

**As Introduced**

**132nd General Assembly**

**Regular Session**

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**H. B. No. 785**

**Representative Miller**

**Cosponsors: Representatives Ramos, Holmes**

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**A BILL**

To amend sections 4141.28 and 4141.30 of the  
Revised Code regarding notices, resources, and  
benefits under the Unemployment Compensation Law  
when an employer lays off two hundred or more  
employees within a seven-day period due to lack  
of work.

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

**Section 1.** That sections 4141.28 and 4141.30 of the  
Revised Code be amended to read as follows:

**Sec. 4141.28.**

BENEFITS

(A) FILINGS

Applications for determination of benefit rights and  
claims for benefits shall be filed with the director of job and  
family services. Such applications and claims also may be filed  
with an employee of another state or federal agency charged with  
the duty of accepting applications and claims for unemployment  
benefits or with an employee of the unemployment insurance

commission of Canada. 18

When an unemployed individual files an application for 19  
determination of benefit rights, the director shall furnish the 20  
individual with an explanation of the individual's appeal 21  
rights. The explanation shall describe clearly the different 22  
levels of appeal and explain where and when each appeal must be 23  
filed. 24

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 25

In filing an application, an individual shall furnish the 26  
director with the name and address of the individual's most 27  
recent separating employer and the individual's statement of the 28  
reason for separation from the employer. The director shall 29  
promptly notify the individual's most recent separating employer 30  
of the filing and request the reason for the individual's 31  
unemployment, unless that notice is not necessary under 32  
conditions the director establishes by rule. The director may 33  
request from the individual or any employer information 34  
necessary for the determination of the individual's right to 35  
benefits. The employer shall provide the information requested 36  
within ten working days after the request is sent. If necessary 37  
to ensure prompt determination and payment of benefits, the 38  
director shall base the determination on the information that is 39  
available. 40

An individual filing an application for determination of 41  
benefit rights shall disclose, at the time of filing, whether or 42  
not the individual owes child support obligations. 43

(C) MASS LAYOFFS 44

An employer who lays off or separates within any seven-day 45  
period fifty or more individuals because of lack of work shall 46

furnish notice to the director of the dates of layoff or 47  
separation and the approximate number of individuals being laid 48  
off or separated. The notice shall be furnished at least ~~three-~~ 49  
thirty working days prior to the date of the first day of such 50  
layoff or separation. In addition, at the time of the layoff or 51  
separation the employer shall furnish to the individual and to 52  
the director information necessary to determine the individual's 53  
eligibility for unemployment compensation. 54

When an employer lays off or separates within any seven- 55  
day period two hundred or more individuals because of lack of 56  
work, the director shall provide any additional local office 57  
space and claims processing personnel necessary to expedite 58  
claims in the geographic area affected by the layoff or 59  
separation. 60

(D) DETERMINATION OF BENEFIT RIGHTS 61

The director shall promptly examine any application for 62  
determination of benefit rights. On the basis of the information 63  
available to the director under this chapter, the director shall 64  
determine whether or not the application is valid, and if valid, 65  
the date on which the benefit year shall commence and the weekly 66  
benefit amount. The director shall promptly notify the 67  
applicant, employers in the applicant's base period, and any 68  
other interested parties of the determination and the reasons 69  
for it. In addition, the determination issued to the claimant 70  
shall include the total amount of benefits payable. The 71  
determination issued to each chargeable base period employer 72  
shall include the total amount of benefits that may be charged 73  
to the employer's account. 74

(E) CLAIM FOR BENEFITS 75

The director shall examine the first claim and any 76  
additional claim for benefits. On the basis of the information 77  
available, the director shall determine whether the claimant's 78  
most recent separation and, to the extent necessary, prior 79  
separations from work, allow the claimant to qualify for 80  
benefits. Written notice of the determination granting or 81  
denying benefits shall be sent to the claimant, the most recent 82  
separating employer, and any other employer involved in the 83  
determination, except that written notice is not required to be 84  
sent to the claimant if the reason for separation is lack of 85  
work and the claim is allowed. 86

If the director identifies an eligibility issue, the 87  
director shall send notice to the claimant of the issue 88  
identified and specify the week or weeks involved. The claimant 89  
has a minimum of five business days after the notice is sent to 90  
respond to the information included in the notice, and after the 91  
time allowed as determined by the director, the director shall 92  
make a determination. The claimant's response may include a 93  
request for a fact-finding interview when the eligibility issue 94  
is raised by an informant or source other than the claimant, or 95  
when the eligibility issue, if determined adversely, 96  
disqualifies the claimant for the duration of the claimant's 97  
period of unemployment. 98

When the determination of a continued claim for benefits 99  
results in a disallowed claim, the director shall notify the 100  
claimant of the disallowance and the reasons for it. 101

(F) ELIGIBILITY NOTICE 102

Any base period or subsequent employer of a claimant who 103  
has knowledge of specific facts affecting the claimant's right 104  
to receive benefits for any week may notify the director in 105

writing of those facts. The director shall prescribe a form for 106  
such eligibility notice, but failure to use the form shall not 107  
preclude the director's examination of any notice. 108

To be considered valid, an eligibility notice must: 109  
contain in writing, a statement that identifies either a source 110  
who has firsthand knowledge of the information or an informant 111  
who can identify the source; provide specific and detailed 112  
information that may potentially disqualify the claimant; 113  
provide the name and address of the source or the informant; and 114  
appear to the director to be reliable and credible. 115

An eligibility notice is timely filed if received or 116  
postmarked prior to or within forty-five calendar days after the 117  
end of the week with respect to which a claim for benefits is 118  
filed by the claimant. An employer who timely files a valid 119  
eligibility notice shall be an interested party to the claim for 120  
benefits which is the subject of the notice. 121

The director shall consider the information contained in 122  
the eligibility notice, together with other available 123  
information. After giving the claimant notice and an opportunity 124  
to respond, the director shall make a determination and inform 125  
the notifying employer, the claimant, and other interested 126  
parties of the determination. 127

(G) CORRECTED DETERMINATION 128

If the director finds within the fifty-two calendar weeks 129  
beginning with the Sunday of the week during which an 130  
application for benefit rights was filed or within the benefit 131  
year that a determination made by the director was erroneous due 132  
to an error in an employer's report or any typographical or 133  
clerical error in the director's determination, or as shown by 134

correct remuneration information received by the director, the 135  
director shall issue a corrected determination to all interested 136  
parties. The corrected determination shall take precedence over 137  
and void the prior determination of the director. The director 138  
shall not issue a corrected determination when the commission or 139  
a court has jurisdiction with respect to that determination. 140

(H) EFFECT OF COMMISSION DECISIONS 141

In making determinations, the director shall follow 142  
decisions of the unemployment compensation review commission 143  
which have become final with respect to claimants similarly 144  
situated. 145

(I) PROMPT PAYMENTS 146

If benefits are allowed by the director, a hearing 147  
officer, the commission, or a court, the director shall pay 148  
benefits promptly, notwithstanding any further appeal, provided 149  
that if benefits are denied on appeal, of which the parties have 150  
notice and an opportunity to be heard, the director shall 151  
withhold payment of benefits pending a decision on any further 152  
appeal. 153

**Sec. 4141.30.** (A) All benefits shall be paid through 154  
public employment offices in accordance with such rules as the 155  
director of job and family services prescribes. 156

(B) With the exceptions in division (B)(4) of this 157  
section, benefits are payable to each eligible and qualified 158  
individual on account of each week of involuntary total 159  
unemployment after the specified waiting period at the weekly 160  
benefit amount determined by: 161

(1) Computing the individual's average weekly wage as 162  
defined in division (O)(2) of section 4141.01 of the Revised 163

Code;	164	
(2) Determining the individual's dependency class under division (E) of this section;	165 166	
(3) Computing the individual's weekly benefit amount to be fifty per cent of the individual's average weekly wage except, that the individual's weekly benefit amount shall not exceed the maximum amount shown for the individual's dependency class in the following table:	167 168 169 170 171	
	Maximum Weekly Benefit Amount	172
Dependency Class		173
A	\$147	174
B	223	175
C	233	176
Effective Sunday of the calendar week in which January 1, 1988, occurs and on each similar day of each year thereafter, the current maximum weekly benefit amount for each dependency class shall be adjusted based on the statewide average weekly wage. Any percentage increase in such statewide average weekly wage between the wage computed for the current year and the wage computed for the preceding year shall be used to increase the maximum amounts then in effect by the same percentage. Such increased amounts will be effective with respect to applications for benefit rights filed during the fifty-two consecutive calendar weeks beginning with such Sunday date.	177 178 179 180 181 182 183 184 185 186 187	
The director shall calculate the statewide average weekly wage based on the average weekly earnings of all workers in employment subject to this chapter during the preceding twelve-month period ending the thirtieth day of June. The calculation shall be made in the following manner:	188 189 190 191 192	

(a) The sum of the total monthly employment reported for 193  
the previous twelve-month period shall be divided by twelve to 194  
determine the average monthly employment; 195

(b) The sum of the total wages reported for the previous 196  
twelve-month period shall be divided by the average monthly 197  
employment to determine the average annual wage; 198

(c) The average annual wage shall be divided by fifty-two 199  
to determine the statewide average weekly wage. 200

In the computation of the weekly benefit amount, any 201  
resulting amount not a multiple of one dollar shall be rounded 202  
to the next lower multiple of one dollar. In the computation of 203  
the adjusted maximum benefit amounts, based on the statewide 204  
average weekly wage, any resulting amount not a multiple of one 205  
dollar shall be rounded to the next lower multiple of one 206  
dollar. 207

(4) Effective Sunday of the calendar week in which January 208  
1, occurs for calendar years 1988 through 1993, the maximum 209  
weekly benefit amount payable for an individual's dependency 210  
class for those years shall be computed in accordance with this 211  
division, with an additional increase added to the prior year's 212  
increase equal to one-sixth of total percentage increase that 213  
otherwise would have been available in calendar years 1983, 214  
1984, 1985, 1986, and 1987, if in those years an adjustment in 215  
the maximum weekly benefit amount would have been made pursuant 216  
to this division. 217

(5) Effective Sunday of the calendar week in which January 218  
1, 1991, occurs, the maximum weekly benefit amounts computed 219  
under divisions (B) (3) and (4) of this section shall not exceed 220  
the following amounts: 221



(a) For dependency class A, fifty per cent of the	222
statewide average weekly wage;	223
(b) For dependency class B, sixty per cent of the	224
statewide average weekly wage;	225
(c) For dependency class C, sixty-six and two-thirds per	226
cent of the statewide average weekly wage.	227
Division (B) (5) of this section applies to all new claims	228
filed on and after the Sunday of the calendar week in which	229
January 1, 1991, occurs, provided that the maximum weekly	230
benefit amounts established for the dependency classes prior to	231
such date apply to all claims until the maximum weekly benefit	232
amounts as determined pursuant to division (B) (5) of this	233
section equal or exceed the maximum weekly benefit amounts in	234
effect prior to such date.	235
(6) For the time period beginning on January 1, 2018, and	236
ending January 1, 2020, no individual's weekly benefit amount	237
shall exceed the maximum weekly benefit amounts in effect on <del>the</del>	238
<del>effective date of this section</del> <u>March 28, 2017.</u>	239
(C) Benefits are payable to each partially unemployed	240
individual otherwise eligible on account of each week of	241
involuntary partial unemployment after the specified waiting	242
period in an amount equal to the individual's weekly benefit	243
amount less that part of the remuneration payable to the	244
individual with respect to such week which is in excess of	245
twenty per cent of the individual's weekly benefit amount, and	246
the resulting amount rounded to the next lower multiple of one	247
dollar.	248
(D) <del>The</del> <u>(1) Except as provided in division (D) (2) of this</u>	249
<u>section, the</u> total benefits to which an individual is entitled	250

in any benefit year, whether for partial or total unemployment, 251  
or both, shall not exceed the lesser of the following two 252  
amounts: ~~(1)~~ (a) an amount equal to twenty-six times the 253  
individual's weekly benefit amount determined in accordance with 254  
division (B) of this section and this division, or ~~(2)~~ (b) an 255  
amount computed by taking the sum of twenty times the 256  
individual's weekly benefit amount for the first twenty base 257  
period qualifying weeks plus one times the weekly benefit amount 258  
for each additional qualifying week beyond the first twenty 259  
qualifying weeks in the individual's base period. 260

(2) An individual is entitled in any benefit year, whether 261  
for partial or total unemployment, or both, to twenty-five 262  
additional weeks of benefits in an amount equal to the weekly 263  
benefit determined pursuant to divisions (B) and (D) of this 264  
section if both of the following apply: 265

(a) The individual has received the maximum total benefits 266  
to which the individual is entitled under division (D)(1) of 267  
this section. 268

(b) The individual was laid off or separated from the 269  
individual's most recent employment as part of a group of two 270  
hundred or more individuals who were laid off or separated by 271  
the same employer within a seven-day period due to lack of work. 272

(E) Each eligible and qualified individual shall be 273  
assigned a dependency class in accordance with the following 274  
schedule: 275

Class	Description of Dependents	276
A	No dependents, or has	277
	insufficient wages to qualify	278
	for more than the maximum	279

weekly benefit amount as	280
provided under dependency	281
class A	282
B One or two dependents	283
C Three or more dependents	284
As used in this division "dependent" means:	285
(1) Any natural child, stepchild, or adopted child of the	286
individual claiming benefits for whom such individual at the	287
beginning of the individual's current benefit year is supplying	288
and for at least ninety consecutive days, or for the duration of	289
the parental relationship if it existed less than ninety days,	290
immediately preceding the beginning of such benefit year, has	291
supplied more than one-half of the cost of support and if such	292
child on the beginning date of such benefit year was under	293
eighteen years of age, or if unable to work because of permanent	294
physical or mental disability;	295
(2) The legally married wife or husband of the individual	296
claiming benefits for whom more than one-half the cost of	297
support has been supplied by such individual for at least ninety	298
consecutive days, or for the duration of the marital	299
relationship if it has existed for less than ninety days,	300
immediately preceding the beginning of such individual's current	301
benefit year and such wife or husband was living with such	302
individual and had an average weekly income, in such period, not	303
in excess of twenty-five per cent of the claimant's average	304
weekly wage.	305
(3) If both the husband and wife qualify for benefit	306
rights with overlapping benefit years, only one of them may	307
qualify for a dependency class other than A.	308

**Section 2.** That existing sections 4141.28 and 4141.30 of 309  
the Revised Code are hereby repealed. 310

**Section 3.** As used in this section, "benefit year" has the 311  
same meaning as in section 4141.01 of the Revised Code. 312

Section 4141.30 of the Revised Code, as amended by this 313  
act, applies to an individual whose benefit year begins on or 314  
after the effective date of this act. 315