to 2632
which such applicant is or may become entitled before any 2633
additional benefits are paid, provided that the repayment or 2634

withholding shall not be required where the overpayment is the result of the director's correcting a prior decision due to a typographical or clerical error in the director's prior decision, or an error in an employer's report under division (G) of section 4141.28 of the Revised Code.

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

(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a) (4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(3) If the amounts required to be repaid under division (B) of this section are not recovered within ~~three~~ six years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible, provided that the time limit for collection shall be extended by the period of any stay to the

collection or by any other time period to which the parties 2665
mutually agree. 2666

(C) The appeal provisions of sections 4141.281 and 2667
4141.282 of the Revised Code shall apply to all orders and 2668
determinations issued under this section, except that an 2669
individual's right of appeal under division (B) (2) of this 2670
section shall be limited to this state's authority to recover 2671
overpayment of benefits. 2672

(D) If an individual makes a full repayment or a repayment 2673
that is less than the full amount required by this section, the 2674
director shall apply the repayment to the mutualized account 2675
under division (B) of section 4141.25 of the Revised Code, 2676
except that the director shall credit the repayment to the 2677
accounts of the individual's base period employers that 2678
previously have not been credited for the amount of improperly 2679
paid benefits charged against their accounts based on the 2680
proportion of benefits charged against the accounts as 2681
determined pursuant to division (D) of section 4141.24 of the 2682
Revised Code. 2683

The director shall deposit any repayment collected under 2684
this section that the director determines to be payment of 2685
interest or court costs into the unemployment compensation 2686
special administrative fund established pursuant to section 2687
4141.11 of the Revised Code. 2688

This division does not apply to any of the following: 2689

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 2690

(2) Unclaimed fund recoveries under section 131.024 of the 2691
Revised Code; 2692

(3) Lottery award offsets under section 3770.073 of the 2693

Revised Code;	2694
(4) State tax refund offsets under section 5747.12 of the Revised Code.	2695 2696
Sec. 4141.43. (A) The director of job and family services may cooperate with the industrial commission, the bureau of workers' compensation, the United States internal revenue service, the United States employment service, and other similar departments and agencies, as determined by the director, in the exchange or disclosure of information as to wages, employment, payrolls, unemployment, and other information. The director may employ, jointly with one or more of such agencies or departments, auditors, examiners, inspectors, and other employees necessary for the administration of this chapter and employment and training services for workers in the state.	2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707
(B) The director may make the state's record relating to the administration of this chapter available to the railroad retirement board and may furnish the board at the board's expense such copies thereof as the board deems necessary for its purposes.	2708 2709 2710 2711 2712
(C) The director may afford reasonable cooperation with every agency of the United States charged with the administration of any unemployment compensation law.	2713 2714 2715
(D) The director may enter into arrangements with the appropriate agencies of other states or of the United States or Canada whereby individuals performing services in this and other states for a single employer under circumstances not specifically provided for in division (B) of section 4141.01 of the Revised Code or in similar provisions in the unemployment compensation laws of such other states shall be deemed to be	2716 2717 2718 2719 2720 2721 2722

engaged in employment performed entirely within this state or 2723
within one of such other states or within Canada, and whereby 2724
potential rights to benefits accumulated under the unemployment 2725
compensation laws of several states or under such a law of the 2726
United States, or both, or of Canada may constitute the basis 2727
for the payment of benefits through a single appropriate agency 2728
under terms that the director finds will be fair and reasonable 2729
as to all affected interests and will not result in any 2730
substantial loss to the unemployment compensation fund. 2731

(E) The director may enter into agreements with the 2732
appropriate agencies of other states or of the United States or 2733
Canada: 2734

(1) Whereby services or wages upon the basis of which an 2735
individual may become entitled to benefits under the 2736
unemployment compensation law of another state or of the United 2737
States or Canada shall be deemed to be employment or wages for 2738
employment by employers for the purposes of qualifying claimants 2739
for benefits under this chapter, and the director may estimate 2740
the number of weeks of employment represented by the wages 2741
reported to the director for such claimants by such other 2742
agency, provided such other state agency or agency of the United 2743
States or Canada has agreed to reimburse the unemployment 2744
compensation fund for such portion of benefits paid under this 2745
chapter upon the basis of such services or wages as the director 2746
finds will be fair and reasonable as to all affected interests; 2747

(2) Whereby the director will reimburse other state or 2748
federal or Canadian agencies charged with the administration of 2749
unemployment compensation laws with such reasonable portion of 2750
benefits, paid under the law of such other states or of the 2751
United States or of Canada upon the basis of employment or wages 2752

for employment by employers, as the director finds will be fair 2753
and reasonable as to all affected interests. Reimbursements so 2754
payable shall be deemed to be benefits for the purpose of 2755
section 4141.09 and division ~~(A)~~ (B) of section 4141.30 of the 2756
Revised Code. However, no reimbursement so payable shall be 2757
charged against any employer's account for the purposes of 2758
section 4141.24 of the Revised Code if the employer's account, 2759
under the same or similar circumstances, with respect to 2760
benefits charged under the provisions of this chapter, other 2761
than this section, would not be charged or, if the claimant at 2762
the time the claimant files the combined wage claim cannot 2763
establish benefit rights under this chapter. This noncharging 2764
shall not be applicable to a nonprofit organization that has 2765
elected to make payments in lieu of contributions under section 2766
4141.241 of the Revised Code, except as provided in division (D) 2767
(2) of section 4141.24 of the Revised Code. The director may 2768
make to other state or federal or Canadian agencies and receive 2769
from such other state or federal or Canadian agencies 2770
reimbursements from or to the unemployment compensation fund, in 2771
accordance with arrangements pursuant to this section. 2772

(3) Notwithstanding division (B) (2) (f) of section 4141.01 2773
of the Revised Code, the director may enter into agreements with 2774
other states whereby services performed for a crew leader, as 2775
defined in division (BB) of section 4141.01 of the Revised Code, 2776
may be covered in the state in which the crew leader either: 2777

(a) Has the crew leader's place of business or from which 2778
the crew leader's business is operated or controlled; 2779

(b) Resides if the crew leader has no place of business in 2780
any state. 2781

(F) The director may apply for an advance to the 2782

unemployment compensation fund and do all things necessary or 2783
required to obtain such advance and arrange for the repayment of 2784
such advance in accordance with Title XII of the "Social 2785
Security Act" as amended. 2786

(G) The director may enter into reciprocal agreements or 2787
arrangements with the appropriate agencies of other states in 2788
regard to services on vessels engaged in interstate or foreign 2789
commerce whereby such services for a single employer, wherever 2790
performed, shall be deemed performed within this state or within 2791
such other states. 2792

(H) The director shall participate in any arrangements for 2793
the payment of compensation on the basis of combining an 2794
individual's wages and employment, covered under this chapter, 2795
with the individual's wages and employment covered under the 2796
unemployment compensation laws of other states which are 2797
approved by the United States secretary of labor in consultation 2798
with the state unemployment compensation agencies as reasonably 2799
calculated to assure the prompt and full payment of compensation 2800
in such situations and which include provisions for: 2801

(1) Applying the base period of a single state law to a 2802
claim involving the combining of an individual's wages and 2803
employment covered under two or more state unemployment 2804
compensation laws, and 2805

(2) Avoiding the duplicate use of wages and employment by 2806
reason of such combining. 2807

(I) The director shall cooperate with the United States 2808
department of labor to the fullest extent consistent with this 2809
chapter, and shall take such action, through the adoption of 2810
appropriate rules, regulations, and administrative methods and 2811

standards, as may be necessary to secure to this state and its 2812
citizens all advantages available under the provisions of the 2813
"Social Security Act" that relate to unemployment compensation, 2814
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 2815
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 2816
113, 29 U.S.C.A. 49, and the "Federal-State Extended 2817
Unemployment Compensation Act of 1970," 84 Stat. 596, 26 2818
U.S.C.A. 3306, and the "Workforce Investment Act of 1998," 112 2819
Stat. 936, 29 U.S.C.A. 2801 et seq. 2820

(J) The director may disclose wage information furnished 2821
to or maintained by the director under Chapter 4141. of the 2822
Revised Code to a consumer reporting agency as defined by the 2823
"Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 2824
as amended, for the purpose of verifying an individual's income 2825
under a written agreement that requires all of the following: 2826

(1) A written statement of informed consent from the 2827
individual whose information is to be disclosed; 2828

(2) A written statement confirming that the consumer 2829
reporting agency and any other entity to which the information 2830
is disclosed or released will safeguard the information from 2831
illegal or unauthorized disclosure; 2832

(3) A written statement confirming that the consumer 2833
reporting agency will pay to the bureau all costs associated 2834
with the disclosure. 2835

The director shall prescribe a manner and format in which 2836
this information may be provided. 2837

(K) The director shall adopt rules defining the 2838
requirements of the release of individual income verification 2839
information specified in division (J) of this section, which 2840

shall include all terms and conditions necessary to meet the 2841
requirements of federal law as interpreted by the United States 2842
department of labor or considered necessary by the director for 2843
the proper administration of this division. 2844

(L) The director shall disclose information furnished to 2845
or maintained by the director under this chapter upon request 2846
and on a reimbursable basis as required by section 303 of the 2847
"Social Security Act," 42 U.S.C.A. 503, and section 3304 of the 2848
"Internal Revenue Code," 26 U.S.C.A. 3304. 2849

Sec. 4141.53. (A) An individual is eligible to receive 2850
shared work compensation for a week in which the individual 2851
satisfies all of the following: 2852

(1) The individual is employed by a participating employer 2853
and is subject to a shared work plan that was approved before 2854
that week and is in effect for that week. 2855

(2) The individual is available for work and is actively 2856
seeking work by being available for the individual's normal 2857
weekly hours of work. 2858

(3) The individual's normal weekly hours of work with the 2859
participating employer have been reduced by at least ten per 2860
cent but not more than fifty per cent. 2861

(4) The individual has been employed by an employer or 2862
employers subject to this chapter in at least twenty qualifying 2863
weeks within the individual's base period and has earned or been 2864
paid remuneration at an average weekly wage of not less than 2865
twenty-seven and one-half per cent of the statewide average 2866
weekly wage for those weeks. 2867

(5) The individual has been subject to a shared work plan 2868
for at least one week prior to the week for which the 2869

compensation is to be paid, or otherwise satisfies the waiting 2870
period requirement of division (B) of section 4141.29 of the 2871
Revised Code for the individual's benefit year. 2872

(6) The individual otherwise satisfies the requirements of 2873
this chapter and is not otherwise disqualified from receiving 2874
unemployment compensation benefits. 2875

(B) For purposes of division (A) (2) of this section, an 2876
individual is available for the individual's normal weekly hours 2877
of work with the participating employer if the individual does 2878
any of the following: 2879

(1) Works the number of weekly hours assigned to the 2880
individual under an approved shared work plan; 2881

(2) Works fewer hours than the number of weekly hours 2882
assigned to the individual under an approved shared work plan 2883
and either of the following apply: 2884

(a) The individual takes approved time off during the week 2885
with pay, and the combined work hours and paid leave hours equal 2886
the number of hours the employee would have worked under the 2887
plan; 2888

(b) The individual does not take approved time off with 2889
pay during that week and the reduction in hours was not the 2890
fault of the individual and was not more than fifty per cent of 2891
the individual's normal weekly hours of work. 2892

(C) (1) Except as provided in division (C) (2) or (D) of 2893
this section, the director of job and family services shall pay 2894
a participating employee who is eligible for weekly shared work 2895
compensation in an amount equal to the participating employee's 2896
weekly benefit amount as described in division ~~(B)~~ (C) of 2897
section 4141.30 of the Revised Code for a period of total 2898

unemployment, multiplied by the reduction percentage specified 2899
in the approved shared work plan applicable to the participating 2900
employee. 2901

(2) The director shall pay a participating employee who is 2902
eligible for weekly shared work compensation in an amount equal 2903
to the participating employee's weekly benefit amount as 2904
described in division ~~(B)~~ (C) of section 4141.30 of the Revised 2905
Code for a period of total unemployment, multiplied by the 2906
percentage by which the participating employee's normal weekly 2907
hours of work were actually reduced during the workweek, if all 2908
of the following apply: 2909

(a) The participating employee did not take approved paid 2910
leave during the week. 2911

(b) The participating employee's normal weekly hours of 2912
work were actually reduced by not less than ten per cent and not 2913
greater than fifty per cent. 2914

(c) The increase or decrease in the participating 2915
employee's hours above or below the number of hours assigned to 2916
the employee in the approved shared work plan was not the fault 2917
of the employee. 2918

(3) The director shall determine fault for purposes of 2919
divisions (B) (2) (b) and (C) (2) (c) of this section in the same 2920
manner that the director makes determinations for benefit rights 2921
and determines claims for unemployment compensation benefits 2922
under sections 4141.28 and 4141.281 of the Revised Code. 2923

(4) The director shall round the amount of a shared work 2924
compensation payment that is not a multiple of one dollar to the 2925
next lower multiple of one dollar. 2926

(5) No shared work compensation shall be payable during 2927

the one-week period described in division (A) (5) of this 2928
section. 2929

(D) If an individual works for a participating employer 2930
and another employer during the weeks the individual is covered 2931
by an approved shared work plan, eligibility for shared work 2932
compensation is determined as follows: 2933

(1) If the combined number of hours the individual works 2934
for both the participating employer and the other employer in a 2935
week exceeds the amount of the individual's normal weekly hours 2936
of work reduced by ten per cent, the individual is not eligible 2937
for shared work compensation. 2938

(2) If the combined number of hours the individual works 2939
in a week for both employers equals the amount of the 2940
individual's normal weekly hours of work reduced between ten and 2941
fifty per cent, the director shall pay the individual, if the 2942
individual is otherwise eligible, shared work compensation in an 2943
amount equal to the individual's weekly benefit amount as 2944
described in division ~~(B)~~ (C) of section 4141.30 of the Revised 2945
Code for a period of total unemployment, multiplied by the 2946
percentage by which the individual's normal weekly hours of work 2947
were reduced during the week when factoring in both the amount 2948
of hours worked for the other employer and the amount of hours 2949
worked for the participating employer. 2950

(E) A participating employee is not entitled to receive 2951
shared work compensation and unemployment compensation benefits 2952
that, when combined, exceed the maximum total benefits payable 2953
to the participating employee in a benefit year under section 2954
4141.30 of the Revised Code. No participating employee shall be 2955
paid shared work compensation during the employee's benefit year 2956
in an amount that exceeds twenty-six times the amount of the 2957

employee's weekly benefit amount for a period of total 2958
unemployment under section 4141.30 of the Revised Code. 2959

(F) An individual who has received all of the shared work 2960
compensation and unemployment compensation benefits available in 2961
a benefit year is an individual who has exhausted regular 2962
benefits under section 4141.30 of the Revised Code and is 2963
entitled to receive extended benefits under section 4141.301 of 2964
the Revised Code if the individual is otherwise eligible to 2965
receive benefits under that section. 2966

(G) Except as provided in division (C)(2) of this section, 2967
the director shall not pay shared work compensation to an 2968
individual for a week during which the individual performs paid 2969
work for the individual's participating employer that exceeds or 2970
falls below the reduced hours established under an approved 2971
shared work plan that covers the individual. 2972

(H)(1) Except as provided in divisions (H)(2) and (3) of 2973
this section, a participating employee is not eligible to 2974
receive benefits for being partially unemployed for any week 2975
during which the individual works as a participating employee. 2976

(2) A participating employee who performs no services 2977
during a week for the participating employer and who is 2978
otherwise eligible may be paid benefits for being totally or 2979
partially unemployed for that week. 2980

(3) A participating employee whose normal weekly hours of 2981
work are reduced by more than fifty per cent and who is 2982
otherwise eligible may be paid benefits for partial unemployment 2983
for that week. 2984

(I) Any payment of total or partial unemployment 2985
compensation benefits under this section is not a payment of 2986

shared work compensation under an approved plan but shall be 2987
calculated against the maximum total benefits payable to the 2988
participating employee in a benefit year under section 4141.30 2989
of the Revised Code. 2990

(J) For purposes of this section and unless another 2991
benefit year applies to the individual, notwithstanding division 2992
(R) (1) of section 4141.01 of the Revised Code, a participating 2993
employee's "benefit year" is the fifty-two week period beginning 2994
with the first day of that week with respect to which the 2995
employee's participating employer first files a claim on behalf 2996
of the participating employee pursuant to division (B) of 2997
section 4141.54 of the Revised Code. 2998

Section 2. That existing sections 4141.01, 4141.25, 2999
4141.251, 4141.281, 4141.29, 4141.30, 4141.35, 4141.43, and 3000
4141.53 of the Revised Code are hereby repealed. 3001

Section 3. (A) As used in this section, "benefit year" has 3002
the same meaning as in section 4141.01 of the Revised Code, as 3003
amended by this act. 3004

(B) Section 4141.30 of the Revised Code, as amended by 3005
this act, shall apply to an individual whose benefit year begins 3006
on or after January 1, 2018. 3007

(C) Section 4141.29 of the Revised Code, as amended by 3008
this act, shall apply to valid applications for determination of 3009
benefit rights filed on or after the effective date of this act. 3010

Section 4. It is the intent of the General Assembly to 3011
adopt a joint resolution to submit to the electors of Ohio a 3012
proposal to allow the state to issue bonds to repay debt 3013
incurred by the unemployment compensation system. 3014

Section 5. Members of the Unemployment Compensation 3015

Advisory Council created by section 4141.08 of the Revised Code 3016
shall be appointed as soon as practicable after the effective 3017
date of this act but not later than March 24, 2017. The Council 3018
shall meet not later than March 31, 2017. Thereafter, the 3019
Council shall meet at least once each calendar quarter as 3020
required under division (D) of section 4141.08 of the Revised 3021
Code. The Council shall, as often as the Council determines to 3022
be proper, make periodic recommendations to the General Assembly 3023
regarding needed changes in Ohio's Unemployment Compensation 3024
Law. 3025