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**Sub. H. B. No. 478**

**Representatives Corbin, Hodges, Garcia, O'Brien, Brading, Schuler,  
Terwilleger, Lawrence, Boyd, Mottley, Sawyer, Reid, Grendell, Johnson,  
Mead, Patton, Lewis, Colonna, Verich**

**Senators Dix, Cupp, Oelslager, Watts, Espy, Herington, Ray, Kearns, Latell**

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**A B I L L**

To amend sections 2743.55, 4141.01, 4141.05, 4141.06, 1  
4141.07, 4141.09, 4141.16, 4141.17, 4141.20, 2  
4141.21, 4141.22, 4141.24, 4141.241, 4141.25, 3  
4141.26, 4141.28, 4141.29, 4141.291, 4141.301, 4  
4141.312, 4141.33, 4141.35, 4141.43, and 4582.31 5  
and to repeal sections 4141.043 and 4141.251 of 6  
the Revised Code to make changes in the 7  
determination of benefits by the Administrator of 8  
the Bureau of Employment Services, to make changes 9  
in the appeals process for unemployment 10  
compensation claims, to clarify when an employer 11  
receives an experience-rated unemployment tax 12  
rate, to change the notice requirements for 13  
employers, to modify the provisions regarding 14  
seasonal employment, to permit the Bureau to 15  
charge the mutualized account when there is no 16  
other account to which benefits may be charged, to 17  
specify that all information maintained by the 18  
Administrator is confidential, to authorize the 19  
acceptance of reports required from employers and 20  
unemployment claims from claimants by electronic 21

means, to delete the calendar year 1990 costs of 22  
automation surcharge on all employers, to provide 23  
that the Bureau receives legal process in child 24  
support enforcement matters rather than the 25  
Department of Human Services, to include limited 26  
liability companies in the definition of 27  
"employer," to change the definition of 28  
independent contractor, to make conforming changes 29  
in response to changes in the Federal Unemployment 30  
Tax Act, to make other changes in the Unemployment 31  
Compensation Law, to permit specified port 32  
authorities to apply to the appropriate authority 33  
of the United States to make modifications 34  
relative to foreign trade zones, and to declare an 35  
emergency. 36

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

**Section 1.** That sections 2743.55, 4141.01, 4141.05, 4141.06, 37  
4141.07, 4141.09, 4141.16, 4141.17, 4141.20, 4141.21, 4141.22, 38  
4141.24, 4141.241, 4141.25, 4141.26, 4141.28, 4141.29, 4141.291, 39  
4141.301, 4141.312, 4141.33, 4141.35, 4141.43, and 4582.31 of the 40  
Revised Code be amended to read as follows: 41

**Sec. 2743.55.** (A) A single commissioner or a panel of court 42  
of claims commissioners shall hear and determine all matters 43  
relating to claims for an award of reparations. A claim for an 44  
award of reparations shall not be heard and determined until the 45  
expiration of the time allowed for the claimant to respond to the 46  
attorney general's finding of fact and recommendation for the 47  
claim. A single commissioner or a panel of commissioners may order 48  
law enforcement officers to provide them with copies of any 49  
information or data gathered in the investigation of the 50

criminally injurious conduct that is the basis of any claim to 51  
enable the commissioners to determine whether, and the extent to 52  
which, a claimant qualifies for an award of reparations. 53

Any reference in sections 2743.51 to 2743.72 of the Revised 54  
Code to action by more than a single commissioner means action by 55  
a panel of commissioners. A panel shall consist of three 56  
commissioners who may only proceed upon a majority vote. 57

(B) The court of claims commissioners shall sit in Franklin 58  
county. A single commissioner or any panel of commissioners, 59  
pursuant to rules adopted by the chief justice of the supreme 60  
court, may sit and hear claims for an award of reparations at any 61  
other location in the state. 62

(C) Each claim for an award of reparations shall be heard by 63  
a single commissioner. The commissioner may determine the claim 64  
and make an award administratively without a hearing. If a 65  
claimant or the attorney general objects to the determination or 66  
award made by a single commissioner and files an objection with 67  
the clerk within thirty days after journalization of the order of 68  
the commissioner, the claim shall be heard by a panel of three 69  
commissioners who shall make an award or deny the claim upon a 70  
majority vote. 71

~~(D) If a claimant files a claim for an award of reparations 72  
based upon unemployment benefits loss and if the eligibility of 73  
the claimant for unemployment benefits is the subject of a request 74  
for reconsideration or an appeal that has not been finally 75  
determined pursuant to division (Q) of section 4141.28 of the 76  
Revised Code, a single commissioner or a panel of court of claims 77  
commissioners that is hearing the claimant's claim for an award of 78  
reparations shall not make a determination of that claim, until 79  
after the claimant's eligibility for unemployment benefits 80  
pursuant to Chapter 4141. of the Revised Code has been finally 81~~

~~determined pursuant to division (Q) of section 4141.28 of the Revised Code.~~ 82  
83

~~(E)~~ The supreme court may promulgate rules to implement 84  
sections 2743.51 to 2743.72 of the Revised Code, which may include 85  
rules for the allowance of attorney's fees, the procedure for 86  
hearing claims by a single commissioner or by a panel of court of 87  
claims commissioners, and the procedure for hearing appeals from 88  
decisions of the court of claims commissioners. 89

**Sec. 4141.01.** As used in this chapter, unless the context 90  
otherwise requires: 91

(A)(1) "Employer" means the state, its instrumentalities, its 92  
political subdivisions and their instrumentalities, and any 93  
individual or type of organization including any partnership, 94  
limited liability company, association, trust, estate, joint-stock 95  
company, insurance company, or corporation, whether domestic or 96  
foreign, or the receiver, trustee in bankruptcy, trustee, or the 97  
successor thereof, or the legal representative of a deceased 98  
person who subsequent to December 31, 1971, or in the case of 99  
political subdivisions or their instrumentalities, subsequent to 100  
December 31, 1973: 101

(a) Had in employment at least one individual, or in the case 102  
of a nonprofit organization, subsequent to December 31, 1973, had 103  
not less than four individuals in employment for some portion of a 104  
day in each of twenty different calendar weeks, in either the 105  
current or the preceding calendar year whether or not the same 106  
individual was in employment in each such day; or 107

(b) Except for a nonprofit organization, had paid for service 108  
in employment wages of fifteen hundred dollars or more in any 109  
calendar quarter in either the current or preceding calendar year; 110  
or 111

(c) Had paid, subsequent to December 31, 1977, for employment 112  
in domestic service in a local college club, or local chapter of a 113  
college fraternity or sorority, cash remuneration of one thousand 114  
dollars or more in any calendar quarter in the current calendar 115  
year or the preceding calendar year, or had paid subsequent to 116  
December 31, 1977, for employment in domestic service in a private 117  
home cash remuneration of one thousand dollars in any calendar 118  
quarter in the current calendar year or the preceding calendar 119  
year: 120

(i) For the purposes of divisions (A)(1)(a) and (b) of this 121  
section, there shall not be taken into account any wages paid to, 122  
or employment of, an individual performing domestic service as 123  
described in this division. 124

(ii) An employer under this division shall not be an employer 125  
with respect to wages paid for any services other than domestic 126  
service unless the employer is also found to be an employer under 127  
division (A)(1)(a), (b), or (d) of this section. 128

(d) As a farm operator or a crew leader subsequent to 129  
December 31, 1977, had in employment individuals in agricultural 130  
labor; and 131

(i) During any calendar quarter in the current calendar year 132  
or the preceding calendar year, paid cash remuneration of twenty 133  
thousand dollars or more for the agricultural labor; or 134

(ii) Had at least ten individuals in employment in 135  
agricultural labor, not including ~~such labor when performed before~~ 136  
~~January 1, 1980, by an alien~~ agricultural workers who are aliens 137  
admitted to the United States to perform agricultural labor 138  
pursuant to sections 214(e) and 101(a)(15)(H) of the "Immigration 139  
and Nationality Act," 66 Stat. 163, 8 140  
U.S.C.A.1101(a)(15)(H)(ii)(a), for some portion of a day in each 141  
of the twenty different calendar weeks, in either the current or 142

preceding calendar year whether or not the same individual was in	143
employment in each day; or	144
(e) Is not otherwise an employer as defined under division	145
(A)(1)(a) or (b) of this section; and	146
(i) For which, within either the current or preceding	147
calendar year, service, except for domestic service in a private	148
home not covered under division (A)(1)(c) of this section, is or	149
was performed with respect to which such employer is liable for	150
any federal tax against which credit may be taken for	151
contributions required to be paid into a state unemployment fund;	152
(ii) Which, as a condition for approval of this chapter for	153
full tax credit against the tax imposed by the "Federal	154
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 <u>to 3311</u> , is	155
required, pursuant to such act to be an employer under this	156
chapter; or	157
(iii) Who became an employer by election under division	158
(A)(4) or (5) of this section and for the duration of such	159
election; or	160
(f) In the case of the state, its instrumentalities, its	161
political subdivisions, and their instrumentalities, had in	162
employment, as defined in division (B)(2)(a) of this section, at	163
least one individual;	164
(g) For the purposes of division (A)(1)(a) of this section,	165
if any week includes both the thirty-first day of December and the	166
first day of January, the days of that week before the first day	167
of January shall be considered one calendar week and the days	168
beginning the first day of January another week.	169
(2) Each individual employed to perform or to assist in	170
performing the work of any agent or employee of an employer is	171
employed by such employer for all the purposes of this chapter,	172
whether such individual was hired or paid directly by such	173

employer or by such agent or employee, provided the employer had 174  
actual or constructive knowledge of the work. All individuals 175  
performing services for an employer of any person in this state 176  
who maintains two or more establishments within this state are 177  
employed by a single employer for the purposes of this chapter. 178

(3) An employer subject to this chapter within any calendar 179  
year is subject to this chapter during the whole of such year and 180  
during the next succeeding calendar year. 181

(4) An employer not otherwise subject to this chapter who 182  
files with the administrator of the bureau of employment services 183  
a written election to become an employer subject to this chapter 184  
for not less than two calendar years shall, with the written 185  
approval of such election by the administrator, become an employer 186  
subject to this chapter to the same extent as all other employers 187  
as of the date stated in such approval, and shall cease to be 188  
subject to this chapter as of the first day of January of any 189  
calendar year subsequent to such two calendar years only if at 190  
least thirty days prior to such first day of January the employer 191  
has filed with the administrator a written notice to that effect. 192

(5) Any employer for whom services that do not constitute 193  
employment are performed may file with the administrator a written 194  
election that all such services performed by individuals in the 195  
employer's employ in one or more distinct establishments or places 196  
of business shall be deemed to constitute employment for all the 197  
purposes of this chapter, for not less than two calendar years. 198  
Upon written approval of the election by the administrator, such 199  
services shall be deemed to constitute employment subject to this 200  
chapter from and after the date stated in such approval. Such 201  
services shall cease to be employment subject to this chapter as 202  
of the first day of January of any calendar year subsequent to 203  
such two calendar years only if at least thirty days prior to such 204  
first day of January such employer has filed with the 205

administrator a written notice to that effect. 206

(B)(1) "Employment" means: 207

~~(a) Service~~ Service performed by an individual for ~~wages~~ 208  
remuneration under any contract of hire, written or oral, express 209  
or implied, including service performed in interstate commerce and 210  
service performed by an officer of a corporation, without regard 211  
to whether such service is executive, managerial, or manual in 212  
nature, and without regard to whether such officer is a 213  
stockholder or a member of the board of directors of the 214  
corporation: 215

~~(b) Services performed by an individual for remuneration,~~ 216  
unless it is shown to the satisfaction of the administrator that 217  
such individual: 218

~~(i) Has~~ has been and will continue to be free from ~~control or~~ 219  
direction or control over the performance of such service, both 220  
under a contract of service and in fact: 221

~~(ii) That such service is outside the usual course of the~~ 222  
~~business for which service is performed; and~~ 223

~~(iii) That such individual is customarily engaged in an~~ 224  
~~independently established trade, occupation, profession, or~~ 225  
~~business. The administrator shall adopt rules to define "direction~~ 226  
~~or control."~~ 227

(2) "Employment" includes: 228

(a) Service performed after December 31, 1977, by an 229  
individual in the employ of the state or any of its 230  
instrumentalities, or any political subdivision thereof or any of 231  
its instrumentalities or any instrumentality of more than one of 232  
the foregoing or any instrumentality of any of the foregoing and 233  
one or more other states or political subdivisions and without 234  
regard to divisions (A)(1)(a) and (b) of this section, provided 235

that such service is excluded from employment as defined in the 236  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 237  
3306(c)(7) and is not excluded under division (B)(3) of this 238  
section; or the services of employees covered by voluntary 239  
election, as provided under divisions (A)(4) and (5) of this 240  
section; 241

(b) Service performed after December 31, 1971, by an 242  
individual in the employ of a religious, charitable, educational, 243  
or other organization which is excluded from the term "employment" 244  
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 245  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 246  
3306(c)(8) of that act and is not excluded under division (B)(3) 247  
of this section; 248

(c) Domestic service performed after December 31, 1977, for 249  
an employer, as provided in division (A)(1)(c) of this section; 250

(d) Agricultural labor performed after December 31, 1977, for 251  
a farm operator or a crew leader, as provided in division 252  
(A)(1)(d) of this section; 253

(e) Service not covered under division (B)(1)~~(b)~~ of this 254  
section which is performed after December 31, 1971: 255

(i) As an agent-driver or commission-driver engaged in 256  
distributing meat products, vegetable products, fruit products, 257  
bakery products, beverages other than milk, laundry, or 258  
dry-cleaning services, for the individual's employer or principal; 259

(ii) As a traveling or city salesperson, other than as an 260  
agent-driver or commission-driver, engaged on a full-time basis in 261  
the solicitation on behalf of and in the transmission to the 262  
salesperson's employer or principal except for sideline sales 263  
activities on behalf of some other person of orders from 264  
wholesalers, retailers, contractors, or operators of hotels, 265  
restaurants, or other similar establishments for merchandise for 266

resale, or supplies for use in their business operations, provided 267  
that for the purposes of this division (B)(2)(e)(ii) of this 268  
section, the services shall be deemed employment if the contract 269  
of service contemplates that substantially all of the services are 270  
to be performed personally by the individual and that the 271  
individual does not have a substantial investment in facilities 272  
used in connection with the performance of the services other than 273  
in facilities for transportation, and the services are not in the 274  
nature of a single transaction that is not a part of a continuing 275  
relationship with the person for whom the services are performed. 276

(f) An individual's entire service performed within or both 277  
within and without the state if: 278

(i) The service is localized in this state. 279

(ii) The service is not localized in any state, but some of 280  
the service is performed in this state and either the base of 281  
operations, or if there is no base of operations then the place 282  
from which such service is directed or controlled, is in this 283  
state or the base of operations or place from which such service 284  
is directed or controlled is not in any state in which some part 285  
of the service is performed but the individual's residence is in 286  
this state. 287

(g) Service not covered under division (B)(2)(f)(ii) of this 288  
section and performed entirely without this state, with respect to 289  
no part of which contributions are required and paid under an 290  
unemployment compensation law of any other state, the Virgin 291  
Islands, Canada, or of the United States, if the individual 292  
performing such service is a resident of this state and the 293  
administrator of the bureau of employment services approves the 294  
election of the employer for whom such services are performed; or, 295  
if the individual is not a resident of this state but the place 296  
from which the service is directed or controlled is in this state, 297

the entire services of such individual shall be deemed to be 298  
employment subject to this chapter, provided service is deemed to 299  
be localized within this state if the service is performed 300  
entirely within this state or if the service is performed both 301  
within and without this state but the service performed without 302  
this state is incidental to the individual's service within the 303  
state, for example, is temporary or transitory in nature or 304  
consists of isolated transactions; 305

(h) Service of an individual who is a citizen of the United 306  
States, performed outside the United States except in Canada after 307  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 308  
and before the first day of January of the year following that in 309  
which the United States secretary of labor approves the Virgin 310  
Islands law for the first time, in the employ of an American 311  
employer, other than service which is "employment" under divisions 312  
(B)(2)(f) and (g) of this section or similar provisions of another 313  
state's law, if: 314

(i) The employer's principal place of business in the United 315  
States is located in this state; 316

(ii) The employer has no place of business in the United 317  
States, but the employer is an individual who is a resident of 318  
this state; or the employer is a corporation which is organized 319  
under the laws of this state, or the employer is a partnership or 320  
a trust and the number of partners or trustees who are residents 321  
of this state is greater than the number who are residents of any 322  
other state; or 323

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 324  
of this section is met but the employer has elected coverage in 325  
this state or the employer having failed to elect coverage in any 326  
state, the individual has filed a claim for benefits, based on 327  
such service, under this chapter. 328

(i) For the purposes of division (B)(2)(h) of this section, 329  
the term "American employer" means an employer who is an 330  
individual who is a resident of the United States; or a 331  
partnership, if two-thirds or more of the partners are residents 332  
of the United States; or a trust, if all of the trustees are 333  
residents of the United States; or a corporation organized under 334  
the laws of the United States or of any state, provided the term 335  
"United States" includes the states, the District of Columbia, the 336  
Commonwealth of Puerto Rico, and the Virgin Islands. 337

(j) Notwithstanding any other provisions of divisions (B)(1) 338  
and (2) of this section, service, except for domestic service in a 339  
private home not covered under division (A)(1)(c) of this section, 340  
with respect to which a tax is required to be paid under any 341  
federal law imposing a tax against which credit may be taken for 342  
contributions required to be paid into a state unemployment fund, 343  
or service, except for domestic service in a private home not 344  
covered under division (A)(1)(c) of this section, which, as a 345  
condition for full tax credit against the tax imposed by the 346  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 347  
3311, is required to be covered under this chapter. 348

(k) Construction services performed by any individual under a 349  
construction contract, as defined in section 4141.39 of the 350  
Revised Code, if the administrator determines that the employer 351  
for whom services are performed has the right to direct or control 352  
the performance of the services and that the individuals who 353  
perform the services receive remuneration for the services 354  
performed. The administrator shall presume that the employer for 355  
whom services are performed has the right to direct or control the 356  
performance of the services if ten or more of the following 357  
criteria apply: 358

(i) The employer directs or controls the manner or method by 359  
which instructions are given to the individual performing 360

services;	361
(ii) The employer requires particular training for the individual performing services;	362 363
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	364 365
(iv) The employer requires that services be provided by a particular individual;	366 367
(v) The employer hires, supervises, or pays the wages of the individual performing services;	368 369
(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;	370 371 372
(vii) The employer requires the individual to perform services during established hours;	373 374
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	375 376 377
(ix) The employer requires the individual to perform services on the employer's premises;	378 379
(x) The employer requires the individual performing services to follow the order of work established by the employer;	380 381
(xi) The employer requires the individual performing services to make oral or written reports of progress;	382 383
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	384 385
(xiii) The employer pays expenses for the individual performing services;	386 387
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	388 389

(xv) The individual performing services has not invested in the facilities used to perform services;	390 391
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	392 393 394
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	395 396
(xviii) The individual performing services does not make the services available to the general public;	397 398
(xix) The employer has a right to discharge the individual performing services;	399 400
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	401 402 403
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 <u>to 3311</u> , and if the services are not required to be included under division (B)(2)(j) of this section:	404 405 406 407 408
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	409 410 411
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	412 413 414 415
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2) (a) of this section when performed:	416 417 418
(i) As a publicly elected official;	419

(ii) As a member of a legislative body, or a member of the judiciary;	420 421
(iii) As a military member of the Ohio national guard;	422
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	423 424 425 426
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	427 428 429 430 431
(d) In the employ of any governmental unit or instrumentality of the United States;	432 433
(e) Service performed after December 31, 1971:	434
(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	435 436 437 438 439
(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	440 441 442 443 444 445 446 447 448 449

employer or group of employers;	450
(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;	451 452 453 454
(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 <u>to 3311</u> . Service performed after December 31, 1971:	455 456 457 458 459 460 461 462
(i) By an individual for an employer as an insurance agent or as an insurance solicitor, if all this service is performed for remuneration solely by way of commission;	463 464 465
(ii) As a home worker performing work, according to specifications furnished by the employer for whom the services are performed, on materials or goods furnished by such employer which are required to be returned to the employer or to a person designated for that purpose.	466 467 468 469 470
(h) Service performed after December 31, 1971:	471
(i) In the employ of a church or convention or association of churches, or in an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;	472 473 474 475 476
(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by	477 478 479

such order; or 480

(iii) In a facility conducted for the purpose of carrying out 481  
a program of rehabilitation for individuals whose earning capacity 482  
is impaired by age or physical or mental deficiency or injury, or 483  
providing remunerative work for individuals who because of their 484  
impaired physical or mental capacity cannot be readily absorbed in 485  
the competitive labor market, by an individual receiving such 486  
rehabilitation or remunerative work; 487

(i) Service performed after June 30, 1939, with respect to 488  
which unemployment compensation is payable under the "Railroad 489  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 490

(j) Service performed by an individual in the employ of any 491  
organization exempt from income tax under section 501 of the 492  
"Internal Revenue Code of 1954," if the remuneration for such 493  
service does not exceed fifty dollars in any calendar quarter, or 494  
if such service is in connection with the collection of dues or 495  
premiums for a fraternal beneficial society, order, or association 496  
and is performed away from the home office or is ritualistic 497  
service in connection with any such society, order, or 498  
association; 499

(k) Casual labor not in the course of an employer's trade or 500  
business; incidental service performed by an officer, appraiser, 501  
or member of a finance committee of a bank, building and loan 502  
association, savings and loan association, or savings association 503  
when the remuneration for such incidental service exclusive of the 504  
amount paid or allotted for directors' fees does not exceed sixty 505  
dollars per calendar quarter is casual labor; 506

(l) Service performed in the employ of a voluntary employees' 507  
beneficial association providing for the payment of life, 508  
sickness, accident, or other benefits to the members of such 509  
association or their dependents or their designated beneficiaries, 510

if admission to a membership in such association is limited to 511  
individuals who are officers or employees of a municipal or public 512  
corporation, of a political subdivision of the state, or of the 513  
United States and no part of the net earnings of such association 514  
inures, other than through such payments, to the benefit of any 515  
private shareholder or individual; 516

(m) Service performed by an individual in the employ of a 517  
foreign government, including service as a consular or other 518  
officer or employee or of a nondiplomatic representative; 519

(n) Service performed in the employ of an instrumentality 520  
wholly owned by a foreign government if the service is of a 521  
character similar to that performed in foreign countries by 522  
employees of the United States or of an instrumentality thereof 523  
and if the administrator finds that the secretary of state of the 524  
United States has certified to the secretary of the treasury of 525  
the United States that the foreign government, with respect to 526  
whose instrumentality exemption is claimed, grants an equivalent 527  
exemption with respect to similar service performed in the foreign 528  
country by employees of the United States and of instrumentalities 529  
thereof; 530

(o) Service with respect to which unemployment compensation 531  
is payable under an unemployment compensation system established 532  
by an act of congress; 533

(p) Service performed as a student nurse in the employ of a 534  
hospital or a nurses' training school by an individual who is 535  
enrolled and is regularly attending classes in a nurses' training 536  
school chartered or approved pursuant to state law, and service 537  
performed as an intern in the employ of a hospital by an 538  
individual who has completed a four years' course in a medical 539  
school chartered or approved pursuant to state law; 540

(q) Service performed by an individual under the age of 541

eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(r) Service performed in the employ of the United States or an instrumentality of the United States immune under the constitution of the United States from the contributions imposed by this chapter, except that to the extent that congress permits states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, this chapter shall be applicable to such instrumentalities and to services performed for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers, individuals, and services, provided that if this state is not certified for any year by the proper agency of the United States under section 3304 of the "Internal Revenue Code of 1954," the payments required of such instrumentalities with respect to such year shall be refunded by the administrator from the fund in the same manner and within the same period as is provided in division (E) of section 4141.09 of the Revised Code with respect to contributions erroneously collected;

(s) Service performed by an individual as a member of a band or orchestra, provided such service does not represent the principal occupation of such individual, and which service is not subject to or required to be covered for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, or a political subdivision or its instrumentalities, 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 574  
work-training. 575

(t) Service performed in the employ of a day camp whose 576  
camping season does not exceed twelve weeks in any calendar year, 577  
and which service is not subject to the "Federal Unemployment Tax 578  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 579  
performed after December 31, 1971: 580

(i) In the employ of a hospital, if the service is performed 581  
by a patient of the hospital, as defined in division (W) of this 582  
section; 583

(ii) For a prison or other correctional institution by an 584  
inmate of the prison or correctional institution; 585

(iii) Service performed after December 31, 1977, by an inmate 586  
of a custodial institution operated by the state, a political 587  
subdivision, or a nonprofit organization. 588

(u) Service that is performed by a nonresident alien 589  
individual for the period the individual temporarily is present in 590  
the United States as a nonimmigrant under division (F), (J), (M), 591  
or (Q) of section 101(a)(15) of the "Immigration and Nationality 592  
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 593  
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 594  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 595

(v) Notwithstanding any other provisions of division (B)(3) 596  
of this section, services which are excluded under divisions 597  
(B)(3)(g), (j), (k), and (l) of this section, shall not be 598  
excluded from employment when performed for a nonprofit 599  
organization, as defined in division (X) of this section or for 600  
this state or its instrumentalities, or for a political 601  
subdivision or its instrumentalities. 602

(4) If the services performed during one half or more of any 603  
pay period by an employee for the person employing that employee 604

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

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

(D) "Benefit rights" means the weekly benefit amount and the  
maximum benefit amount that may become payable to an individual  
within the individual's benefit year as determined by the  
administrator ~~or the administrator's deputy~~.

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

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

(G)(1) "Wages" means remuneration paid to an employee by each  
of the employee's employers with respect to employment; except  
that wages shall not include that part of remuneration paid during  
any calendar year to an individual by an employer or such  
employer's predecessor in interest in the same business or

enterprise, which in any calendar year is in excess of eight  
thousand two hundred fifty dollars on and after January 1, 1992;  
eight thousand five hundred dollars on and after January 1, 1993;  
eight thousand seven hundred fifty dollars on and after January 1,  
1994; and nine thousand dollars on and after January 1, 1995.  
Remuneration in excess of such amounts shall be deemed wages  
subject to contribution to the same extent that such remuneration  
is defined as wages under the "Federal Unemployment Compensation  
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as  
amended. The remuneration paid an employee by an employer with  
respect to employment in another state, upon which contributions  
were required and paid by such employer under the unemployment  
compensation act of such other state, shall be included as a part  
of remuneration in computing the amount specified in this  
division.

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

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(H)(1) "Remuneration" means all compensation for personal

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services, including commissions and bonuses and the cash value of 668  
all compensation in any medium other than cash, except that in the 669  
case of agricultural or domestic service, "remuneration" includes 670  
only cash remuneration. Gratuities customarily received by an 671  
individual in the course of the individual's employment from 672  
persons other than the individual's employer and which are 673  
accounted for by such individual to the individual's employer are 674  
taxable wages. 675

The reasonable cash value of compensation paid in any medium 676  
other than cash shall be estimated and determined in accordance 677  
with rules prescribed by the administrator, provided that 678  
"remuneration" does not include: 679

(a) Payments as provided in divisions (b)(2) to (b)(16) of 680  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 681  
26 U.S.C.A. 3301 to 3311, as amended; 682

(b) The payment by an employer, without deduction from the 683  
remuneration of the individual in the employer's employ, of the 684  
tax imposed upon an individual in the employer's employ under 685  
section 3101 of the "Internal Revenue Code of 1954," with respect 686  
to services performed after October 1, 1941. 687

(2) "Cash remuneration" means all remuneration paid in cash, 688  
including commissions and bonuses, but not including the cash 689  
value of all compensation in any medium other than cash. 690

(I) "Interested party" means the administrator and any party 691  
to whom notice of a determination of an application for benefit 692  
rights or a claim for benefits is required to be given under 693  
section 4141.28 of the Revised Code. 694

(J) "Annual payroll" means the total amount of wages subject 695  
to contributions during a twelve-month period ending with the last 696  
day of the second calendar quarter of any calendar year. 697

(K) "Average annual payroll" means the average of the last 698  
three annual payrolls of an employer, provided that if, as of any 699  
computation date, the employer has had less than three annual 700  
payrolls in such three-year period, such average shall be based on 701  
the annual payrolls which the employer has had as of such date. 702

(L)(1) "Contributions" means the money payments to the state 703  
unemployment compensation fund required of employers by section 704  
4141.25 of the Revised Code and of the state and any of its 705  
political subdivisions electing to pay contributions under section 706  
4141.242 of the Revised Code. Employers paying contributions shall 707  
be described as "contributory employers." 708

(2) "Payments in lieu of contributions" means the money 709  
payments to the state unemployment compensation fund required of 710  
reimbursing employers under sections 4141.241 and 4141.242 of the 711  
Revised Code. 712

(M) An individual is "totally unemployed" in any week during 713  
which the individual performs no services and with respect to such 714  
week no remuneration is payable to the individual. 715

(N) An individual is "partially unemployed" in any week if, 716  
due to involuntary loss of work, the total remuneration payable to 717  
the individual for such week is less than the individual's weekly 718  
benefit amount. 719

(O) "Week" means the calendar week ending at midnight 720  
Saturday unless an equivalent week of seven consecutive calendar 721  
days is prescribed by the administrator. 722

(1) "Qualifying week" means any calendar week in an 723  
individual's base period with respect to which the individual 724  
earns or is paid remuneration in employment subject to this 725  
chapter. A calendar week with respect to which an individual earns 726  
remuneration but for which payment was not made within the base 727  
period ~~may~~, when necessary to qualify for benefit rights, may be 728

considered to be a qualifying week. The number of qualifying weeks 729  
which may be established in a calendar quarter shall not exceed 730  
the number of calendar weeks in the quarter. 731

(2) "Average weekly wage" means the amount obtained by 732  
dividing an individual's total remuneration for all qualifying 733  
weeks during the base period by the number of such qualifying 734  
weeks, provided that if the computation results in an amount which 735  
is not a multiple of one dollar, such amount shall be rounded to 736  
the next lower multiple of one dollar. 737

(P) "Weekly benefit amount" means the amount of benefits an 738  
individual would be entitled to receive for one week of total 739  
unemployment. 740

(Q)(1) "Base period" means the first four of the last five 741  
completed calendar quarters immediately preceding the first day of 742  
an individual's benefit year, except as provided in division 743  
(Q)(2) of this section. 744

(2) If an individual does not have sufficient qualifying 745  
weeks and wages in the base period to qualify for benefit rights, 746  
the individual's base period shall be the four most recently 747  
completed calendar quarters preceding the first day of the 748  
individual's benefit year. Such base period shall be known as the 749  
"alternate base period." If information as to weeks and wages for 750  
the most recent quarter of the alternate base period is not 751  
available to the administrator from the regular quarterly reports 752  
of wage information, which are systematically accessible, the 753  
administrator may, consistent with the provisions of section 754  
4141.28 of the Revised Code, base the determination of eligibility 755  
for benefits on the affidavit of the claimant with respect to 756  
weeks and wages for that calendar quarter. The claimant shall 757  
furnish payroll documentation, where available, in support of the 758  
affidavit. The determination based upon the alternate base period 759  
as it relates to the claimant's benefit rights, shall be amended 760

when the quarterly report of wage information from the employer is 761  
timely received and that information causes a change in the 762  
determination. As provided in division (B)(1)(b) of section 763  
4141.28 of the Revised Code, any benefits paid and charged to an 764  
employer's account, based upon a claimant's affidavit, shall be 765  
adjusted effective as of the beginning of the claimant's benefit 766  
year. No calendar quarter in a base period or alternate base 767  
period shall be used to establish a subsequent benefit year. 768

(3) The "base period" of a combined wage claim, as described 769  
in division (H) of section 4141.43 of the Revised Code, shall be 770  
the base period prescribed by the law of the state in which the 771  
claim is allowed. 772

(R) "Benefit year" with respect to an individual means the 773  
fifty-two week period beginning with the first day of that week 774  
with respect to which the individual first files a valid 775  
application for determination of benefit rights, and thereafter 776  
the fifty-two week period beginning with the first day of that 777  
week with respect to which the individual next files a valid 778  
application for determination of benefit rights after the 779  
termination of the individual's last preceding benefit year, 780  
except that the application shall not be considered valid unless 781  
the individual has had employment in six weeks that is subject to 782  
this chapter or the unemployment compensation act of another 783  
state, or the United States, and has, since the beginning of the 784  
individual's previous benefit year, in the employment earned three 785  
times the average weekly wage determined for the previous benefit 786  
year. The "benefit year" of a combined wage claim, as described in 787  
division (H) of section 4141.43 of the Revised Code, shall be the 788  
benefit year prescribed by the law of the state in which the claim 789  
is allowed. ~~Any~~ 790

Effective for applications filed with respect to weeks 791  
beginning on or after October 1, 2000, any application for 792

determination of benefit rights made in accordance with section 793  
4141.28 of the Revised Code is valid if the individual filing such 794  
application is unemployed, has been employed by an employer or 795  
employers subject to this chapter, in at least twenty qualifying 796  
weeks within the individual's base period, ~~and in such weeks~~ has 797  
earned or been paid remuneration at an average weekly wage, 798  
~~beginning on and after January 1, 1992,~~ of not less than 799  
twenty-seven and one-half per cent of the statewide average weekly 800  
wage for such weeks, and the reason for the individual's 801  
separation from employment is not disqualifying pursuant to 802  
division (D)(2) of section 4141.29 or section 4141.291 of the 803  
Revised Code. A disqualification imposed pursuant to division 804  
(D)(2) of section 4141.29 or section 4141.291 of the Revised Code 805  
must be removed as provided in those sections as a requirement of 806  
establishing a valid application for benefit rights. The 807

The statewide average weekly wage shall be calculated by the 808  
administrator once a year based on the twelve-month period ending 809  
the thirtieth day of June, as set forth in division (B)(3) of 810  
section 4141.30 of the Revised Code, rounded down to the nearest 811  
dollar. Increases or decreases in the amount of remuneration 812  
required to have been earned or paid in order for individuals to 813  
have filed valid applications shall become effective on Sunday of 814  
the calendar week in which the first day of January occurs that 815  
follows the twelve-month period ending the thirtieth day of June 816  
upon which the calculation of the statewide average weekly wage 817  
was based. 818

As used in this division, an individual is "unemployed" if, 819  
with respect to the calendar week in which such application is 820  
filed, the individual is "partially unemployed" or "totally 821  
unemployed" as defined in this section or if, prior to filing the 822  
application, the individual was separated from the individual's 823  
most recent work for any reason which terminated the individual's 824

employee-employer relationship, or was laid off indefinitely or 825  
for a definite period of seven or more days. 826

(S) "Calendar quarter" means the period of three consecutive 827  
calendar months ending on the thirty-first day of March, the 828  
thirtieth day of June, the thirtieth day of September, and the 829  
thirty-first day of December, or the equivalent thereof as the 830  
administrator prescribes by rule. 831

(T) "Computation date" means the first day of the third 832  
calendar quarter of any calendar year. 833

(U) "Contribution period" means the calendar year beginning 834  
on the first day of January of any year. 835

(V) "Agricultural labor," for the purpose of this division, 836  
means any service performed prior to January 1, 1972, which was 837  
agricultural labor as defined in this division prior to that date, 838  
and service performed after December 31, 1971: 839

(1) On a farm, in the employ of any person, in connection 840  
with cultivating the soil, or in connection with raising or 841  
harvesting any agricultural or horticultural commodity, including 842  
the raising, shearing, feeding, caring for, training, and 843  
management of livestock, bees, poultry, and fur-bearing animals 844  
and wildlife; 845

(2) In the employ of the owner or tenant or other operator of 846  
a farm in connection with the operation, management, conservation, 847  
improvement, or maintenance of such farm and its tools and 848  
equipment, or in salvaging timber or clearing land of brush and 849  
other debris left by hurricane, if the major part of such service 850  
is performed on a farm; 851

(3) In connection with the production or harvesting of any 852  
commodity defined as an agricultural commodity in section 15 (g) 853  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 854

U.S.C. 1141j, as amended, or in connection with the ginning of 855  
cotton, or in connection with the operation or maintenance of 856  
ditches, canals, reservoirs, or waterways, not owned or operated 857  
for profit, used exclusively for supplying and storing water for 858  
farming purposes; 859

(4) In the employ of the operator of a farm in handling, 860  
planting, drying, packing, packaging, processing, freezing, 861  
grading, storing, or delivering to storage or to market or to a 862  
carrier for transportation to market, in its unmanufactured state, 863  
any agricultural or horticultural commodity, but only if the 864  
operator produced more than one half of the commodity with respect 865  
to which such service is performed; 866

(5) In the employ of a group of operators of farms, or a 867  
cooperative organization of which the operators are members, in 868  
the performance of service described in division (V)(4) of this 869  
section, but only if the operators produced more than one-half of 870  
the commodity with respect to which the service is performed; 871

(6) Divisions (V)(4) and (5) of this section shall not be 872  
deemed to be applicable with respect to service performed: 873

(a) In connection with commercial canning or commercial 874  
freezing or in connection with any agricultural or horticultural 875  
commodity after its delivery to a terminal market for distribution 876  
for consumption; or 877

(b) On a farm operated for profit if the service is not in 878  
the course of the employer's trade or business. 879

As used in division (V) of this section, "farm" includes 880  
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 881  
plantations, ranches, nurseries, ranges, greenhouses, or other 882  
similar structures used primarily for the raising of agricultural 883  
or horticultural commodities and orchards. 884

(W) "Hospital" means an institution which has been registered	885
or licensed by the Ohio department of health as a hospital.	886
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(X) "Nonprofit organization" means an organization, or group	888
of organizations, described in section 501(c)(3) of the "Internal	889
Revenue Code of 1954," and exempt from income tax under section	890
501(a) of that code.	891
(Y) "Institution of higher education" means a public or	892
nonprofit educational institution which:	893
(1) Admits as regular students only individuals having a	894
certificate of graduation from a high school, or the recognized	895
equivalent;	896
(2) Is legally authorized in this state to provide a program	897
of education beyond high school; and	898
(3) Provides an educational program for which it awards a	899
bachelor's or higher degree, or provides a program which is	900
acceptable for full credit toward such a degree, a program of	901
post-graduate or post-doctoral studies, or a program of training	902
to prepare students for gainful employment in a recognized	903
occupation.	904
For the purposes of this division, all colleges and	905
universities in this state are institutions of higher education.	906
(Z) For the purposes of this chapter, "states" includes the	907
District of Columbia, the Commonwealth of Puerto Rico, and the	908
Virgin Islands.	909
(AA) "Alien" means, for the purposes of division (A)(1)(d) of	910
this section, an individual who is an alien admitted to the United	911
States to perform service in agricultural labor pursuant to	912
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and	913
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.	914

(BB)(1) "Crew leader" means an individual who furnishes 915  
individuals to perform agricultural labor for any other employer 916  
or farm operator, and: 917

(a) Pays, either on the individual's own behalf or on behalf 918  
of the other employer or farm operator, the individuals so 919  
furnished by the individual for the service in agricultural labor 920  
performed by them; 921

(b) Has not entered into a written agreement with the other 922  
employer or farm operator under which the agricultural worker is 923  
designated as in the employ of the other employer or farm 924  
operator. 925

(2) For the purposes of this chapter, any individual who is a 926  
member of a crew furnished by a crew leader to perform service in 927  
agricultural labor for any other employer or farm operator shall 928  
be treated as an employee of the crew leader if: 929

(a) The crew leader holds a valid certificate of registration 930  
under the "Farm Labor Contractor Registration Act of 1963," 90 931  
Stat. 2668, 7 U.S.C. 2041; or 932

(b) Substantially all the members of the crew operate or 933  
maintain tractors, mechanized harvesting or crop-dusting 934  
equipment, or any other mechanized equipment, which is provided by 935  
the crew leader; and 936

(c) If the individual is not in the employment of the other 937  
employer or farm operator within the meaning of division (B)(1) of 938  
this section. 939

(3) For the purposes of this division, any individual who is 940  
furnished by a crew leader to perform service in agricultural 941  
labor for any other employer or farm operator and who is not 942  
treated as in the employment of the crew leader under division 943  
(BB)(2) of this section shall be treated as the employee of the 944

other employer or farm operator and not of the crew leader. The 945  
other employer or farm operator shall be treated as having paid 946  
cash remuneration to the individual in an amount equal to the 947  
amount of cash remuneration paid to the individual by the crew 948  
leader, either on the crew leader's own behalf or on behalf of the 949  
other employer or farm operator, for the service in agricultural 950  
labor performed for the other employer or farm operator. 951

(CC) "Educational institution" means an institution other 952  
than an institution of higher education as defined in division (Y) 953  
of this section which: 954

(1) Offers participants, trainees, or students an organized 955  
course of study or training designed to transfer to them 956  
knowledge, skills, information, doctrines, attitudes, or abilities 957  
from, by, or under the guidance of an instructor or teacher; and 958

(2) Is approved, chartered, or issued a permit to operate as 959  
a school by the state board of education or other government 960  
agency that is authorized within the state to approve, charter, or 961  
issue a permit for the operation of a school. 962

For the purposes of this division, the courses of study or 963  
training which the institution offers may be academic, technical, 964  
trade, or preparation for gainful employment in a recognized 965  
occupation. 966

**Sec. 4141.05.** The administrator of the bureau of employment 967  
services shall establish a division of ~~research and statistics~~ 968  
labor market information. The head of the division shall be known 969  
as the "director of the division of ~~research and statistics~~ labor 970  
market information." ~~The director may not be removed without the~~ 971  
~~consent of the advisory council, nor may the duties of his office~~ 972  
~~be altered, suspended, or abolished without the consent of the~~ 973  
~~council.~~ 974

**Sec. 4141.06.** There is hereby created an unemployment 975  
compensation review commission consisting of three full-time 976  
members appointed by the governor, with the advice and consent of 977  
the senate. Terms of office shall be staggered and shall be for 978  
six years, commencing on the twenty-eighth day of February and 979  
ending on the twenty-seventh day of February, ~~except that upon~~ 980  
~~expiration of the term ending November 5, 1975, the new term which~~ 981  
~~succeeds it shall commence on November 6, 1975, and end on~~ 982  
~~February 27, 1981; and upon expiration of the term ending August~~ 983  
~~31, 1977, the new term which succeeds it shall commence on~~ 984  
~~September 1, 1977, and end on February 27, 1983.~~ Each member shall 985  
hold office from the date of appointment until the end of the term 986  
for which the member was appointed. Any member appointed to fill a 987  
vacancy occurring prior to the expiration of the term for which 988  
the member's predecessor was appointed shall hold office for the 989  
remainder of such term. Any member shall continue in office 990  
subsequent to the expiration date of the member's term until the 991  
member's successor takes office, or until a period of sixty days 992  
has elapsed, whichever occurs first. The chairperson of the 993  
commission and each member shall be paid a salary fixed pursuant 994  
to section 124.14 of the Revised Code ~~from the unemployment~~ 995  
~~compensation administration fund.~~ The governor ~~may~~, at any time, 996  
may remove any member for inefficiency, neglect of duty, 997  
malfeasance, misfeasance, or nonfeasance in office. 998

Not more than one of the appointees to the commission shall 999  
be a person who, on account of the appointee's previous vocation, 1000  
employment, or affiliations, can be classed as a representative of 1001  
employers, and not more than one of the appointees shall be a 1002  
person who, on account of the appointee's previous vocation, 1003  
employment, or affiliations, can be classed as a representative of 1004  
employees. Not more than two of the members of the commission 1005  
shall belong to the same political party. No member of the 1006

commission shall hold any position of trust or profit or engage in  
any occupation or business interfering or inconsistent with the  
member's duties as a member and no member shall serve on any  
committee of any political party. The commission shall elect a  
chairperson and a vice-chairperson. The vice-chairperson shall  
exercise the powers of the chairperson in the chairperson's  
absence.

No commission member shall participate in the disposition of  
any appeal in which the member has an interest in the controversy.  
Challenges to the interest of any commission member may be made by  
any interested party defined in division (I) of section 4141.01 of  
the Revised Code and shall be in writing. All challenges shall be  
decided by the chairperson of the advisory council, who, if the  
challenge is found to be well taken, shall advise the governor,  
who shall ~~in such case or at any time it is determined by the~~  
~~governor that a member of the commission is incapacitated to~~  
~~serve,~~ appoint a member of the advisory council representing the  
same affiliations to act and receive the same compensation ~~from~~  
~~the unemployment fund~~ for serving in place of such member.

The commission may appoint a secretary to hold office at its  
pleasure. The secretary shall have such powers and shall perform  
such duties as the commission prescribes and shall keep a record  
of the proceedings of the commission and of its determinations.  
The secretary shall receive a salary fixed pursuant to section  
124.14 of the Revised Code. Notwithstanding ~~Chapter 124. division~~  
(A)(8) of section 124.11 of the Revised Code, each member of the  
commission may appoint a private secretary ~~to~~ who shall be in the  
classified service of the state and hold office at the pleasure of  
such member.

Two members of the commission constitute a quorum and no  
action of the commission is valid unless it has the concurrence of  
at least two members. A vacancy on the commission does not impair

the right of a quorum to exercise all the rights and perform all 1039  
the duties of the commission. ~~The commission or its secretary~~ 1040  
~~shall keep a record of the proceedings of the commission and of~~ 1041  
~~its determinations.~~ 1042

HEARINGS BEFORE THE COMMISSION ARE HELD AT THE HEARING 1043  
OFFICER LEVEL AND THE REVIEW LEVEL. UNLESS OTHERWISE PROVIDED IN 1044  
THIS CHAPTER, INITIAL HEARINGS INVOLVING CLAIMS FOR COMPENSATION 1045  
AND OTHER UNEMPLOYMENT COMPENSATION ISSUES ARE CONDUCTED AT THE 1046  
HEARING OFFICER LEVEL BY HEARING OFFICERS APPOINTED BY THE 1047  
COMMISSION. HEARINGS AT THE REVIEW LEVEL ARE CONDUCTED BY HEARING 1048  
OFFICERS APPOINTED BY THE COMMISSION, BY MEMBERS OF THE COMMISSION 1049  
ACTING EITHER INDIVIDUALLY OR COLLECTIVELY, AND BY MEMBERS OF THE 1050  
COMMISSION AND HEARING OFFICERS ACTING JOINTLY. IN ALL HEARINGS 1051  
CONDUCTED AT THE REVIEW LEVEL, THE COMMISSION SHALL DESIGNATE THE 1052  
HEARING OFFICER OR OFFICERS WHO ARE TO CONDUCT THE HEARING. WHEN 1053  
THE TERM "HEARING OFFICER" IS USED IN REFERENCE TO HEARINGS 1054  
CONDUCTED AT THE REVIEW LEVEL, THE TERM INCLUDES MEMBERS OF THE 1055  
COMMISSION. ALL DECISIONS ISSUED AT THE REVIEW LEVEL ARE ISSUED BY 1056  
THE COMMISSION. 1057

The commission and its hearing officers shall hear appeals 1058  
arising from determinations of the administrator of the bureau of 1059  
employment services involving claims for compensation and other 1060  
unemployment compensation issues. The commission shall adopt, 1061  
amend, or rescind ~~such~~ rules of procedure, and undertake such 1062  
investigations, and take such action required for the hearing and 1063  
disposition of appeals as it deems necessary and consistent with 1064  
sections 4141.01 to 4141.46 of the Revised Code. The rules ~~of~~ 1065  
~~procedure~~ adopted by the commission shall be effective ~~as the~~ 1066  
~~commission prescribes and shall not be inconsistent to the extent~~ 1067  
that the rules are consistent with such sections. 1068

The commission, subject to Chapter 124. of the Revised Code, 1069  
and with the approval of the governor, shall appoint such ~~referees~~ 1070

hearing officers as are necessary. The ~~referees~~ hearing officers 1071  
shall be classified by the department of administrative services 1072  
~~and any. Any promotions of the referees or any increase~~ increases 1073  
in compensation of the ~~referees~~ hearing officers may be 1074  
recommended by the commission subject to classifications which are 1075  
made by the department ~~of administrative services. The commission~~ 1076  
~~may grant power to take testimony in any appeals coming before the~~ 1077  
~~commission. The members of the commission and its referees shall,~~ 1078  
~~in the performance of their duties,~~ hearing officers may conduct 1079  
hearings for unemployment compensation appeals coming before the 1080  
commission. The members and hearing officers may exercise all 1081  
powers provided by section 4141.17 of the Revised Code. 1082

The commission, subject to Chapter 124. of the Revised Code, 1083  
may employ such ~~reporters, stenographers, clerical aid, and other~~ 1084  
~~employees~~ support personnel as are requisite needed to the 1085  
~~discharge of~~ carry out the duties of the commission ~~and the. The~~ 1086  
salaries of such employees are fixed pursuant to section 124.14 of 1087  
the Revised Code. The commission shall further provide itself and 1088  
its employees with such offices, equipment, and supplies as are 1089  
necessary, using those already provided for the central office of 1090  
the bureau or its branch offices wherever possible. 1091

The commission shall have access to all the records of the 1092  
bureau of employment services needed in the performance of its 1093  
official duties. The commission shall have the right to request of 1094  
the administrator necessary information from ~~the research and~~ 1095  
~~statistics department, the legal department, the department of~~ 1096  
~~public information, the fiscal department, or any other department~~ 1097  
~~from which pertinent information is necessary~~ any division of the 1098  
bureau having that information. 1099

The commission shall prepare and submit to the administrator 1100  
an annual budget financing the costs necessary to administer its 1101  
duties under this chapter. The fund request shall relate to, but 1102

not be limited to, the United States department of labor's 1103  
allocations for the commission's functions. The administrator 1104  
shall approve the commission's request unless funds are 1105  
insufficient to finance the request. The administrator shall 1106  
notify the commission of the amount of funds available for its 1107  
operation, as soon as possible, but not later than thirty days 1108  
after receiving the allocation from the United States department 1109  
of labor. 1110

In the event that the administrator determines that 1111  
sufficient funds are not available to approve the request as 1112  
submitted and a revised budget is not agreed to within thirty days 1113  
of the administrator's notification to the commission, the 1114  
director of budget and management shall review and determine the 1115  
funding levels for the commission and notify the commission and 1116  
the administrator of its determination. 1117

**Sec. 4141.07.** (A) The unemployment compensation review 1118  
commission ~~may~~, by rule, may authorize persons other than ones who 1119  
are admitted to the practice of law also to appear before the 1120  
commission in any kind of proceeding as representatives of 1121  
employers or claimants. The commission may prescribe in any rule 1122  
so adopted the minimum qualifications for such agents and such 1123  
minimum standards of practice as are appropriate. 1124

Notwithstanding section 119.13 of the Revised Code, the 1125  
representation of parties before the commission by a person not 1126  
admitted to the practice of law does not impair or invalidate a 1127  
proceeding for the purpose of a subsequent appeal to a court or 1128  
for any other purpose where a party knowingly selects 1129  
representation by a person not admitted to the practice of law. 1130

(B) No individual claiming benefits shall be charged fees of 1131  
any kind in any proceeding under sections 4141.01 to 4141.46 of 1132  
the Revised Code, by the commission or its representatives. Any 1133

individual claiming benefits or any employer may represent 1134  
themselves personally or be represented by a person admitted to 1135  
the practice of law or by a person not admitted to the practice of 1136  
law in any proceeding before the administrator of the bureau of 1137  
employment services, or, before the commission or a ~~referee~~ 1138  
hearing officer; but no such counsel or agent representing an 1139  
individual claiming benefits shall either charge or receive for 1140  
such services more than an amount approved by the commission. 1141

No person shall charge or receive anything of value in 1142  
violation of this section. 1143

**Sec. 4141.09.** (A) There is hereby created an unemployment 1144  
compensation fund to be administered by the state without 1145  
liability on the part of the state beyond the amounts paid into 1146  
the fund and earned by the fund. The unemployment compensation 1147  
fund shall consist of all contributions, payments in lieu of 1148  
contributions described in sections 4141.241 and 4141.242 of the 1149  
Revised Code, reimbursements of the federal share of extended 1150  
benefits described in section 4141.301 of the Revised Code, 1151  
collected under sections 4141.01 to 4141.46 of the Revised Code, 1152  
together with all interest earned upon any moneys deposited with 1153  
the secretary of the treasury of the United States to the credit 1154  
of the account of this state in the unemployment trust fund 1155  
established and maintained pursuant to section 904 of the "Social 1156  
Security Act," any property or securities acquired through the use 1157  
of moneys belonging to the fund, and all earnings of such property 1158  
or securities. The unemployment compensation fund shall be used to 1159  
pay benefits and refunds as provided by such sections and for no 1160  
other purpose. 1161

(B) The treasurer of state shall be the custodian of the 1162  
unemployment compensation fund and shall administer such fund in 1163  
accordance with the directions of the administrator of the bureau 1164

of employment services. All disbursements therefrom shall be paid 1165  
by the treasurer of state on warrants drawn by the administrator. 1166  
Such warrants may bear the facsimile signature of the 1167  
administrator printed thereon and that of a deputy or other 1168  
employee of the administrator charged with the duty of keeping the 1169  
account of the unemployment compensation fund and with the 1170  
preparation of warrants for the payment of benefits to the persons 1171  
entitled thereto. Moneys in the clearing and benefit accounts 1172  
shall not be commingled with other state funds, except as provided 1173  
in division (C) of this section, but shall be maintained in 1174  
separate accounts on the books of the depository bank. Such money 1175  
shall be secured by the depository bank to the same extent and in 1176  
the same manner as required by sections 135.01 to 135.21 of the 1177  
Revised Code; and collateral pledged for this purpose shall be 1178  
kept separate and distinct from any collateral pledged to secure 1179  
other funds of this state. All sums recovered for losses sustained 1180  
by the unemployment compensation fund shall be deposited therein. 1181  
The treasurer of state shall be liable on the treasurer's official 1182  
bond for the faithful performance of the treasurer's duties in 1183  
connection with the unemployment compensation fund, such liability 1184  
to exist in addition to any liability upon any separate bond. 1185  
1186

(C) The treasurer of state shall maintain within the 1187  
unemployment compensation fund three separate accounts which shall 1188  
be a clearing account, an unemployment trust fund account, and a 1189  
benefit account. All moneys payable to the unemployment 1190  
compensation fund, upon receipt thereof by the administrator, 1191  
shall be forwarded to the treasurer of state, who shall 1192  
immediately deposit them in the clearing account. Refunds of 1193  
contributions, or payments in lieu of contributions, payable 1194  
pursuant to division (E) of this section may be paid from the 1195  
clearing account upon warrants signed by a deputy or other 1196  
employee of the administrator charged with the duty of keeping the 1197

record of the clearing account and with the preparation of 1198  
warrants for the payment of refunds to persons entitled thereto. 1199  
After clearance thereof, all moneys in the clearing account shall 1200  
be deposited with the secretary of the treasury of the United 1201  
States to the credit of the account of this state in the 1202  
unemployment trust fund established and maintained pursuant to 1203  
section 904 of the "Social Security Act," in accordance with 1204  
requirements of the "Federal Unemployment Tax Act," 53 Stat. 183 1205  
(1939), 26 U.S.C.A. 3301, 3304(a)(3), any law in this state 1206  
relating to the deposit, administration, release, or disbursement 1207  
of moneys in the possession or custody of this state to the 1208  
contrary notwithstanding. The benefit account shall consist of all 1209  
moneys requisitioned from this state's account in the unemployment 1210  
trust fund. Federal funds, other than funds received by the 1211  
administrator under divisions (I) and (J) of this section, 1212  
received for payment of federal benefits may be deposited into the 1213  
benefit account solely for payment of benefits under a federal 1214  
program administered by this state. Moneys so requisitioned shall 1215  
be used solely for the payment of benefits and for no other 1216  
purpose. Moneys in the clearing and benefit accounts may be 1217  
deposited by the treasurer of state, under the direction of the 1218  
administrator, in any bank or public depository in which general 1219  
funds of the state may be deposited, but no public deposit 1220  
insurance charge or premium shall be paid out of the fund. 1221

(D) Moneys shall be requisitioned from this state's account 1222  
in the unemployment trust fund solely for the payment of benefits 1223  
and in accordance with regulations prescribed by the 1224  
administrator. The administrator shall requisition from the 1225  
unemployment trust fund such amounts, not exceeding the amount 1226  
standing to this state's account therein, as are deemed necessary 1227  
for the payment of benefits for a reasonable future period. Upon 1228  
receipt thereof, the treasurer of state shall deposit such moneys 1229

in the benefit account. Expenditures of such money in the benefit 1230  
account and refunds from the clearing account shall not require 1231  
specific appropriations or other formal release by state officers 1232  
of money in their custody. Any balance of moneys requisitioned 1233  
from the unemployment trust fund which remains unclaimed or unpaid 1234  
in the benefit account after the expiration of the period for 1235  
which such sums were requisitioned shall either be deducted from 1236  
estimates for and may be utilized for the payment of benefits 1237  
during succeeding periods, or, in the discretion of the 1238  
administrator, shall be redeposited with the secretary of the 1239  
treasury of the United States to the credit of this state's 1240  
account in the unemployment trust fund, as provided in division 1241  
(C) of this section. Unclaimed or unpaid federal funds redeposited 1242  
with the secretary of the treasury of the United States shall be 1243  
credited to the appropriate federal account. 1244

(E) No claim for an adjustment or a refund on contribution, 1245  
payment in lieu of contributions, interest, or forfeiture alleged 1246  
to have been erroneously or illegally assessed or collected, or 1247  
alleged to have been collected without authority, and no claim for 1248  
an adjustment or a refund of any sum alleged to have been 1249  
excessive or in any manner wrongfully collected shall be allowed 1250  
unless an application, in writing, therefor is made within four 1251  
years from the date on which such payment was made. If the 1252  
administrator determines that such contribution, payment in lieu 1253  
of contributions, interest, or forfeiture, or any portion thereof, 1254  
was erroneously collected, the administrator shall allow such 1255  
employer to make an adjustment thereof without interest in 1256  
connection with subsequent contribution payments, or payments in 1257  
lieu of contributions, by the employer, or the administrator may 1258  
refund said amount, without interest, from the clearing account of 1259  
the unemployment compensation fund, except as provided in division 1260  
(B) of section 4141.11 of the Revised Code. For like cause and 1261

within the same period, adjustment or refund may be so made on the  
administrator's own initiative. An overpayment of contribution,  
payment in lieu of contributions, interest, or forfeiture for  
which an employer has not made application for refund prior to the  
date of sale of the employer's business shall accrue to the  
employer's successor in interest.

An application for an adjustment or a refund, or any portion  
thereof, that is rejected is binding upon the employer unless,  
within thirty days after the mailing of a written notice of  
rejection to the employer's last known address, or, in the absence  
of mailing of such notice, within thirty days after the delivery  
of such notice, the employer files an application for a review and  
redetermination setting forth the reasons therefor. The  
administrator shall promptly examine the application for review  
and redetermination, and if a review is granted, the employer  
shall be promptly notified thereof, and shall be granted an  
opportunity for a prompt hearing.

(F) If the administrator finds that contributions have been  
paid to the bureau of employment services in error, and that such  
contributions should have been paid to a department of another  
state or of the United States charged with the administration of  
an unemployment compensation law, the administrator may upon  
request by such department or upon the administrator's own  
initiative transfer to such department the amount of such  
contributions, less any benefits paid to claimants whose wages  
were the basis for such contributions. The administrator may  
request and receive from such department any contributions or  
adjusted contributions paid in error to such department which  
should have been paid to the bureau.

(G) In accordance with section 303(c)(3) of the Social  
Security Act, and section 3304(a)(17) of the Internal Revenue Code  
of 1954 for continuing certification of Ohio unemployment

compensation laws for administrative grants and for tax credits, 1294  
any interest required to be paid on advances under Title XII of 1295  
the Social Security Act shall be paid in a timely manner and shall 1296  
not be paid, directly or indirectly, by an equivalent reduction in 1297  
the Ohio unemployment taxes or otherwise, by the state from 1298  
amounts in the unemployment compensation fund. 1299

(H) The treasurer of state, under the direction of the 1300  
administrator and in accordance with the "Cash Management 1301  
Improvement Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, 1302  
shall deposit amounts of interest earned by the state on funds in 1303  
the benefit account established pursuant to division (C) of this 1304  
section into the bureau of employment services banking fees fund, 1305  
which is hereby created in the state treasury for the purpose of 1306  
paying related banking costs incurred by the state for the period 1307  
for which the interest is calculated, except that if the deposited 1308  
interest exceeds the banking costs incurred by the state for the 1309  
period for which the interest is calculated, the treasurer of 1310  
state shall deposit the excess interest into the unemployment 1311  
trust fund. 1312

(I) The treasurer of state, under the direction of the 1313  
administrator, shall deposit federal funds received by the 1314  
administrator pursuant to the "Trade Act of 1974," 88 Stat. 1978, 1315  
19 U.S.C.A. 2101, as amended, into the Trade Act account, which is 1316  
hereby created for the purpose of paying for benefits, training, 1317  
and support services under that act. 1318

(J) The treasurer of state, under the direction of the 1319  
administrator, shall deposit federal funds received by the 1320  
administrator pursuant to the "North American Free Trade Agreement 1321  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, into 1322  
the North American Free Trade account, which is hereby created for 1323  
the purpose of paying for benefits, training, and support services 1324  
under that act. 1325

Sec. 4141.16. (A) The administrator of the bureau of 1326  
employment services shall make available, upon request, to the 1327  
director of human services or to the county directors of human 1328  
services in the state the name, address, ordinary occupation, and 1329  
employment status of each recipient of unemployment benefits under 1330  
this chapter, and a statement of such recipient's rights to 1331  
further benefits under this chapter. The agency requesting the 1332  
information shall pay the bureau the actual cost of furnishing the 1333  
information requested. 1334

(B) The administrator ~~shall~~ also shall furnish, upon request 1335  
of a public agency administering or supervising the administration 1336  
of a state plan approved under part A of Title IV of the "Social 1337  
Security Act," 49 Stat. 627 (1935), 42 U.S.C.A. 601, or of a 1338  
public agency charged with any duty or responsibility under any 1339  
program or activity authorized or required under part D of Title 1340  
IV of such act, information with respect to any individual 1341  
specified in the request as to: 1342

(1) Whether the individual is receiving, has received, or has 1343  
made application for unemployment compensation, and the amount of 1344  
any compensation being received by the individual; 1345

(2) The current or most recent home address of the 1346  
individual; 1347

(3) Whether the individual has refused an offer of employment 1348  
and, if so, a description of the employment so offered and the 1349  
terms, conditions, and rate of pay therefor. 1350

The public agency shall pay to the bureau of employment 1351  
services the actual costs of furnishing the information described 1352  
in this division, as provided in the "Unemployment Compensation 1353  
Amendments of 1976," 90 Stat. 2667, 42 U.S.C. 603a. 1354

(C)(1) The administrator shall disclose, upon request, to 1355

officers, agents, or employees of any state or local child support enforcement agency, any wage information contained in the records of the bureau of employment services with respect to an individual identified in the request. 1356  
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(2) The officer, agent, or employee of the state or local child support enforcement agency shall state in the request that the wage information shall be used only for the purposes of establishing paternity; establishing, modifying, and enforcing child support obligations which are being administered pursuant to a plan described in section 454 of the "Social Security Act," 88 Stat. 2354 (1975), 42 U.S.C.A. 654, which has been approved by the United States secretary of health and human services under part D of Title IV of the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651. 1360  
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(3) State and local child support enforcement agencies, pursuant to section 303(d) of the "Social Security Act," 94 Stat. 441 (1980), 42 U.S.C.A. 503, as set forth in the "Social Security Disability Amendments of 1980," section 408(B) of P.L. 96-265, shall pay to the bureau the actual costs of furnishing the information described in this division. 1370  
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(4) Requirements with respect to the confidentiality of information obtained in the administration of this chapter and any sanctions imposed on improper disclosure of information obtained therein shall apply to the redisclosure of information disclosed under this section. 1376  
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(D) The administrator also shall furnish, as required by section 303(h) of the "Social Security Act," to the United States secretary of health and human services, and on a reimbursable basis, prompt access to wage and claims information, including any information useful in locating an absent parent or such parent's employer for use by the "Parent Locator Service," section 453, 1381  
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part D of Title IV of the "Social Security Act" and as required 1387  
under section 303(h) of such act. 1388

(E)(1) If the director of human services determines that 1389  
direct, on-line access to the automated information system 1390  
maintained by the bureau of employment services is an effective 1391  
and efficient means of obtaining necessary information to aid in 1392  
the enforcement or collection of child support obligations, the 1393  
director shall make a written request to the administrator of the 1394  
bureau of employment services to permit the following to have 1395  
direct, on-line access to the information system: 1396

(a) The department of human services; 1397

(b) Officers, agents, or employees of a state or local child 1398  
support enforcement agency of this state or of another state as 1399  
designated by the director; 1400

(c) Officers, agents, or employees of any private agency 1401  
designated by the director that is operating pursuant to a 1402  
contract entered into with a state or local child support 1403  
enforcement agency of this state for the exchange of information 1404  
related to the enforcement and collection of child support 1405  
obligations. 1406

(2) The director of human services shall not designate 1407  
pursuant to division (E)(1) of this section a state or local child 1408  
support enforcement agency of this state or of another state or 1409  
any private agency to have access to the automated information 1410  
system maintained by the bureau unless ~~he~~ the director also 1411  
determines that on-line direct access to the bureau's automated 1412  
information system by that agency is necessary for the 1413  
implementation of a child support enforcement program operating 1414  
pursuant to a plan described in section 454 of the "Social 1415  
Security Act," 88 Stat. 2354 (1975), 42 U.S.C.A. 654, that has 1416  
been approved by the secretary of health and human services under 1417

part D of Title IV of the "Social Security Act," 88 Stat. 2351 1418  
(1975), 42 U.S.C.A. 651. 1419

(3) Upon receipt of a request made under division (E)(1) of 1420  
this section, the administrator of the bureau shall comply with 1421  
the request and shall adopt rules pursuant to this section and 1422  
section 111.15 of the Revised Code to regulate access to the 1423  
bureau's automated information system. The rules shall include a 1424  
confidentiality requirement that conforms to division (E)(5) of 1425  
this section. 1426

(4)(a) State and local child support enforcement agencies, 1427  
pursuant to section 303(d) of the "Social Security Act," 94 Stat. 1428  
441 (1980), 42 U.S.C.A. 503, as set forth in the "Social Security 1429  
Disability Amendments of 1980," section 408(B) of P.L. 96-265, 1430  
shall pay to the bureau the actual costs to the bureau of 1431  
accessing its automated information system. 1432

(b) Any private agency designated by the director of human 1433  
services pursuant to division (E)(1) of this section that is 1434  
operating pursuant to a contract entered into with a state or 1435  
local child support enforcement agency of this state for the 1436  
exchange of information related to the enforcement and collection 1437  
of child support obligations shall pay or provide contractually 1438  
for the payment of the actual costs to the bureau of accessing its 1439  
automated information system. 1440

(5) The requirements with respect to the confidentiality of 1441  
information obtained in the administration of this chapter and any 1442  
sanctions imposed on improper disclosure of information obtained 1443  
in the administration of this chapter shall apply to any 1444  
information obtained pursuant to division (E) of this section 1445  
through on-line access to the bureau's automated information 1446  
system. 1447

(F) The director of human services, the director's employees, 1448

and other individuals to whom information is made available 1449  
pursuant to this section are subject to section 4141.22 of the 1450  
Revised Code and the penalty for violation of that section as 1451  
specified in section 4141.99 of the Revised Code. 1452

(G) As used in this section, "state or local child support 1453  
enforcement agency" means either of the following: 1454

(1) In this state, the department of human services, the 1455  
division of child support created pursuant to section 5101.31 of 1456  
the Revised Code, or a child support enforcement agency designated 1457  
by the board of county commissioners pursuant to section 2301.35 1458  
of the Revised Code; 1459

(2) In a state other than this state, any agency of a state 1460  
or of a political subdivision of a state operating pursuant to a 1461  
plan described in section 454 of the "Social Security Act," which 1462  
has been approved by the secretary of health and human services 1463  
under part D of Title IV of the "Social Security Act." 1464

**Sec. 4141.17.** The administrator of the bureau of employment 1465  
services and ~~his secretary, deputies, and authorized~~ 1466  
~~representative~~ the unemployment compensation review commission may 1467  
administer oaths, certify to official acts, take depositions, 1468  
issue subpoenas, and compel the attendance and testimony of 1469  
witnesses and the production of books, accounts, papers, records, 1470  
documents, and testimony; ~~but no person shall be compelled~~ 1471  
~~pursuant to this section to attend at a place outside the county~~ 1472  
~~in which he resides or is found.~~ 1473

~~No person shall be excused from attending and testifying or~~ 1474  
~~from producing books, papers, correspondence, memoranda, or other~~ 1475  
~~records before the administrator or his secretary or deputy or~~ 1476  
~~before any authorized representative, agent, or agency of the~~ 1477  
~~administrator, in any cause, hearing, or proceeding before the~~ 1478

~~administrator or a local board, on the ground that the testimony  
or evidence required of him may tend to incriminate him or subject  
him to a penalty or forfeiture; but no person shall be prosecuted  
or be subjected to any penalty or forfeiture on account of any  
transaction, matter, or thing concerning which he is compelled,  
after having claimed his privilege against self incrimination, to  
testify or produce evidence, except that such individual so  
testifying shall not be exempt from prosecution and punishment for  
perjury committed in so testifying.~~

In case of the refusal of a witness to attend or testify, or  
to produce books or papers, as to any matter regarding which ~~he~~  
the witness might be lawfully interrogated in the administration  
of this chapter, the court of common pleas of the county in which  
the person resides or is found, the court of appeals that has  
jurisdiction over the county in which the person resides or is  
found, or a judge thereof, upon application of the administrator  
or commission, shall compel obedience by proceedings as for  
contempt as in case of like refusal to obey a similar order of the  
court.

**Sec. 4141.20.** (A) Every employer, including those not  
otherwise subject to this chapter, shall furnish the administrator  
of the bureau of employment services upon request all information  
required by ~~him~~ the administrator to carry out the requirements of  
this chapter. Every employer receiving from the administrator any  
blank with direction to fill it out shall cause it to be properly  
filled out, in the manner prescribed by the administrator, so as  
to answer fully and correctly all questions therein propounded,  
and shall furnish all the information therein sought, or, if  
unable to do so, ~~such~~ that employer shall give the administrator  
in writing good and sufficient reason for such failure.

The administrator may require that such information be

verified under oath and returned to the administrator within the 1510  
period fixed by ~~him~~ the administrator or by law. The administrator 1511  
or any person employed by ~~him~~ the administrator for that purpose 1512  
may examine under oath any such employer, or the officer, agent, 1513  
or employee of ~~such~~ that employer, for the purpose of ascertaining 1514  
any information ~~which~~ ~~such~~ that the employer is required by this 1515  
chapter to furnish to the administrator. Any employer who fails to 1516  
furnish information as is required by the administrator under 1517  
authority of this section shall forfeit five hundred dollars to be 1518  
collected in a civil action brought against the employer in the 1519  
name of the state. 1520

(B) Effective with the calendar quarter beginning April 1, 1521  
1987, every contributory employer shall file a quarterly 1522  
contribution report and a quarterly report of wages. The quarterly 1523  
reports shall be filed no later than the last day of the first 1524  
month following the close of the calendar quarter for which the 1525  
quarterly reports are being filed. The employer shall enter on the 1526  
quarterly contribution report the total and taxable remuneration 1527  
paid to all employees during the quarter. The employer shall enter 1528  
on the quarterly report of wages the name and social security 1529  
number of each individual employed during the calendar quarter, 1530  
the total remuneration paid the individual, the number of weeks 1531  
during the quarter for which the individual was paid remuneration, 1532  
and any other information as required by section 1137 of the 1533  
"Social Security Act." The administrator shall furnish the form or 1534  
forms on which the quarterly reports are to be submitted or the 1535  
employer may use other methods of reporting, including electronic 1536  
information transmission methods, as approved by the 1537  
administrator. 1538

Effective until the calendar quarter beginning January 1, 1539  
1993, in case of failure to file the quarterly contribution report 1540  
or the report of wages containing all the required contribution 1541

and wage information within the time prescribed by this section, 1542  
there shall be assessed a forfeiture amounting to ten per cent of 1543  
the contributions due; provided such forfeiture shall not be less 1544  
than twenty-five nor more than two hundred fifty dollars. The 1545  
administrator may waive the forfeiture only with respect to the 1546  
report of wages, and the waiver may be approved only if the 1547  
employer shows good cause for failure to file the required 1548  
information. 1549

Effective with the calendar quarter beginning January 1, 1550  
1993, in case of failure to file the quarterly contribution report 1551  
containing all the required information within the time prescribed 1552  
by this section, there shall be assessed a forfeiture amounting to 1553  
twenty-five one-hundredths of one per cent of the total 1554  
remuneration paid by the employer, provided such forfeiture shall 1555  
not be less than thirty nor more than five hundred dollars per 1556  
quarterly contribution report. The administrator may waive the 1557  
forfeiture only if the employer provides to the administrator a 1558  
written statement showing good cause for failure to file the 1559  
required quarterly contribution report. 1560

Effective with the calendar quarter beginning January 1, 1561  
1993, in case of failure to file the quarterly report of wages 1562  
containing all the required information within the time prescribed 1563  
by this section, there shall be assessed a forfeiture amounting to 1564  
twenty-five one-hundredths of one per cent of the total 1565  
remuneration paid by the employer, provided such forfeiture shall 1566  
be not less than thirty nor more than five hundred dollars per 1567  
quarterly report of wages. The administrator may waive the 1568  
forfeiture only if the employer provides to the administrator a 1569  
written statement showing good cause for failure to file the 1570  
required quarterly report of wages. 1571

(C) Effective with the calendar quarter beginning April 1, 1572  
1987, every employer liable for payments in lieu of contributions 1573

shall file a quarterly payroll report and a quarterly report of wages. The employer shall file the quarterly reports no later than the last day of the first month following the close of the calendar quarter for which the quarterly reports are being filed. The employer shall enter on the quarterly payroll report the total remuneration paid to all employees during the quarter and the total wages that would have been taxable had the employer been subject to contributions. The employer shall enter on the quarterly report of wages the name and social security number of each individual employed during the calendar quarter, the total remuneration paid the individual, the number of weeks during the quarter for which the individual was paid remuneration, and any other information as required by section 1137 of the "Social Security Act." The administrator shall furnish the form or forms on which the quarterly reports are to be submitted or the employer may use other methods of reporting, including electronic information transmission methods, as approved by the administrator.

Effective until the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly payroll report or the report of wages containing all of the required payroll or wage information within the time prescribed by this section, the employer shall be assessed a forfeiture of twenty-five dollars per report. The administrator may waive the forfeiture only with respect to the report of wages, and such waiver may be approved only if the employer shows good cause for failure to file the required information.

Effective with the calendar quarter beginning January 1, 1993, in case of failure to file the quarterly payroll report containing all the required wage information within the time prescribed by this section, the employer shall be assessed a forfeiture amounting to twenty-five one-hundredths of one per cent

of the total remuneration paid by the employer, provided such  
forfeiture shall not be less than thirty nor more than five  
hundred dollars per quarterly payroll report. The administrator  
may waive the forfeiture only if the employer provides to the  
administrator a written statement showing good cause for failure  
to file the required quarterly payroll report.

Effective with the calendar quarter beginning January 1,  
1993, in case of failure to file the quarterly report of wages  
containing all the required information within the time prescribed  
by this section, there shall be assessed a forfeiture amounting to  
twenty-five one-hundredths of one per cent of the total  
remuneration paid by the employer, provided such forfeiture shall  
be not less than thirty nor more than five hundred dollars per  
quarterly report of wages. The administrator may waive the  
forfeiture only if the employer provides to the administrator a  
written statement showing good cause for failure to file the  
required quarterly report of wages.

(D) All forfeitures required by this section shall be paid  
into the unemployment compensation special administrative fund as  
provided in section 4141.11 of the Revised Code.

**Sec. 4141.21.** Except as provided in sections 4141.16,  
4141.161, 4141.162, and 4141.163 of the Revised Code; ~~until~~  
~~October 1, 1994, except as provided in section 4141.164 of the~~  
~~Revised Code;~~ and subject to section 4141.43 of the Revised Code,  
the information maintained by the administrator of the bureau of  
employment services or furnished to the administrator ~~of the~~  
~~bureau of employment services~~ by employers or employees pursuant  
to this chapter is for the exclusive use and information of the  
bureau of employment services in the discharge of its duties and  
shall not be open to the public or be used in any court in any  
action or proceeding pending therein, or be admissible in evidence

in any action, other than one arising under ~~such~~ those sections. 1637  
All of the information and records necessary or useful in the 1638  
determination of any particular claim for benefits or necessary in 1639  
verifying any charge to an employer's account under sections 1640  
4141.23 to 4141.26 of the Revised Code shall be available for 1641  
examination and use by the employer and the employee involved or 1642  
their authorized representatives in the hearing of such cases, and 1643  
~~such~~ that information may be tabulated and published in 1644  
statistical form for the use and information of the state 1645  
departments and the public. 1646

**Sec. 4141.22.** (A) No person shall disclose any information 1647  
~~which~~ that was maintained by the administrator of the bureau of 1648  
employment services or furnished to the administrator ~~of the~~ 1649  
~~bureau of employment services~~ by employers or employees pursuant 1650  
to Chapter 4141. of the Revised Code, unless such disclosure is 1651  
permitted under section 4141.21 of the Revised Code. 1652

(B) No person in the employ of the administrator of the 1653  
bureau of employment services, or who has been in the employ of 1654  
the administrator at any time, shall divulge any information 1655  
secured by ~~him~~ the person while so employed in respect to the 1656  
transactions, property, business, or mechanical, chemical, or 1657  
other industrial process of any person, firm, corporation, 1658  
association, or partnership to any person other than the 1659  
administrator or other employees of the bureau of employment 1660  
services as required by ~~such~~ the person's duties, or to other 1661  
persons as authorized by the administrator under section 4141.43 1662  
of the Revised Code. 1663

Whoever violates this section shall be disqualified from 1664  
holding any appointment or employment by the administrator. 1665

**Sec. 4141.24.** (A)(1) The administrator of the bureau of 1666

employment services shall maintain a separate account for each 1667  
employer and, except as otherwise provided in division ~~(D)~~(B) of 1668  
section 4141.25 of the Revised Code respecting mutualized 1669  
contributions, shall credit such employer's account with all the 1670  
contributions, or payments in lieu of contributions, which ~~he~~ the 1671  
employer has paid on ~~his~~ the employer's own behalf. 1672

(2) If, as of the computation date, a contributory employer's 1673  
account shows a negative balance computed as provided in division 1674  
~~(C)~~(A)(3) of section 4141.25 of the Revised Code, less any 1675  
contributions due and unpaid on such date, which negative balance 1676  
is in excess of the limitations imposed by divisions (A)(2)(a), 1677  
(b), and (c) of this section and if the employer's account is 1678  
otherwise eligible for the transfer, then before ~~his~~ the 1679  
employer's contribution rate is computed for the next succeeding 1680  
contribution period, an amount equal to the amount of the excess 1681  
eligible for transfer shall be permanently transferred from the 1682  
account of such employer and charged to the mutualized account 1683  
provided in division ~~(D)~~(B) of section 4141.25 of the Revised 1684  
Code. 1685

(a) If as of any computation date, a contributory employer's 1686  
account shows a negative balance in excess of ten per cent of the 1687  
employer's average annual payroll, then before ~~his~~ the employer's 1688  
contribution rate is computed for the next succeeding contribution 1689  
period, an amount equal to the amount of the excess shall be 1690  
transferred from the account as provided in this division. No 1691  
contributory employer's account may have any excess transferred 1692  
pursuant to division (A)(2)(a) of this section, unless ~~his~~ the 1693  
employer's account has shown a positive balance for at least two 1694  
consecutive computation dates prior to the computation date with 1695  
respect to which the transfer is proposed. Each time a transfer is 1696  
made pursuant to division (A)(2)(a) of this section, the 1697  
employer's account is ineligible for any additional transfers 1698

under that division, until the account shows a positive balance 1699  
for at least two consecutive computation dates subsequent to the 1700  
computation date of which the most recent transfer occurs pursuant 1701  
to division (A)(2)(a), (b), or (c) of this section. 1702

(b) If at the next computation date after the computation 1703  
date at which a transfer from the account occurs pursuant to 1704  
division (A)(2)(a) of this section, a contributory employer's 1705  
account shows a negative balance in excess of fifteen per cent of 1706  
the employer's average annual payroll, then before ~~his~~ the 1707  
employer's contribution rate is computed for the next succeeding 1708  
contribution period an amount equal to the amount of the excess 1709  
shall be permanently transferred from the account as provided in 1710  
this division. 1711

(c) If at the next computation date subsequent to the 1712  
computation date at which a transfer from a contributory 1713  
employer's account occurs pursuant to division (A)(2)(b) of this 1714  
section, the employer's account shows a negative balance in excess 1715  
of twenty per cent of the employer's average annual payroll, then 1716  
before ~~his~~ the employer's contribution rate is computed for the 1717  
next succeeding contribution period, an amount equal to the amount 1718  
of the excess shall be permanently transferred from the account as 1719  
provided in this division. 1720

(d) If no transfer occurs pursuant to division (A)(2)(b) or 1721  
(c) of this section, the employer's account is ineligible for any 1722  
additional transfers under division (A)(2) until the account 1723  
requalifies for a transfer pursuant to division (A)(2)(a) of this 1724  
section. 1725

(B) Any employer may make voluntary payments in addition to 1726  
the contributions required under this chapter, in accordance with 1727  
rules established by the administrator. Such payments shall be 1728  
included in the employer's account as of the computation date, 1729  
provided they are received by the bureau of employment services by 1730

the thirty-first day of December following such computation date. 1731  
Such voluntary payment, when accepted from an employer, will not 1732  
be refunded in whole or in part. In determining whether an 1733  
employer's account has a positive balance on two consecutive 1734  
computation dates and is eligible for transfers under division 1735  
(A)(2) of this section, the administrator shall exclude any 1736  
voluntary payments made subsequent to the last transfer made under 1737  
division (A)(2) of this section. 1738

(C) All contributions to the fund shall be pooled and 1739  
available to pay benefits to any individual entitled to benefits 1740  
irrespective of the source of such contributions. 1741

(D)(1) For the purposes of this section and sections 4141.241 1742  
and 4141.242 of the Revised Code, an employer's account shall be 1743  
charged only for benefits based on remuneration paid by such 1744  
employer. Benefits paid to an eligible individual shall be charged 1745  
against the account of each employer within the claimant's base 1746  
period in the proportion to which wages attributable to each 1747  
employer of the claimant bears to the claimant's total base period 1748  
wages. Charges to the account of a base period employer with whom 1749  
the claimant is employed part-time at the time ~~his~~ the claimant's 1750  
application for a determination of benefits rights is filed shall 1751  
be charged to the mutualized account when all of the following 1752  
conditions are met: 1753

(a) The claimant also worked part-time for the employer 1754  
during the base period of the claim. 1755

(b) The claimant is unemployed due to loss of other 1756  
employment. 1757

(c) The employer ~~either~~ is not a reimbursing employer under 1758  
section 4141.241 or 4141.242 of the Revised Code ~~or is a~~ 1759  
~~reimbursing employer who has been determined to be a seasonal~~ 1760  
~~employer pursuant to section 4141.33 of the Revised Code, and the~~ 1761

~~benefit charges are for weeks of unemployment that occurred 1762  
outside the seasonal employer's seasonal period. 1763~~

(2) Notwithstanding division (D)(1) of this section, charges 1764  
to the account of any employer, including any reimbursing 1765  
employer, shall be charged to the mutualized account if it finally 1766  
is determined by a court on appeal that the employer's account is 1767  
not chargeable for the benefits. 1768

(3) The administrator shall notify each employer at least 1769  
once each month of the benefits charged to ~~his~~ the employer's 1770  
account since the last preceding notice; except that for the 1771  
purposes of sections 4141.241 and 4141.242 of the Revised Code 1772  
which provides the billing of employers on a payment in lieu of a 1773  
contribution basis, the administrator may prescribe a quarterly or 1774  
less frequent notice of benefits charged to the employer's 1775  
account. Such notice will show a summary of the amount of benefits 1776  
paid which were charged to the employer's account. This notice 1777  
shall not be deemed a determination of the claimant's eligibility 1778  
for benefits. Any employer so notified, ~~may,~~ however, may file 1779  
within fifteen days after the mailing date of the notice, ~~file~~ an 1780  
exception to charges appearing on the notice on the grounds that 1781  
such charges are not in accordance with this section. The 1782  
administrator shall promptly examine the exception to such charges 1783  
and shall notify the employer of ~~his~~ the administrator's decision 1784  
thereon, which decision shall become final unless appealed to the 1785  
~~board of unemployment compensation~~ review commission in the manner 1786  
provided in section 4141.26 of the Revised Code. For the purposes 1787  
of this division, an exception is considered timely filed when it 1788  
has been received as provided in division (I)(2) of section 1789  
4141.28 of the Revised Code. 1790

~~(3) For the purpose of this section and sections 4141.241 and 1791  
4141.242 of the Revised Code, benefits based on public service 1792  
wages for services performed in a public service job as defined in 1793~~

~~the "Comprehensive Employment and Training Act of 1973," 87 Stat. 1794  
839, 29 U.S.C.A. 801, as amended, to the extent that wages are 1795  
paid with funds provided under that federal act shall not be 1796  
charged to the account of any employer but shall be charged to the 1797  
account of the federal government to the extent that the 1798  
unemployment compensation fund is reimbursed for benefits under 1799  
section 221, Title II of the "Emergency Jobs and Unemployment 1800  
Assistance Act of 1974," 88 Stat. 1845, as added by section 6(a) 1801  
of Public Law 94-444, as amended. 1802~~

(E) The administrator shall terminate and close the account 1803  
of any contributory employer who has been subject to this chapter 1804  
if the enterprise for which the account was established is no 1805  
longer in operation and it has had no payroll and its account has 1806  
not been chargeable with benefits for a period of five consecutive 1807  
years. The amount of any positive balance, computed as provided in 1808  
division ~~(C)~~(A)(3) of section 4141.25 of the Revised Code, in an 1809  
account closed and terminated as provided in this section shall be 1810  
credited to the mutualized account as provided in division 1811  
~~(D)~~(B)(2)(b) of section 4141.25 of the Revised Code. The amount of 1812  
any negative balance, computed as provided in division ~~(C)~~(A)(3) 1813  
of section 4141.25 of the Revised Code, in an account closed and 1814  
terminated as provided in this section shall be charged to the 1815  
mutualized account as provided in division ~~(D)~~(B)(1)(b) of section 1816  
4141.25 of the Revised Code. The amount of any positive balance or 1817  
negative balance, credited or charged to the mutualized account 1818  
after the termination and closing of an employer's account, shall 1819  
not thereafter be considered in determining the contribution rate 1820  
of such employer. The closing of an employer's account as provided 1821  
in this division shall not relieve such employer from liability 1822  
for any unpaid contributions or payment in lieu of contributions 1823  
which are due for periods prior to such closing. 1824

1825

If the administrator finds that a contributory employer's 1826  
business is closed solely because of the entrance of one or more 1827  
of the owners, officers, or partners, or the majority stockholder, 1828  
into the armed forces of the United States, or any of its allies, 1829  
or of the United Nations after July 1, 1950, such employer's 1830  
account shall not be terminated and if the business is resumed 1831  
within two years after the discharge or release of such persons 1832  
from active duty in the armed forces, the employer's experience 1833  
shall be deemed to have been continuous throughout such period. 1834  
The reserve ratio of any such employer shall be the total 1835  
contributions paid by such employer minus all benefits, including 1836  
benefits paid to any individual during the period such employer 1837  
was in the armed forces, based upon wages paid by ~~him~~ the employer 1838  
prior to ~~his~~ the employer's entrance into the armed forces divided 1839  
by the average of ~~his~~ the employer's annual payrolls for the three 1840  
most recent years during the whole of which the employer has been 1841  
in business. 1842

(F) If an employer transfers ~~his~~ the employer's business or 1843  
otherwise reorganizes such business, the successor in interest 1844  
shall assume the resources and liabilities of such employer's 1845  
account, and continue the payment of all contributions, or 1846  
payments in lieu of contributions, due under this chapter. If an 1847  
employer acquires substantially all of the assets in a trade or 1848  
business of another employer, or a clearly segregable and 1849  
identifiable portion of an employer's enterprise, and immediately 1850  
after the acquisition employs in ~~his~~ the employer's trade or 1851  
business substantially the same individuals who immediately prior 1852  
to the acquisition were employed in the trade or business or in 1853  
the separate unit of such trade or business of such predecessor 1854  
employer, then, upon application to the administrator signed by 1855  
the predecessor employer and the acquiring employer, the employer 1856  
acquiring such enterprise is the successor in interest. In the 1857

case of a transfer of a portion of an employer's enterprise, only 1858  
that part of the experience with unemployment compensation and 1859  
payrolls that is directly attributable to the segregated and 1860  
identifiable part shall be transferred and used in computing the 1861  
contribution rate of the successor employer on the next 1862  
computation date. The administrator by rule may prescribe 1863  
procedures for effecting transfers of experience as provided for 1864  
in this section. 1865

(G) For the purposes of this section, two or more employers 1866  
who are parties to or the subject of a merger, consolidation, or 1867  
other form of reorganization effecting a change in legal identity 1868  
or form are deemed to be a single employer if the administrator 1869  
finds that immediately after such change the employing enterprises 1870  
of the predecessor employers are continued solely through a single 1871  
employer as successor thereto, and immediately after such change 1872  
such successor is owned or controlled by substantially the same 1873  
interests as the predecessor employers, and the successor has 1874  
assumed liability for all contributions required of the 1875  
predecessor employers, and the consideration of such two or more 1876  
employers as a single employer for the purposes of this section 1877  
would not be inequitable. 1878

(H) No rate of contribution less than ~~three~~ two and 1879  
seven-tenths per cent shall be permitted a contributory employer 1880  
succeeding to the experience of another contributory employer 1881  
pursuant to this section for any period subsequent to such 1882  
succession, except in accordance with rules prescribed by the 1883  
administrator, which rules shall be consistent with federal 1884  
requirements for additional credit allowance in section 3303 of 1885  
the "Internal Revenue Code of 1954" and consistent with this 1886  
chapter, except that such rules may establish a computation date 1887  
for any such period different from the computation date generally 1888  
prescribed by this chapter, and may define "calendar year" as 1889

meaning a twelve consecutive month period ending on the same day 1890  
of the year as that on which such computation date occurs. 1891

(I) The administrator may prescribe rules for the 1892  
establishment, maintenance, and dissolution of common contribution 1893  
rates for two or more contributory employers, and in accordance 1894  
with such rules and upon application by two or more employers 1895  
shall establish such common rate to be computed by merging the 1896  
several contribution rate factors of such employers for the 1897  
purpose of establishing a common contribution rate applicable to 1898  
all such employers. 1899

**Sec. 4141.241.** (A)(1) Any nonprofit organization described in 1900  
division (X) of section 4141.01 of the Revised Code, which becomes 1901  
subject to this chapter on or after January 1, 1972, shall pay 1902  
contributions under section 4141.25 of the Revised Code, unless it 1903  
elects, in accordance with this division, to pay to the 1904  
administrator of employment services for deposit in the 1905  
unemployment compensation fund an amount in lieu of contributions 1906  
equal to the amount of regular benefits plus one half of extended 1907  
benefits paid from that fund that is attributable to service in 1908  
the employ of the nonprofit organization to individuals whose 1909  
service, during the base period of the claims, was within the 1910  
effective period of such election. 1911

(2) Any nonprofit organization which becomes subject to this 1912  
chapter after January 1, 1972, may elect to become liable for 1913  
payments in lieu of contributions for a period of not less than 1914  
the remainder of that calendar year and the next calendar year, 1915  
beginning with the date on which such subjectivity begins, by 1916  
filing a written notice of its election with the administrator not 1917  
later than thirty days immediately following the date of the 1918  
determination of such subjectivity. 1919

(3) Any nonprofit organization which makes an election in 1920

accordance with this division will continue to be liable for 1921  
payments in lieu of contributions for the period described in this 1922  
division and until it files with the administrator a written 1923  
notice terminating its election. The notice shall be filed not 1924  
later than thirty days prior to the beginning of the calendar year 1925  
for which the termination is to become effective. 1926

(4) Any nonprofit organization which has been paying 1927  
contributions for a period subsequent to January 1, 1972, may 1928  
change to a reimbursable basis by filing with the administrator, 1929  
not later than thirty days prior to the beginning of any calendar 1930  
year, a written notice of election to become liable for payments 1931  
in lieu of contributions. The election shall not be terminable by 1932  
the organization during that calendar year and the next calendar 1933  
year. 1934

(5) The administrator, in accordance with any rules the 1935  
administrator prescribes, shall notify each nonprofit organization 1936  
of any determination which the administrator may make of its 1937  
status as an employer and of the effective date of any election 1938  
which it makes and of any termination of the election. Any 1939  
determinations shall be subject to reconsideration, appeal, and 1940  
review in accordance with section 4141.26 of the Revised Code. 1941

(B) Except as provided in division (I) of section 4141.29 of 1942  
the Revised Code, benefits based on service with a nonprofit 1943  
organization granted a reimbursing status under this section shall 1944  
be payable in the same amount, on the same terms, and subject to 1945  
the same conditions, as benefits payable on the basis of other 1946  
service subject to this chapter. Payments in lieu of contributions 1947  
shall be made in accordance with this division and division (D) of 1948  
section 4141.24 of the Revised Code. 1949

(1)(a) At the end of each calendar quarter, or at the end of 1950  
any other period as determined by the administrator under division 1951

(D)~~(2)~~(3) of section 4141.24 of the Revised Code, the  
administrator shall bill each nonprofit organization or group of  
such organizations which has elected to make payments in lieu of  
contributions for an amount equal to the full amount of regular  
benefits plus one half of the amount of extended benefits paid  
during such quarter or other prescribed period which is  
attributable to service in the employ of such organization.

(b) In the computation of the amount of benefits to be  
charged to employers liable for payments in lieu of contributions,  
all benefits attributable to service described in division  
(B)(1)(a) of this section shall be computed and charged to such  
organization as described in division (D) of section 4141.24 of  
the Revised Code, and, except as provided in division ~~(C)~~(D)~~(2)~~ of  
section ~~4141.33~~ 4141.24 of the Revised Code, no portion of the  
amount may be charged to the mutualized account established by  
division ~~(D)~~(B) of section 4141.25 of the Revised Code.

(c) The administrator may prescribe regulations under which  
organizations, which have elected to make payments in lieu of  
contributions may request permission to make such payments in  
equal installments throughout the year with an adjustment at the  
end of the year for any excess or shortage of the amount of such  
installment payments compared with the total amount of benefits  
actually charged the organization's account during the year. In  
making any adjustment, where the total installment payments are  
less than the actual benefits charged, the organization shall be  
liable for payment of the unpaid balance in accordance with  
division (B)(2) of this section. If the total installment payments  
exceed the actual benefits charged, all or part of the excess may,  
at the discretion of the administrator, be refunded or retained in  
the fund as part of the payments which may be required in the next  
year.

(2) Payment of any bill rendered under division (B)(1) of

this section shall be made not later than thirty days after the  
bill was mailed to the last known address of the organization or  
was otherwise delivered to it, unless there has been an  
application for review and redetermination in accordance with  
division (B)(4) of this section.

(3) Payments made by an organization under this section shall  
not be deducted or deductible, in whole or in part, from the  
remuneration of individuals in the employ of the organization.

(4) An organization may file an application for review and  
redetermination of the amounts appearing on any bill rendered to  
such organization under division (B)(1) of this section. The  
application shall be filed and determined under division (D)~~(2)~~(3)  
of section 4141.24 of the Revised Code.

(5) Past due payments of amounts in lieu of contributions  
shall be subject to the same interest rates and collection  
procedures that apply to past due contributions under sections  
4141.23 and 4141.27 of the Revised Code. In case of failure to  
file a required quarterly report within the time prescribed by the  
administrator, the nonprofit organization shall be subject to a  
forfeiture pursuant to section 4141.20 of the Revised Code for  
each quarterly report that is not timely filed.

All interest and forfeitures collected under this division  
shall be paid into the unemployment compensation special  
administrative fund as provided in section 4141.11 of the Revised  
Code.

(6) All payments in lieu of contributions collected under  
this section shall be paid into the unemployment compensation fund  
as provided in section 4141.09 of the Revised Code. Any refunds of  
such payments shall be paid from the unemployment compensation  
fund, as provided in section 4141.09 of the Revised Code.

(C)(1) Any nonprofit organization, or group of such

organizations approved under division (D) of this section, that  
elects to become liable for payments in lieu of contributions  
shall be required within thirty days after the effective date of  
its election, to execute and file with the administrator a surety  
bond approved by the administrator or it may elect instead to  
deposit with the administrator approved municipal or other bonds,  
or approved securities, or a combination thereof, or other forms  
of collateral security approved by the administrator.

(2)(a) The amount of the bond or deposit required shall be  
equal to three per cent of the organization's wages paid for  
employment as defined in section 4141.01 of the Revised Code that  
would have been taxable had the organization been a subject  
employer during the four calendar quarters immediately preceding  
the effective date of the election, or the amount established by  
the administrator within the limitation provided in division  
(C)(2)(d) of this section, whichever is the less. The effective  
date of the amount of the bond or other collateral security  
required after the employer initially is determined by the  
administrator to be liable for payments in lieu of contributions  
shall be the renewal date in the case of a bond or the biennial  
anniversary of the effective date of election in the case of  
deposit of securities or other forms of collateral security  
approved by the administrator, whichever date shall be most recent  
and applicable. If the nonprofit organization did not pay wages in  
each of such four calendar quarters, the amount of the bond or  
deposit shall be as determined by the administrator under  
regulations prescribed for this purpose.

(b) Any bond or other form of collateral security approved by  
the administrator deposited under this division shall be in force  
for a period of not less than two calendar years and shall be  
renewed with the approval of the administrator, at such times as  
the administrator may prescribe, but not less frequently than at

two year intervals as long as the organization continues to be  
liable for payments in lieu of contributions. The administrator  
shall require adjustments to be made in a previously filed bond or  
other form of collateral security as the administrator considers  
appropriate. If the bond or other form of collateral security is  
to be increased, the adjusted bond or collateral security shall be  
filed by the organization within thirty days of the date that  
notice of the required adjustment was mailed or otherwise  
delivered to it. Failure by any organization covered by such bond  
or collateral security to pay the full amount of payments in lieu  
of contributions when due, together with any applicable interest  
provided for in division (B)(5) of this section, shall render the  
surety liable on the bond or collateral security to the extent of  
the bond or collateral security, as though the surety was the  
organization.

(c) Any securities accepted in lieu of surety bond by the  
administrator shall be deposited with the treasurer of state who  
shall have custody thereof and retain the same in ~~his or her~~ the  
treasurer of state's possession, or release them, according to  
conditions prescribed by regulations of the administrator. Income  
from the securities, held in custody by the treasurer of state,  
shall accrue to the benefit of the depositor and shall be  
distributed to the depositor in the absence of any notification  
from the administrator that the depositor is in default on any  
payment owed to the bureau of employment services. The  
administrator may require the sale of any such bonds to the extent  
necessary to satisfy any unpaid payments in lieu of contributions,  
together with any applicable interest or forfeitures provided for  
in division (B)(5) of this section. The administrator shall  
require the employer within thirty days following any sale of  
deposited securities, under this subdivision, to deposit  
additional securities, surety bond or combination of both, to make

whole the employer's security deposit at the approved level. Any 2079  
cash remaining from the sale of such securities may, at the 2080  
discretion of the administrator, be refunded in whole or in part, 2081  
or be paid into the unemployment compensation fund to cover future 2082  
payments required of the organization. 2083

(d) The required bond or deposit for any nonprofit 2084  
organization, or group of such organizations approved by the 2085  
administrator under division (D) of this section, that is 2086  
determined by the administrator to be liable for payments in lieu 2087  
of contributions effective beginning on and after January 1, 1996, 2088  
but prior to January 1, 1998, and the required bond or deposit for 2089  
any renewed elections under division (C)(2)(b) of this section 2090  
effective during that period shall not exceed one million two 2091  
hundred fifty thousand dollars. The required bond or deposit for 2092  
any nonprofit organization, or group of such organizations 2093  
approved by the administrator under division (D) of this section, 2094  
that is determined to be liable for payments in lieu of 2095  
contributions effective on and after January 1, 1998, and the 2096  
required bond or deposit for any renewed elections effective on 2097  
and after January 1, 1998, shall not exceed two million dollars. 2098

(3) If any nonprofit organization fails to file a bond or 2099  
make a deposit, or to file a bond in an increased amount or to 2100  
make whole the amount of a previously made deposit, as provided 2101  
under this division, the administrator may terminate the 2102  
organization's election to make payments in lieu of contributions 2103  
effective for the quarter following such failure and the 2104  
termination shall continue for not less than the remainder of that 2105  
calendar year and the next calendar year, beginning with the 2106  
quarter in which the termination becomes effective; except that 2107  
the administrator may extend for good cause the applicable filing, 2108  
deposit or adjustment period by not more than thirty days. 2109

(D)(1) Two or more nonprofit organizations that have become 2110

liable for payments in lieu of contributions, in accordance with 2111  
division (A) of this section, may file a joint application to the 2112  
administrator for the establishment of the group account for the 2113  
purpose of sharing the cost of benefits paid that are attributable 2114  
to service in the employ of those employers. Notwithstanding 2115  
division (E) of section 4141.242 of the Revised Code, hospitals 2116  
operated by this state or a political subdivision may participate 2117  
in a group account with nonprofit organizations under the 2118  
procedures set forth in this section. Each application shall 2119  
identify and authorize a group representative to act as the 2120  
group's agent for the purposes of this division. 2121

(2) Upon the administrator's approval of the application, the 2122  
administrator shall establish a group account for the employers 2123  
effective as of the beginning of the calendar quarter in which ~~he~~ 2124  
the administrator receives the application and shall notify the 2125  
group's representative of the effective date of the account. The 2126  
account shall remain in effect for not less than two years and 2127  
thereafter until terminated by the administrator or upon 2128  
application by the group. 2129

(3) Upon establishment of the account, each member of the 2130  
group shall be liable, in the event that the group representative 2131  
fails to pay any bill issued to it pursuant to division (B) of 2132  
this section, for payments in lieu of contributions with respect 2133  
to each calendar quarter in the amount that bears the same ratio 2134  
to the total benefits paid in the quarter that are attributable to 2135  
service performed in the employ of all members of the group as the 2136  
total wages paid for service in employment by the member in the 2137  
quarter bear to the total wages paid during the quarter for 2138  
service performed in the employ of all members of the group. 2139

(4) The administrator shall adopt regulations as considered 2140  
necessary with respect to the following: applications for 2141  
establishment, bonding, maintenance, and termination of group 2142

accounts that are authorized by this section; addition of new 2143  
members to and withdrawal of active members from such accounts; 2144  
and the determination of the amounts that are payable under this 2145  
division by the group representative and in the event of default 2146  
in payment by the group representative, members of the group, and 2147  
the time and manner of payments. 2148

~~Sec. 4141.25. (A) Wages paid for services in a public service 2149  
job as defined in the "Comprehensive Employment and Training Act 2150  
of 1973," 87 Stat. 839, 29 U.S.C.A. 801, as amended, shall not be 2151  
subject to contribution to the extent that wages are paid with 2152  
funds provided under that federal act and are not subject to the 2153  
tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 183 2154  
(1939), 26 U.S.C.A. 3301, and that benefits based on those 2155  
services are reimbursed to this state by the federal government. 2156~~

~~(B) An employer who first becomes subject to this chapter as 2157  
a contributory employer shall pay the average contribution rate 2158  
computed for the industry in which the employer is engaged, or a 2159  
rate of three per cent, whichever is greater, until there have 2160  
been four consecutive calendar quarters, ending on the thirtieth 2161  
day of June prior to the computation date throughout which the 2162  
employer's account was chargeable with benefits. Upon expiration 2163  
of this qualifying period, the rate shall then be computed in 2164  
accordance with division (C) of this section. The "average 2165  
contribution rate" for the industry as used in this division means 2166  
the most recent annual average rate reported by the bureau of 2167  
employment services contained in report RS 203.2. 2168~~

~~(C) The administrator of the bureau of employment services 2169  
shall determine as of each computation date the contribution rate 2170  
of each contributing employer subject to this chapter for the next 2171  
succeeding contribution period. The administrator shall determine 2172  
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a standard rate of contribution or an experience rate for each 2174  
contributing employer. Once a rate of contribution has been 2175  
established under this section for a contribution period, except 2176  
as provided in division (D) of section 4141.26 of the Revised 2177  
Code, that rate shall remain effective throughout such 2178  
contribution period. The rate of contribution shall be determined 2179  
in accordance with the following requirements: 2180

(1) An employer whose experience does not meet the terms of 2181  
division (A)(2) of this section shall be assigned a standard rate 2182  
of contribution. Effective for contribution periods beginning on 2183  
and after January 1, 1998, an employer's standard rate of 2184  
contribution shall be a rate of two and seven-tenths per cent, 2185  
except that the rate for employers engaged in the construction 2186  
industry shall be the average contribution rate computed for the 2187  
construction industry in which the employer is engaged or as set 2188  
forth in division (B) of this section or a rate of two and 2189  
seven-tenths per cent, whichever is greater, ~~unless there have~~ 2190  
~~been four consecutive calendar quarters, ending on the thirtieth~~ 2191  
~~day of June prior to the computation date, throughout which the~~ 2192  
~~employer's account was chargeable with benefits, including an~~ 2193  
~~employer whose account is reactivated before being terminated~~ 2194  
~~under division (E) of section 4141.24 of the Revised Code. In the~~ 2195  
~~latter event any balance in the prior account, either a positive~~ 2196  
~~or negative balance as described in division (C)(3) of this~~ 2197  
~~section, shall be included in the reactivated account. The~~ 2198  
standard rate set forth in this division (C)(1) of this section 2199  
shall be applicable to a nonprofit organization whose election to 2200  
make payments in lieu of contributions is voluntarily terminated 2201  
or canceled by the administrator under section 4141.241 of the 2202  
Revised Code, and thereafter pays contributions as required by 2203  
this section. If such nonprofit organization had been a 2204  
contributory employer prior to its election to make payments in 2205  
lieu of contributions, then any prior balance in the contributory 2206

account shall become part of the reactivated account. 2207

As used in division (A) of this section, "the average contribution rate computed for the construction industry" means the most recent annual average rate attributable to the construction industry as prescribed by the administrator. 2208  
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(2) A contributing employer subject to this chapter shall qualify for an experience rate only if the employer had no more than three consecutive quarters without employment subject to this chapter during the first seven of the eight completed calendar quarters immediately prior to the computation date. Upon meeting 2212  
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the ~~expiration of the~~ qualifying ~~period~~ requirements provided ~~for~~ in division ~~(C)(1)(A)(2)~~ of this section, ~~and as of each computation date thereafter~~, the administrator shall calculate the total credits to each employer's account consisting of the contributions other than mutualized contributions including all contributions paid prior to the computation date for all past periods plus:

(a) The contributions owing on the computation date that are paid within thirty days after the computation date, and credited to the employer's account; 2224  
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(b) All voluntary contributions paid by an employer pursuant to division (B) of section 4141.24 of the Revised Code. 2227  
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(3) The administrator ~~shall~~ also shall determine the benefits which are chargeable to each employer's account and which were paid prior to the computation date with respect to weeks of unemployment ending prior to the computation date. The administrator ~~shall~~ then shall determine the positive or negative balance of each employer's account by calculating the excess of such contributions and interest over the benefits chargeable, or the excess of such benefits over such contributions and interest. Any resulting negative balance ~~shall~~ then shall be subject to 2229  
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adjustment as provided in division (A)(2) of section 4141.24 of 2238  
the Revised Code after which the positive or negative balance 2239  
shall be expressed in terms of a percentage of the employer's 2240  
average annual payroll. If the total standing to the credit of an 2241  
employer's account exceeds the total charges, as provided in this 2242  
division, the employer has a positive balance and if such charges 2243  
exceed such credits the employer has a negative balance. Each 2244  
employer's contribution rate shall then be determined in 2245  
accordance with the following schedule: 2246

Contribution Rate Schedule 2247

If, as of the computation date the	The employer's	2248
contribution rate balance of an	contribution rate	
employer's account as a percentage of the	for the next	
employer's average annual payroll is	succeeding	
	contribution period	
	shall be	

(a) A negative balance of:

20.0% or more		6.5%
19.0% but less than	20.0%	6.4%
17.0% but less than	19.0%	6.3%
15.0% but less than	17.0%	6.2%
13.0% but less than	15.0%	6.1%
11.0% but less than	13.0%	6.0%
9.0% but less than	11.0%	5.9%
5.0% but less than	9.0%	5.7%
4.0% but less than	5.0%	5.5%
3.0% but less than	4.0%	5.3%
2.0% but less than	3.0%	5.1%
1.0% but less than	2.0%	4.9%
more than 0.0% but less than	1.0%	4.8%

(b) A 0.0% or a positive

balance of less than	1.0%	4.7%
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(c) A positive balance of:

1.0% or more, but less than	1.5%	4.6%
1.5% or more, but less than	2.0%	4.5%
2.0% or more, but less than	2.5%	4.3%
2.5% or more, but less than	3.0%	4.0%
3.0% or more, but less than	3.5%	3.8%
3.5% or more, but less than	4.0%	3.5%
4.0% or more, but less than	4.5%	3.3%
4.5% or more, but less than	5.0%	3.0%
5.0% or more, but less than	5.5%	2.8%
5.5% or more, but less than	6.0%	2.5%
6.0% or more, but less than	6.5%	2.2%
6.5% or more, but less than	7.0%	2.0%
7.0% or more, but less than	7.5%	1.8%
7.5% or more, but less than	8.0%	1.6%
8.0% or more, but less than	8.5%	1.4%
8.5% or more, but less than	9.0%	1.3%
9.0% or more, but less than	9.5%	1.1%
9.5% or more, but less than	10.0%	1.0%
10.0% or more, but less than	10.5%	.9%
10.5% or more, but less than	11.0%	.7%
11.0% or more, but less than	11.5%	.6%
11.5% or more, but less than	12.0%	.5%
12.0% or more, but less than	12.5%	.4%
12.5% or more, but less than	13.0%	.3%
13.0% or more, but less than	14.0%	.2%
14.0% or more		.1%

(d) The contribution rates shall be as specified in divisions 2292  
(a), (b), and (c) of the contribution rate schedule except that 2293  
notwithstanding the amendments made to division (a) of the 2294  
contribution rate schedule in this section, if, as of the 2295  
computation date: for 1991, the negative balance is 5.0% or more, 2296  
the contribution rate shall be 5.7%; for 1992, if the negative 2297  
balance is 11.0% or more, the contribution rate shall be 6.0%; and 2298

for 1993, if the negative balance is 17.0% or more, the 2299  
contribution rate shall be 6.3%. Thereafter, the contribution 2300  
rates shall be as specified in the contribution rate schedule. 2301

~~(D)~~(B)(1) The administrator shall establish and maintain a 2302  
separate account to be known as the "mutualized account." As of 2303  
each computation date there shall be charged to this account: 2304

(a) As provided in division (A)(2) of section 4141.24 of the 2305  
Revised Code, an amount equal to the sum of that portion of the 2306  
negative balances of employer accounts which exceeds the 2307  
applicable limitations as such balances are computed under 2308  
division ~~(C)~~(A) of this section as of such date; 2309

(b) An amount equal to the sum of the negative balances 2310  
remaining in employer accounts which have been closed during the 2311  
year immediately preceding such computation date pursuant to 2312  
division (E) of section 4141.24 of the Revised Code; 2313

(c) An amount equal to the sum of all benefits improperly 2314  
paid preceding such computation date which are not recovered but 2315  
which are not charged to an employer's account, or which after 2316  
being charged, are credited back to an employer's account; 2317

(d) An amount equal to the sum of any other benefits paid 2318  
preceding such computation date which, under this chapter, are not 2319  
chargeable to an employer's account; 2320

(e) An amount equal to the sum of any refunds made during the 2321  
year immediately preceding such computation date of erroneously 2322  
collected mutualized contributions required by this division which 2323  
were previously credited to this account; 2324

(f) An amount equal to the sum of any repayments made to the 2325  
federal government during the year immediately preceding such 2326  
computation date of amounts which may have been advanced by it to 2327  
the unemployment compensation fund under section 1201 of the 2328

"Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301;	2329
(g) Any amounts appropriated by the general assembly out of funds paid by the federal government, under section 903 of the "Social Security Act," to the account of this state in the federal unemployment trust fund.	2330 2331 2332 2333
(2) As of every computation date there shall be credited to the mutualized account provided for in this division:	2334 2335
(a) The proceeds of the mutualized contributions as provided in this division;	2336 2337
(b) Any positive balances remaining in employer accounts which are closed as provided in division (E) of section 4141.24 of the Revised Code;	2338 2339 2340
(c) Any benefits improperly paid which are recovered but which cannot be credited to an employer's account;	2341 2342
(d) All amounts which may be paid by the federal government under section 903 of the "Social Security Act" to the account of this state in the federal unemployment trust fund;	2343 2344 2345
(e) Amounts advanced by the federal government to the account of this state in the federal unemployment trust fund under section 1201 of the "Social Security Act" to the extent such advances have been repaid to or recovered by the federal government;	2346 2347 2348 2349 2350
(f) Interest credited to the Ohio unemployment trust fund as deposited with the secretary of the treasury of the United States.	2351 2352
(3) Annually, as of the computation date, the administrator shall determine the total credits and charges made to the mutualized account during the preceding twelve months and the overall condition of the account. The administrator shall issue an annual statement containing this information and such other information as the administrator deems pertinent, including a	2353 2354 2355 2356 2357 2358

report that the sum of the balances in the mutualized account, 2359  
employers' accounts, and any subsidiary accounts equal the balance 2360  
in the state's unemployment trust fund maintained under section 2361  
904 of the "Social Security Act." 2362

(4) As used in this division: 2363

(a) "Fund as of the computation date" means as of any 2364  
computation date, the aggregate amount of the unemployment 2365  
compensation fund, including all contributions owing on the 2366  
computation date that are paid within thirty days thereafter, all 2367  
payments in lieu of contributions that are paid within sixty days 2368  
after the computation date, all reimbursements of the federal 2369  
share of extended benefits described in section 4141.301 of the 2370  
Revised Code that are owing on the computation date, and all 2371  
interest earned by the fund and received on or before the 2372  
computation date from the federal government. 2373

(b) "Minimum safe level" means an amount equal to two 2374  
standard deviations above the average of the adjusted annual 2375  
average unemployment compensation benefit payment from 1970 to the 2376  
most recent calendar year prior to the computation date, as 2377  
determined by the administrator pursuant to division ~~(D)~~(B)(4)(b) 2378  
of this section. To determine the adjusted annual payment of 2379  
unemployment compensation benefits, the administrator first shall 2380  
multiply the number of weeks compensated during each calendar year 2381  
beginning with 1970 by the most recent annual average weekly 2382  
unemployment compensation benefit payment and then compute the 2383  
average and standard deviation of the resultant products. 2384

(c) "Annual average weekly unemployment compensation benefit 2385  
payment" means the amount resulting from dividing the unemployment 2386  
compensation benefits paid from the benefit account maintained 2387  
within the unemployment compensation fund pursuant to section 2388  
4141.09 of the Revised Code, by the number of weeks compensated 2389

during the same time period.

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(5) If, as of any computation date, the charges to the mutualized account during the entire period subsequent to the computation date, July 1, 1966, made in accordance with division ~~(D)~~(B)(1) of this section, exceed the credits to such account including mutualized contributions during such period, made in accordance with division ~~(D)~~(B)(2) of this section, the amount of such excess charges shall be recovered during the next contribution period. To recover such amount, the administrator shall compute the percentage ratio of such excess charges to the average annual payroll of all employers eligible for an experience rate under division ~~(C)~~(A) of this section. The percentage so determined shall be computed to the nearest tenth of one per cent and shall be an additional contribution rate to be applied to the wages paid by each employer whose rate is computed under the provisions of division ~~(C)~~(A) of this section in the contribution period next following such computation date, but such percentage shall not exceed five-tenths of one per cent; however, when there are any excess charges in the mutualized account, as computed in this division, then the mutualized contribution rate shall not be less than one-tenth of one per cent.

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

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

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(b) If the fund is more than fifteen per cent but less than thirty per cent above minimum safe level, the contribution rates provided in division ~~(C)~~(A)(3) of this section shall be decreased

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one-tenth of one per cent. 2421

(c) If the fund is more than fifteen per cent but less than 2422  
thirty per cent below minimum safe level, the contribution rates 2423  
of all employers shall be increased twenty-five one-thousandths of 2424  
one per cent plus a per cent increase calculated and rounded 2425  
pursuant to division ~~(D)~~(B)(6)(g) of this section. 2426

(d) If the fund is more than thirty per cent but less than 2427  
forty-five per cent below minimum safe level, the contribution 2428  
rates of all employers shall be increased seventy-five 2429  
one-thousandths of one per cent plus a per cent increase 2430  
calculated and rounded pursuant to division ~~(D)~~(B)(6)(g) of this 2431  
section. 2432

(e) If the fund is more than forty-five per cent but less 2433  
than sixty per cent below minimum safe level, the contribution 2434  
rates of all employers shall be increased one-eighth of one per 2435  
cent plus a per cent increase calculated and rounded pursuant to 2436  
division ~~(D)~~(B)(6)(g) of this section. 2437

(f) If the fund is sixty per cent or more below minimum safe 2438  
level, the contribution rates of all employers shall be increased 2439  
two-tenths of one per cent plus a per cent increase calculated and 2440  
rounded pursuant to division ~~(D)~~(B)(6)(g) of this section. 2441

(g) The additional per cent increase in contribution rates 2442  
required by divisions ~~(D)~~(B)(6)(c), (d), (e), and (f) of this 2443  
section that is payable by each individual employer shall be 2444  
calculated in the following manner. The flat rate increase 2445  
required by a particular division shall be multiplied by three and 2446  
the product divided by the average experienced-rated contribution 2447  
rate for all employers as determined by the administrator for the 2448  
most recent calendar year. The resulting quotient shall be 2449  
multiplied by an individual employer's contribution rate 2450  
determined pursuant to division ~~(C)~~(A)(3) of this section. The 2451

resulting product shall be rounded to the nearest tenth of one per 2452  
cent, added to the flat rate increase required by division 2453  
~~(D)~~(B)(6)(c), (d), (e), or (f) of this section, as appropriate, 2454  
and the total shall be rounded to the nearest tenth of one per 2455  
cent. As used in division ~~(D)~~(B)(6)(g) of this section, the 2456  
"average experienced-rated contribution rate" means the most 2457  
recent annual average contribution rate reported by the bureau 2458  
contained in report RS 203.2 less the mutualized and minimum safe 2459  
level contribution rates included in such rate. 2460

(h) If any of the increased contribution rates of division 2461  
~~(D)~~(B)(6)(c), (d), (e), or (f) of this section are imposed, the 2462  
rate shall remain in effect for the calendar year in which it is 2463  
imposed and for each calendar year thereafter until the 2464  
administrator determines as of the computation date for calendar 2465  
year 1991 and as of the computation date for any calendar year 2466  
thereafter pursuant to this section, that the level of the 2467  
unemployment compensation fund equals or exceeds the minimum safe 2468  
level as defined in division ~~(D)~~(B)(4)(b) of this section. Nothing 2469  
in division ~~(D)~~(B)(6)(h) of this section shall be construed as 2470  
restricting the imposition of the increased contribution rates 2471  
provided in divisions ~~(D)~~(B)(6)(c), (d), (e), and (f) of this 2472  
section if the fund falls below the percentage of the minimum safe 2473  
level as specified in those divisions. 2474

(7) The additional contributions required by division 2475  
~~(D)~~(B)(5) of this section shall be credited to the mutualized 2476  
account. The additional contributions required by division 2477  
~~(D)~~(B)(6) of this section shall be credited fifty per cent to 2478  
individual employer accounts and fifty per cent to the mutualized 2479  
account. 2480

~~(E)~~(C) If an employer makes a payment of contributions which 2481  
is less than the full amount required by divisions ~~(C)~~(A) and 2482  
~~(D)~~(B) of this section, such partial payment shall be applied 2483

first against the mutualized contributions required under division 2484  
~~(D)~~(B) of this section, including the additional contributions 2485  
required under division ~~(D)~~(B)(6) of this section. Any remaining 2486  
partial payment shall be credited to the employer's individual 2487  
account. 2488

~~(F)~~(D) Whenever there are any increases in contributions 2489  
resulting from an increase in wages subject to contributions as 2490  
defined in division (G) of section 4141.01 of the Revised Code, or 2491  
from an increase in the mutualized rate of contributions provided 2492  
in division ~~(D)~~(B) of this section, or from a revision of the 2493  
contribution rate schedule provided in division ~~(C)~~(A) of this 2494  
section, except for that portion of the increase attributable to a 2495  
change in the positive or negative balance in an employer's 2496  
account, which increases become effective after a contract for the 2497  
construction of real property, as defined in section 5701.02 of 2498  
the Revised Code, has been entered into, the contractee upon 2499  
written notice by a prime contractor shall reimburse the 2500  
contractor for all increased contributions paid by the prime 2501  
contractor or by subcontractors upon wages for services performed 2502  
under the contract. Upon reimbursement by the contractee to the 2503  
prime contractor, the prime contractor shall reimburse each 2504  
subcontractor for the increased contributions. 2505

~~(G)~~(E) Effective only for the contribution period beginning 2506  
on January 1, 1996, and ending on December 31, 1996, mutualized 2507  
contributions collected or received by the administrator pursuant 2508  
to division ~~(D)~~(B)(5) of this section and amounts credited to the 2509  
mutualized account pursuant to division ~~(D)~~(B)(7) of this section 2510  
shall be deposited into or credited to the unemployment 2511  
compensation benefit reserve fund that is created under division 2512  
~~(H)~~(F) of this section, except that amounts collected, received, 2513  
or credited in excess of two hundred million dollars shall be 2514  
deposited into or credited to the unemployment trust fund 2515

established pursuant to section 4141.09 of the Revised Code. 2516

~~(H)~~(F) The state unemployment compensation benefit reserve 2517  
fund is hereby created as a trust fund in the custody of the 2518  
treasurer of state and shall not be part of the state treasury. 2519  
The fund shall consist of all moneys collected or received as 2520  
mutualized contributions pursuant to division ~~(D)~~(B)(5) of this 2521  
section and amounts credited to the mutualized account pursuant to 2522  
division ~~(D)~~(B)(7) of this section as provided by division ~~(G)~~(E) 2523  
of this section. All moneys in the fund shall be used solely to 2524  
pay unemployment compensation benefits in the event that funds are 2525  
no longer available for that purpose from the unemployment trust 2526  
fund established pursuant to section 4141.09 of the Revised Code. 2527

~~(I)~~(G) The balance in the unemployment compensation benefit 2528  
reserve fund remaining at the end of the contribution period 2529  
beginning January 1, 2000, and any mutualized contribution amounts 2530  
for the contribution period beginning on January 1, 1996, that may 2531  
be received after December 31, 2000, shall be deposited into the 2532  
unemployment trust fund established pursuant to section 4141.09 of 2533  
the Revised Code. Income earned on moneys in the state 2534  
unemployment compensation benefit reserve fund shall be available 2535  
for use by the administrator of the bureau of employment services 2536  
only for the purposes described in division ~~(K)~~(I) of this 2537  
section, and shall not be used for any other purpose. 2538

~~(J)~~(H) The unemployment compensation benefit reserve fund 2539  
balance shall be added to the unemployment trust fund balance in 2540  
determining the minimum safe level tax to be imposed pursuant to 2541  
division ~~(D)~~(B) of this section and shall be included in the 2542  
mutualized account balance for the purpose of determining the 2543  
mutualized contribution rate pursuant to division ~~(D)~~(B)(5) of 2544  
this section. 2545

~~(K)~~(I) All income earned on moneys in the unemployment 2546  
compensation benefit reserve fund from the investment of the fund 2547

by the treasurer of state shall accrue to the bureau of employment 2548  
services automation administration fund, which is hereby 2549  
established in the state treasury. Moneys within the automation 2550  
administration fund shall be used to meet the costs related to 2551  
automation of the bureau and the administrative costs related to 2552  
collecting and accounting for unemployment compensation benefit 2553  
reserve fund revenue. Any funds remaining in the automation 2554  
administration fund upon completion of the bureau's automation 2555  
projects that are funded by that fund shall be deposited into the 2556  
unemployment trust fund established pursuant to section 4141.09 of 2557  
the Revised Code. 2558

~~(I)~~(J) The administrator shall prepare and submit monthly 2559  
reports to the unemployment compensation advisory commission with 2560  
respect to the status of efforts to collect and account for 2561  
unemployment compensation benefit reserve fund revenue and the 2562  
costs related to collecting and accounting for that revenue. The 2563  
administrator shall obtain approval from the unemployment 2564  
compensation advisory commission for expenditure of funds from the 2565  
bureau of employment services automation administration fund. 2566  
Funds may be approved for expenditure for purposes set forth in 2567  
division ~~(K)~~(L) of this section only to the extent that federal or 2568  
other funds are not available. 2569

**Sec. 4141.26.** (A) As soon as practicable after the first day 2570  
of September but not later than the first day of December of each 2571  
year, the administrator of the bureau of employment services shall 2572  
notify each employer of the employer's contribution rate as 2573  
determined for the next ensuing contribution period pursuant to 2574  
section 4141.25 of the Revised Code provided the employer has 2575  
furnished the bureau of employment services, by the first day of 2576  
September following the computation date, with the wage 2577  
information for all past periods necessary for the computation of 2578  
the contribution rate. 2579

(B)(1) In the case of contribution rates applicable to 2580  
contribution periods beginning on or before December 31, 1992, if 2581  
the employer has not furnished the necessary wage information, the 2582  
employer's contribution rate for such contribution period shall be 2583  
the maximum rate provided in such section, except that, if the 2584  
employer files the necessary wage information by the end of the 2585  
thirtieth day following the issuance of the maximum rate notice, 2586  
the employer's rate then shall be computed as provided in section 2587  
4141.25 of the Revised Code. 2588

(2) In the case of contribution rates applicable to 2589  
contribution periods beginning on or after January 1, 1993, and 2590  
before January 1, 1995, if the employer has not furnished the 2591  
necessary wage information, the employer's contribution rate for 2592  
such contribution period shall not be computed as provided in 2593  
section 4141.25 of the Revised Code, but instead shall be assigned 2594  
at the maximum rate provided in that section, with the following 2595  
exceptions: 2596

(a) If the employer files the necessary wage information by 2597  
December thirty-first of the year immediately preceding the 2598  
contribution period for which the rate is to be effective, the 2599  
employer's rate then shall be computed as provided in division 2600  
~~(C)~~(A) of section 4141.25 of the Revised Code. 2601

(b) The administrator may waive the maximum contribution rate 2602  
assigned pursuant to division (B)(2) of this section if the 2603  
employer meets all of the following conditions within thirty days 2604  
after the administrator mails the notice of the maximum 2605  
contribution rate assigned pursuant to division (B)(2) of this 2606  
section: 2607

(i) Provides to the administrator a written request for 2608  
waiver of the maximum contribution rate, clearly demonstrating 2609  
that failure to timely furnish the wage information as required by 2610

division (A) of this section was a result of circumstances beyond 2611  
the control of the employer or the employer's agent, except that 2612  
negligence on the part of the employer shall not be considered 2613  
beyond the control of the employer or the employer's agent; 2614

(ii) Furnishes to the administrator all of the wage 2615  
information as required by division (A) of this section and all 2616  
quarterly reports due pursuant to section 4141.20 of the Revised 2617  
Code; 2618

(iii) Pays in full all contributions, payments in lieu of 2619  
contributions, interest, forfeiture, and fines for each quarter 2620  
for which such payments are due. 2621

(3) In the case of contribution rates applicable to 2622  
contribution periods beginning on or after January 1, 1995, if the 2623  
employer has not timely furnished the necessary wage information 2624  
as required by division (A) of this section, the employer's 2625  
contribution rate for such contribution period shall not be 2626  
computed as provided in section 4141.25 of the Revised Code, but 2627  
instead shall be assigned a contribution rate equal to one hundred 2628  
twenty-five per cent of the maximum rate provided in that section, 2629  
with the following exceptions: 2630

(a) If the employer files the necessary wage information by 2631  
the thirty-first day of December of the year immediately preceding 2632  
the contribution period for which the rate is to be effective, the 2633  
employer's rate shall be computed as provided in division ~~(C)~~(A) 2634  
of section 4141.25 of the Revised Code; 2635

(b) The administrator may waive the contribution rate 2636  
assigned pursuant to division (B)(3) of this section if the 2637  
employer meets all of the following conditions within thirty days 2638  
after the administrator mails to the employer the notice of the 2639  
contribution rate assigned pursuant to division (B)(3) of this 2640  
section: 2641

(i) Provides to the administrator a written request for 2642  
waiver of the contribution rate, clearly demonstrating that the 2643  
failure to timely furnish the wage information as required by 2644  
division (A) of this section was a result of circumstances beyond 2645  
the control of the employer or the employer's agent, except that 2646  
negligence on the part of the employer shall not be considered to 2647  
be beyond the control of the employer or the employer's agent; 2648

(ii) Furnishes to the administrator all of the wage 2649  
information as required by division (A) of this section and all 2650  
quarterly reports due pursuant to section 4141.20 of the Revised 2651  
Code; 2652

(iii) Pays in full all contributions, payments in lieu of 2653  
contributions, interest, forfeiture, and fines for each quarter 2654  
for which such payments are due. 2655

(c) The administrator shall revise the contribution rate of 2656  
an employer who has not timely furnished the necessary wage 2657  
information as required by division (A) of this section, who has 2658  
been assigned a contribution rate pursuant to division (B)(3) of 2659  
this section, and who does not meet the requirements of division 2660  
(B)(3)(a) or (b) of this section, if the employer furnishes the 2661  
necessary wage information to the administrator within thirty-six 2662  
months following the thirty-first day of December of the year 2663  
immediately preceding the contribution period for which the rate 2664  
is to be effective. The revised rate under division (B)(3)(c) of 2665  
this section shall be equal to one hundred twenty per cent of the 2666  
contribution rate that would have resulted if the employer had 2667  
timely furnished the necessary wage information under division (A) 2668  
of this section. 2669

(4) The administrator shall deny an employer's request for a 2670  
waiver of the requirement that the employer's contribution rate be 2671  
the maximum rate under division (B)(2)(b) of this section, or be 2672

the rate assigned under division (B)(3)(b) of this section, or for  
a revision of the employer's rate as provided in division  
(B)(3)(c) of this section if the administrator finds that the  
employer's failure to timely file the necessary wage information  
was due to an attempt to evade payment.

(5) The administrator shall round the contribution rates the  
administrator determines under this division to the nearest tenth  
of one per cent.

(C) If, as a result of the computation pursuant to division  
(B) of this section, the employer's account shows a negative  
balance in excess of the applicable limitations, in that  
computation, the excess above applicable limitations shall not be  
transferred from the account as provided in division (A)(2) of  
section 4141.24 of the Revised Code.

(D) The rate determined pursuant to this section and section  
4141.25 of the Revised Code shall become binding upon the employer  
unless:

(1) The employer makes a voluntary contribution as provided  
in division (B) of section 4141.24 of the Revised Code, whereupon  
the administrator shall issue the employer a revised contribution  
rate notice if the contribution changes the employer's rate; or

(2) Within thirty days after the mailing of notice of the  
employer's rate or a revision of it to the employer's last known  
address or, in the absence of mailing of such notice, within  
thirty days after the delivery of such notice, the employer files  
an application with the administrator for reconsideration of the  
administrator's determination of such rate setting forth reasons  
for such request. The administrator shall promptly examine the  
application for reconsideration and shall notify the employer of  
the administrator's reconsidered decision, which shall become  
final unless, within thirty days after the mailing of such notice

by certified mail, return receipt requested, the employer files an  
application for review of such decision with the unemployment  
compensation review commission. The commission shall promptly  
examine the application for review of the administrator's decision  
and shall grant such employer an opportunity for a fair hearing.  
The proceeding at the hearing before the commission shall be  
recorded in the means and manner prescribed by the commission. For  
the purposes of this division, the review is considered timely  
filed when it has been received as provided in division (I)(2) of  
section 4141.28 of the Revised Code.

The employer and the administrator shall be promptly notified  
of the commission's decision, which shall become final unless,  
within thirty days after the mailing of notice of it to the  
employer's last known address by certified mail, return receipt  
requested, or, in the absence of mailing, within thirty days after  
delivery of such notice, an appeal is taken by the employer or the  
administrator to the court of common pleas of Franklin county.  
Such appeal shall be taken by the employer or the administrator by  
filing a notice of appeal with the clerk of such court and with  
the commission. Such notice of appeal shall set forth the decision  
appealed and the errors in it complained of. Proof of the filing  
of such notice with the commission shall be filed with the clerk  
of such court.

The commission, upon written demand filed by the appellant  
and within thirty days after the filing of such demand, shall file  
with the clerk a certified transcript of the record of the  
proceedings before the commission pertaining to the determination  
or order complained of, and the appeal shall be heard upon such  
record certified to the commission. In such appeal, no additional  
evidence shall be received by the court, but the court may order  
additional evidence to be taken before the commission, and the  
commission, after hearing such additional evidence, shall certify

such additional evidence to the court or it may modify its 2736  
determination and file such modified determination, together with 2737  
the transcript of the additional record, with the court. After an 2738  
appeal has been filed in the court, the commission, by petition, 2739  
may be made a party to such appeal. Such appeal shall be given 2740  
precedence over other civil cases. The court may affirm the 2741  
determination or order complained of in the appeal if it finds, 2742  
upon consideration of the entire record, that the determination or 2743  
order is supported by reliable, probative, and substantial 2744  
evidence and is in accordance with law. In the absence of such a 2745  
finding, it may reverse, vacate, or modify the determination or 2746  
order or make such other ruling as is supported by reliable, 2747  
probative, and substantial evidence and is in accordance with law. 2748  
The judgment of the court shall be final and conclusive unless 2749  
reversed, vacated, or modified on appeal. An appeal may be taken 2750  
from the decision of the court of common pleas of Franklin county. 2751

(E) The appeal provisions of division (D) of this section 2752  
apply to all other determinations and orders of the administrator 2753  
affecting the liability of an employer to pay contributions or the 2754  
amount of such contributions, determinations respecting 2755  
application for refunds of contributions, determinations 2756  
respecting applications for classification of employment as 2757  
seasonal under section 4141.33 of the Revised Code, and exceptions 2758  
to charges of benefits to an employer's account as provided in 2759  
division (D) of section 4141.24 of the Revised Code. 2760

(F) The validity of any general order or rule of the 2761  
administrator adopted pursuant to this chapter or of any final 2762  
order or action of the unemployment compensation review commission 2763  
respecting any such general order or rule may be determined by the 2764  
court of common pleas of Franklin county, and such general order, 2765  
rule, or action may be sustained or set aside by the court on an 2766  
appeal to it which may be taken by any person affected by the 2767

order, rule, or action in the manner provided by law. Such appeal 2768  
to the court of common pleas of Franklin county shall be filed 2769  
within thirty days after the date such general order, rule, or 2770  
action was publicly released by the administrator or the 2771  
commission. Either party to such action may appeal from the court 2772  
of common pleas of Franklin county as in ordinary civil cases. 2773

(G) Notwithstanding any determination made in pursuance of 2774  
sections 4141.23 to 4141.26 of the Revised Code, no individual who 2775  
files a claim for benefits shall be denied the right to a fair 2776  
hearing as provided in section 4141.28 of the Revised Code, or the 2777  
right to have a claim determined on the merits of it. 2778

(H)(1) Notwithstanding division (D) of this section, if the 2779  
administrator finds that an omission or error in bureau records or 2780  
employer reporting caused the administrator to issue an erroneous 2781  
determination or order affecting contribution rates, the liability 2782  
of an employer to pay contributions or the amount of such 2783  
contributions, determinations respecting applications for refunds 2784  
of contributions, determinations respecting applications for 2785  
classification of ~~employment as~~ seasonal status under section 2786  
4141.33 of the Revised Code, or exceptions to charges of benefits 2787  
to an employer's account as provided in division (D) of section 2788  
4141.24 of the Revised Code, the administrator may issue a 2789  
corrected determination or order correcting the erroneous 2790  
determination or order, except as provided in division (H)(2) of 2791  
this section. 2792

(2) The administrator may not issue a corrected determination 2793  
or order correcting an erroneous determination or order if both of 2794  
the following apply: 2795

(a) The erroneous determination or order was caused solely by 2796  
an omission or error of the bureau; 2797

(b) A correction of the erroneous determination or order 2798

would adversely affect the employer or any of the employers that 2799  
were parties in interest to the erroneous determination or order. 2800

A corrected determination or order issued under this division 2801  
takes precedence over and renders void the erroneous determination 2802  
or order and is appealable as provided in division (D) of this 2803  
section. 2804

**Sec. 4141.28.** (A) Applications for determination of benefit 2805  
rights and claims for benefits shall be filed with a deputy of the 2806  
administrator of the bureau of employment services designated for 2807  
the purpose. Such applications and claims may also be filed with 2808  
an employee of another state or federal agency charged with the 2809  
duty of accepting applications and claims for unemployment 2810  
benefits or with an employee of the unemployment insurance 2811  
commission of Canada, ~~charged with the duty of accepting~~ 2812  
~~applications and claims for unemployment benefits.~~ 2813

When a former employee of a state agency, board, or 2814  
commission that has terminated its operations files an application 2815  
under this division, the former employee shall give notice that 2816  
the agency, board, or commission has terminated its operations. 2817  
All notices or information required to be sent under this chapter 2818  
to or furnished by the applicant's employer shall be sent to or 2819  
furnished by the director of administrative services. 2820

(B)(1) When an unemployed individual files an application for 2821  
determination of benefit rights, the administrator shall furnish 2822  
the individual with the information specified in division (A) of 2823  
section 4141.321 of the Revised Code and with a pamphlet giving 2824  
instructions for the steps an applicant may take if the 2825  
applicant's claim for benefits is disallowed. The pamphlet shall 2826  
state the applicant's right of appeal, clearly describe the 2827  
different levels of appeal, and explain where and when each appeal 2828  
must be filed. In filing an application, the individual shall, for 2829

the individual's most recent employment, furnish the administrator 2830  
with either: 2831

(a) The information furnished by the employer as provided for 2832  
in division (B)(2) of this section; 2833

(b) The name and address of the employer for whom the 2834  
individual performed services and the individual's written 2835  
statement of the reason for separation from the employer. 2836

Where the claimant has furnished information in accordance 2837  
with division (B)(1)(b) of this section, the administrator shall 2838  
promptly send a notice in writing that such filing has been made 2839  
to the individual's most recent separating employer, which notice 2840  
shall request from the employer the reason for the individual's 2841  
unemployment. ~~The notice shall inform such employer of the~~ 2842  
~~employer's right, upon request, to be present at a fact-finding~~ 2843  
~~interview conducted prior to the making of any determination under~~ 2844  
~~that division. Upon receipt of any request, the claimant and the~~ 2845  
~~employer making the request shall have at least three days' prior~~ 2846  
~~notice of the time and place of the fact-finding interview. In the~~ 2847  
~~conduct of the interview, the administrator is not bound by rules~~ 2848  
~~of evidence or of procedure for the conduct of hearings. The~~ 2849  
administrator also may request from any base period employer 2850  
information necessary for the determination of the ~~applicant's~~ 2851  
claimant's rights to benefits. Information as to the reason for 2852  
unemployment preceding an additional claim shall be obtained in 2853  
the same manner. Requests for such information shall be ~~stamped~~ 2854  
dated by the administrator with the date on which they are mailed. 2855  
If the employer fails to mail or deliver such information within 2856  
ten working days from the date the administrator mailed and ~~date~~ 2857  
~~stamped~~ dated such request, and if necessary to assure prompt 2858  
payment of benefits when due, the administrator shall make the 2859  
determination, and shall base the determination on such 2860  
information as is available to the administrator, which shall 2861

include the ~~applicant's~~ claimant's statement made under division 2862  
(B)(1)(b) of this section. The determination, as it relates to the 2863  
claimant's determination of benefit rights, shall be amended upon 2864  
receipt of correct remuneration information at any time within the 2865  
benefit year and any benefits paid and charged to an employer's 2866  
account prior to the receipt of such information shall be 2867  
adjusted, effective as of the beginning of the claimant's benefit 2868  
year. 2869

(2) An employer who separates within any seven-day period 2870  
fifty or more individuals because of lack of work, and these 2871  
individuals upon separation will be unemployed as defined in 2872  
division (R) of section 4141.01 of the Revised Code, shall furnish 2873  
notice to the administrator of the dates of separation and the 2874  
approximate number of individuals being separated. The notice 2875  
shall be furnished at least three working days prior to the date 2876  
of the first day of such separations. In addition, at the time of 2877  
separation the employer shall furnish to the individual being 2878  
separated or to the administrator separation information necessary 2879  
to determine the individual's eligibility, on forms and in a 2880  
manner approved by the administrator. 2881

An employer who operates multiple business establishments at 2882  
which both the effective authority for hiring and separation of 2883  
employees and payroll information is located and who, because of 2884  
lack of work, separates a total of fifty or more individuals at 2885  
two or more business establishments is exempt from the first 2886  
paragraph of division (B)(2) of this section. This paragraph shall 2887  
not be construed to relieve an employer who operates multiple 2888  
business establishments from complying with division (B)(2) of 2889  
this section where the employer separates fifty or more 2890  
individuals at any business establishment within a seven-day 2891  
period. 2892

An employer of individuals engaged in connection with the 2893

commercial canning or commercial freezing of fruits and vegetables 2894  
is exempt from the provision of division (B)(2) of this section 2895  
that requires an employer to furnish notice of separation at least 2896  
three working days prior to the date of the first day of such 2897  
separations. 2898

(3) Where an individual at the time of filing an application 2899  
for determination of benefit rights furnishes separation 2900  
information provided by the employer or where the employer has 2901  
provided the administrator with the information in accordance with 2902  
division (B)(2) of this section, the administrator shall make a 2903  
determination of eligibility on the basis of the information 2904  
furnished. The administrator shall promptly notify all interested 2905  
parties under division (D)(1) of this section of the 2906  
determination. 2907

(4) Where an employer has furnished separation information 2908  
under division (B)(2) of this section which is insufficient to 2909  
enable the administrator to make a determination of a claim for 2910  
benefits of an individual, or where the individual fails at the 2911  
time of filing an application for determination of benefit rights 2912  
to produce the separation information furnished by an employer, 2913  
the administrator shall follow the provisions specified in 2914  
division (B)(1) of this section. 2915

(C) The administrator ~~or the administrator's deputy~~ shall 2916  
promptly examine any application for determination of benefit 2917  
rights filed, and on the basis of any facts found by the 2918  
administrator ~~or deputy~~ shall determine whether or not the 2919  
application is valid, and if valid, the date on which the benefit 2920  
year shall commence and the weekly benefit amount. The claimant, 2921  
the most recent employer, and any other employer in the claimant's 2922  
base period shall promptly be notified of the determination and 2923  
the reasons therefor. In addition, the determination issued to the 2924  
claimant shall include the total amount of benefits payable, and 2925

the determination issued to each chargeable base period employer 2926  
shall include the total amount of benefits which may be charged to 2927  
the employer's account. 2928

(D)(1) The administrator ~~or the administrator's deputy~~ shall 2929  
examine the first claim for benefits filed in any benefit year, 2930  
and any additional claim, and on the basis of any facts found by 2931  
the administrator ~~or deputy~~ shall determine whether division (D) 2932  
of section 4141.29 of the Revised Code is applicable to the 2933  
claimant's most recent separation and, to the extent necessary, 2934  
prior separations from work, and whether the separation reason is 2935  
qualifying or disqualifying for the ensuing period of 2936  
unemployment. Notice of such determination shall be mailed to the 2937  
claimant, the claimant's most recent separating employer, and any 2938  
other employer involved in the determination. 2939

(a) Whenever the administrator has reason to believe that the 2940  
unemployment of twenty-five or more individuals relates to a labor 2941  
dispute, the administrator ~~shall~~, within five calendar days after 2942  
their claims are filed, shall schedule a hearing concerning the 2943  
reason for unemployment. Notice of the hearing shall be sent to 2944  
all interested parties, including the duly authorized 2945  
representative of the parties, as provided in division (D)(1) of 2946  
this section. The hearing date shall be scheduled so as to provide 2947  
at least ten days' prior notice of the time and date of the 2948  
hearing. A similar hearing, in such cases, may be scheduled when 2949  
there is a dispute as to the duration or ending date of the labor 2950  
dispute. 2951

(b) The administrator shall appoint a hearing officer to 2952  
conduct the hearing of the case under division (D)(1)(a) of this 2953  
section. The hearing officer is not bound by common law or 2954  
statutory rules of evidence or by technical or formal rules of 2955  
procedure, but shall take any steps that are reasonable and 2956  
necessary to obtain the facts and determine whether the claimants 2957

are entitled to benefits under the law. The failure of any  
interested party to appear at the hearing shall not preclude a  
decision based upon all the facts available to the hearing  
officer. The proceeding at the hearing shall be recorded by  
mechanical means or by other means prescribed by the  
administrator. The record need not be transcribed unless an  
application for appeal is filed on the decision and the  
chairperson of the unemployment compensation review commission  
requests a transcript of the hearing within fourteen days after  
the application for appeal is received by the commission. The  
administrator shall prescribe rules concerning the conduct of the  
hearings and all related matters and appoint an attorney to direct  
the operation of this function.

(c) The administrator shall issue the hearing officer's  
decisions and reasons therefor on the case within ten calendar  
days after the hearing. The hearing officer's decision issued by  
the administrator is final unless an application for appeal is  
filed with the review commission within twenty-one days after the  
decision was mailed to all interested parties. The administrator  
~~may~~, within the twenty-one-day appeal period, may remove and  
vacate the decision and issue a revised determination and appeal  
date.

(d) Upon receipt of the application for appeal, the full  
review commission shall review the administrator's decision and  
either schedule a further hearing on the case or disallow the  
application. The review commission shall review the  
administrator's decision within fourteen days after receipt of the  
decision or the receipt of a transcript requested under division  
(D)(1)(b) of this section, whichever is later.

(i) When a further hearing is granted, the commission shall  
make the administrator's decision and record of the case, as  
certified by the administrator, a part of the record and shall

consider the administrator's decision and record in arriving at a  
decision on the case. The commission's decision affirming,  
modifying, or reversing the administrator's decision, following  
the further appeal, shall be mailed to all interested parties  
within fourteen days after the hearing.

(ii) A decision of the disallowance of a further appeal shall  
be mailed to all interested parties within fourteen days after the  
commission makes the decision to disallow. The disallowance is  
deemed an affirmation of the administrator's decision.

(iii) The time limits specified in divisions (D)(1)(a), (b),  
(c), and (d) of this section may be extended by agreement of all  
interested parties or for cause beyond the control of the  
administrator or the commission.

(e) An appeal of the commission's decision issued under  
division (D)(1)(d) of this section may be taken to the court of  
common pleas as provided in division (O) of this section.

(f) A labor dispute decision involving fewer than twenty-five  
individuals shall be determined under division (D)(1) of this  
section and the review commission shall determine any appeal from  
the decision pursuant to division (M) of this section and within  
the time limits provided in division (D)(1)(d) of this section.

~~(2) The administrator or the administrator's deputy shall  
also examine each continued claim for benefits filed, and on the  
basis of any facts found by the administrator or the  
administrator's deputy shall determine whether such claim shall be  
allowed.~~

~~(a)~~ The determination of a first or additional claim,  
including the reasons therefor, shall be mailed to the claimant,  
the claimant's most recent separating employer, and any other

employer involved in the determination. 3021

~~(b)~~ When the determination of a continued claim results in a 3022  
disallowed claim, the administrator shall notify the claimant of 3023  
such disallowance and the reasons therefor. 3024

(3) Where the claim for benefits is directly attributable to 3025  
unemployment caused by a major disaster, as declared by the 3026  
president of the United States pursuant to the "Disaster Relief 3027  
Act of 1970," 84 Stat. 1745, 42 U.S.C.A. 4402, and the individual 3028  
filing the claim would otherwise have been eligible for disaster 3029  
unemployment assistance under that act, then upon application by 3030  
the employer any benefits paid on the claim shall not be charged 3031  
to the account of the employer who would have been charged on such 3032  
claim but instead shall be charged to the mutualized account 3033  
described in section 4141.25 of the Revised Code, provided that 3034  
this division is not applicable to an employer electing 3035  
reimbursing status under section 4141.241 of the Revised Code, 3036  
except reimbursing employers for whom benefit charges are charged 3037  
to the mutualized account pursuant to division ~~(C)~~(D)(2) of 3038  
section ~~4141.33~~ 4141.24 of the Revised Code. 3039

(4)(a) An individual filing a new claim for unemployment 3040  
compensation shall disclose, at the time of filing, whether or not 3041  
the individual owes child support obligations. In such a case, the 3042  
administrator shall notify the state or local child support 3043  
enforcement agency enforcing the obligation only if the claimant 3044  
has been determined to be eligible for unemployment compensation. 3045

(b) The administrator shall deduct and withhold from 3046  
unemployment compensation payable to an individual who owes child 3047  
support obligations: 3048

(i) Any amount required to be deducted and withheld from the 3049  
unemployment compensation pursuant to legal process, as that term 3050  
is defined in section 459(i)(5) of the "Social Security Act," as 3051

amended by the "Personal Responsibility and Work Opportunity  
Reconciliation Act of 1996," 100 Stat. 2105, 42 U.S.C. 659, and  
properly served upon the administrator, as described in division  
(D)(4)(c) of this section; or

(ii) Where division (D)(4)(b)(i) of this section is  
inapplicable, in the amount determined pursuant to an agreement  
submitted to the administrator under section ~~454(20)~~(19)(B)(i) of  
the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as  
amended, by the state or local child support enforcement agency;  
or

(iii) If neither division (D)(4)(b)(i) nor (ii) of this  
section is applicable, then in the amount specified by the  
individual.

(c) The ~~bureau of employment services~~ administrator shall  
receive all legal process described in division (D)(4)(b)(i) of  
this section from each local child support enforcement agency,  
which legal process was issued by the agency under section  
2301.371 of the Revised Code or otherwise was issued by the  
agency. The processing of cases under part D of Title IV of the  
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as  
amended, shall be determined pursuant to agreement between the  
administrator and the state department of human services. The  
department shall pay, pursuant to that agreement, all of the costs  
of the bureau of employment services that are associated with a  
deduction and withholding under division (D)(4)(b)(i) and (ii) of  
this section.

(d) The amount of unemployment compensation subject to being  
withheld pursuant to division (D)(4)(b) of this section is that  
amount which remains payable to the individual after application  
of any recoupment provisions for recovery of overpayments and  
after deductions which have been made under this chapter for

deductible income received by the individual. Effective for 3083  
applications to establish unemployment compensation benefit rights 3084  
filed after December 27, 1997, the amount withheld with respect to 3085  
a week of unemployment benefits shall not exceed fifty per cent of 3086  
the individual's weekly benefit amount as determined by the 3087  
administrator. 3088

(e) Any amount deducted and withheld under division (D)(4)(b) 3089  
of this section shall be paid to the appropriate state or local 3090  
child support enforcement agency in the following manner: 3091

(i) The administrator shall determine the amounts that are to 3092  
be deducted and withheld on a per county basis. 3093

(ii) For each county, the administrator shall forward to the 3094  
local child support enforcement agency of the county, at intervals 3095  
to be determined pursuant to the agreement referred to in division 3096  
(D)(4)(c) of this section, the amount determined for that county 3097  
under division (D)(4)(e)(i) of this section for disbursement to 3098  
the obligees or assignees of such support obligations. 3099

(f) Any amount deducted and withheld under division (D)(4)(b) 3100  
of this section shall for all purposes be treated as if it were 3101  
paid to the individual as unemployment compensation and paid by 3102  
the individual to the state or local child support agency in 3103  
satisfaction of the individual's child support obligations. 3104

(g) Division (D)(4) of this section applies only if 3105  
appropriate arrangements have been made for reimbursement by the 3106  
state or local child support enforcement agency for the 3107  
administrative costs incurred by the administrator under this 3108  
section which are associated with or attributable to child support 3109  
obligations being enforced by the state or local child support 3110  
enforcement agency. 3111

(h) As used in division (D)(4) of this section: 3112

(i) "Child support obligations" means only obligations which 3113  
are being enforced pursuant to a plan described in section 454 of 3114  
the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as 3115  
amended, which has been approved by the United States secretary of 3116  
health and human services under part D of Title IV of the "Social 3117  
Security Act," 88 Stat. 2351, 42 U.S.C. 651, as amended. 3118

(ii) "State child support enforcement agency" means the 3119  
department of human services, bureau of child support, designated 3120  
as the single state agency for the administration of the program 3121  
of child support enforcement pursuant to part D of Title IV of the 3122  
"Social Security Act," 88 Stat. 2351, 42 U.S.C. 651, as amended. 3123

(iii) "Local child support enforcement agency" means the 3124  
child support enforcement agency designated pursuant to section 3125  
2301.35 of the Revised Code or any other agency of a political 3126  
subdivision of the state operating pursuant to a plan mentioned in 3127  
division (D)(4)(h)(i) of this section. 3128

(iv) "Unemployment compensation" means any compensation 3129  
payable under this chapter including amounts payable by the 3130  
administrator pursuant to an agreement under any federal law 3131  
providing for compensation, assistance, or allowances with respect 3132  
to unemployment. 3133

(E)(1) Any base period or subsequent employer of a claimant 3134  
who has knowledge of specific facts affecting such claimant's 3135  
right to receive benefits for any week may notify the 3136  
administrator in writing of such facts. The administrator shall 3137  
prescribe a form to be used for such eligibility notice, but 3138  
failure to use the prescribed form shall not preclude the 3139  
administrator's examination of any notice. 3140

(2) An eligibility notice is timely filed if received by the 3141  
administrator ~~or the administrator's deputy~~ or postmarked prior to 3142  
or within forty-five calendar days after the end of the week with 3143

respect to which a claim for benefits is filed by the claimant. An 3144  
employer who does not timely file an eligibility notice shall not 3145  
be an interested party with respect to the claim for benefits 3146  
which is the subject of the notice. 3147

(3) The administrator ~~or the administrator's deputy~~ shall 3148  
consider the information contained in the eligibility notice, 3149  
together with other facts found by the administrator ~~or the~~ 3150  
~~administrator's deputy~~ and, after giving notice to ~~the notifying~~ 3151  
~~employer, if the employer timely filed the eligibility notice, and~~ 3152  
~~to the claimant, and other interested parties and informing them~~ 3153  
~~of their right to be present at a predetermination fact finding~~ 3154  
~~interview,~~ shall determine, unless a prior determination on the 3155  
same eligibility issue has become final, whether such claim shall 3156  
be allowed or disallowed, and shall mail notice of such 3157  
determination to the notifying employer who timely filed the 3158  
eligibility notice, to the claimant, and to other interested 3159  
parties. If the determination disallows benefits for any week in 3160  
question, the payment of benefits with respect to that week shall 3161  
be withheld pending further appeal, or an overpayment order shall 3162  
be issued by the administrator as prescribed in section 4141.35 of 3163  
the Revised Code, if applicable. 3164

(F) In making determinations ~~on applications for~~ 3165  
~~determination of benefit rights and claims for benefits,~~ the 3166  
administrator ~~and the administrator's deputy~~ shall follow 3167  
decisions of the unemployment compensation review commission which 3168  
have become final with respect to claimants similarly situated. 3169

(G)(1) ~~Any~~ Until October 1, 1998, any interested party 3170  
notified of a determination of an application for determination of 3171  
benefit rights or a claim for benefits may, within twenty-one 3172  
calendar days after the notice was mailed to the party's last 3173  
known post-office address, apply in writing for a reconsideration 3174  
of the administrator's ~~or deputy's~~ determination. 3175

On and after October 1, 1998, any party notified of a 3176  
determination may appeal within twenty-one calendar days after 3177  
notice was mailed to the party's last known post-office address or 3178  
within an extended period pursuant to division (O) of this 3179  
section. Upon receipt of the appeal, the administrator either 3180  
shall issue a redetermination within twenty-one days of receipt or 3181  
transfer the appeal to the commission, which shall acquire 3182  
jurisdiction over the appeal. If the administrator issues a 3183  
redetermination, the redetermination shall void the prior 3184  
determination. A redetermination under this section is appealable 3185  
to the same extent that a determination is appealable. 3186

~~(2) Unless an application for reconsideration is filed within~~ 3187  
~~the twenty one day period, or within an extended period pursuant~~ 3188  
~~to division (R) of this section, such determination of the~~ 3189  
~~administrator or deputy is final, except that upon discovery,~~ 3190  
~~within the benefit year, of~~ If the administrator finds within the 3191  
benefit year that the determination was erroneous due to an error 3192  
in an employer's report other than a report to correct 3193  
remuneration information as provided in division (B) of this 3194  
section or any typographical or clerical error in the 3195  
administrator's determination ~~or a decision on reconsideration,~~ 3196  
the administrator ~~or the administrator's deputy~~ shall issue a 3197  
corrected determination ~~or decision~~ to all interested parties, 3198  
which determination ~~or decision~~ shall take precedence over and 3199  
void the prior determination ~~or decision~~ of the administrator ~~or~~ 3200  
~~the administrator's deputy~~, provided no appeal has been filed with 3201  
the commission. If a request for reconsideration is filed within 3202  
the twenty one day period, the administrator shall promptly 3203  
consider such request and, after giving notice to the interested 3204  
parties and informing them of their right to be present at a 3205  
predetermination fact finding interview, conducted as described in 3206  
division (B) of this section, shall issue the decision to the 3207

~~interested parties; except that, if in the administrator's 3208  
judgment the issues are such as to require a hearing, the 3209  
administrator may refer any request for reconsideration to the 3210  
commission as an appeal. 3211~~

(3) If benefits are allowed by the administrator in ~~the 3212  
initial a~~ determination ~~or the decision on reconsideration,~~ or in 3213  
a decision by a ~~referee~~ hearing officer, the review commission, or 3214  
a court, the benefits shall be paid promptly, notwithstanding any 3215  
further appeal, provided that if benefits are denied ~~upon 3216  
reconsideration or on~~ appeal, of which the parties have notice and 3217  
an opportunity to be heard, the payment of benefits shall be 3218  
withheld pending a decision on any further appeal. 3219

(4) Any benefits paid to a claimant under this section prior 3220  
to a final determination of the claimant's right to the benefits 3221  
shall be charged to the employer's account as provided in division 3222  
(D) of section 4141.24 of the Revised Code, provided that if there 3223  
is no final determination of the claim by the subsequent thirtieth 3224  
day of June, the employer's account will be credited with the 3225  
total amount of benefits which has been paid prior to that date, 3226  
based on the determination which has not become final. The total 3227  
amount credited to the employer's account shall be charged to a 3228  
suspense account which shall be maintained as a separate 3229  
bookkeeping account and administered as a part of section 4141.24 3230  
of the Revised Code, and shall not be used in determining the 3231  
account balance of the employer for the purpose of computing the 3232  
employer's contribution rate under section 4141.25 of the Revised 3233  
Code. If it is finally determined that the claimant is entitled to 3234  
all or a part of the benefits in dispute, the suspense account 3235  
shall be credited and the appropriate employer's account charged 3236  
with the benefits. If it is finally determined that the claimant 3237  
is not entitled to all or any portion of the benefits in dispute, 3238  
the benefits shall be credited to the suspense account and a 3239

corresponding charge made to the mutualized account established in 3240  
division ~~(D)~~(B) of section 4141.25 of the Revised Code, provided 3241  
that, except as otherwise provided in this division, if benefits 3242  
are chargeable to an employer or group of employers who is 3243  
required or elects to make payments to the fund in lieu of 3244  
contributions under section 4141.241 of the Revised Code, the 3245  
benefits shall be charged to the employer's account in the manner 3246  
provided in division (D) of section 4141.24 and division (B) of 3247  
section 4141.241 of the Revised Code, and no part of the benefits 3248  
may be charged to the suspense account provided in this division. 3249  
To the extent that benefits which have been paid to a claimant and 3250  
charged to the employer's account are found not to be due the 3251  
claimant and are recovered by the administrator as provided in 3252  
section 4141.35 of the Revised Code, they shall be credited to the 3253  
employer's account. 3254

(H) ~~Any~~ Until October 1, 1998, any interested party may 3255  
appeal the administrator's decision on reconsideration to the 3256  
commission and unless an appeal is filed from such decision on 3257  
reconsideration with the commission within twenty-one calendar 3258  
days after such decision was mailed to the last known post-office 3259  
address of the appellant, or within an extended period pursuant to 3260  
division ~~(R)~~(Q) of this section, such decision on reconsideration 3261  
is final and benefits shall be paid or denied in accordance 3262  
therewith. The date of the mailing provided by the administrator 3263  
on determination or decision on reconsideration is sufficient 3264  
evidence upon which to conclude that the determination or decision 3265  
on reconsideration was mailed on that date. 3266

On and after October 1, 1998, the date of the mailing 3267  
provided by the administrator on the determination or 3268  
redetermination is sufficient evidence upon which to conclude that 3269  
the determination or redetermination was mailed on that date. 3270

(I) ~~Requests for reconsideration, appeals, or applications~~ 3271

~~for further appeals~~ Appeals may be filed with the administrator, 3272  
commission, ~~with the administrator or one of the administrator's~~ 3273  
~~deputies,~~ with an employee of another state or federal agency 3274  
charged with the duty of accepting claims, or with ~~an employee of~~ 3275  
the unemployment insurance commission of Canada ~~charged with the~~ 3276  
~~duty of accepting claims.~~ 3277

(1) Any timely written notice ~~stating~~ that the interested 3278  
party desires ~~a review of the previous determination or decision~~ 3279  
~~and the reasons therefor,~~ to appeal shall be accepted. 3280

(2) The administrator, commission, or authorized agent must 3281  
receive the ~~request, appeal, or application~~ within the specified 3282  
appeal period in order for the ~~request, appeal, or application~~ to 3283  
be deemed timely filed, except that: 3284

(a) If the United States postal service is used as the means 3285  
of delivery, the enclosing envelope must have a postmark date, as 3286  
governed by United States postal regulations, that is on or before 3287  
the last day of the specified appeal period; and 3288

(b) Where the postmark date is illegible or missing, the 3289  
~~request, appeal, or application~~ is timely filed if received no 3290  
later than the end of the third calendar day following the last 3291  
day of the specified appeal period. 3292

(3) The administrator may adopt rules pertaining to alternate 3293  
methods of filing appeals. 3294

(J) When an appeal from a ~~decision on reconsideration~~ 3295  
determination of the administrator ~~or deputy~~ is taken to the 3296  
commission at the hearing officer level, all interested parties 3297  
shall be notified and the commission ~~or a referee shall,~~ after 3298  
affording such parties reasonable opportunity for a fair hearing, 3299  
shall affirm, modify, or reverse the ~~findings of fact and the~~ 3300  
~~decision~~ determination of the administrator ~~or deputy~~ in the 3301  
manner ~~which~~ that appears just and proper. However, the commission 3302

may refer a case to the administrator for a redetermination if the 3303  
commission decides that the case does not require a hearing. In 3304  
the conduct of ~~such a~~ hearing by a hearing officer or any other 3305  
hearing on appeal to the commission which is provided in this 3306  
section, ~~the commission and the referees~~ hearing officers are not 3307  
bound by common law or statutory rules of evidence or by technical 3308  
or formal rules of procedure. The ~~commission and the referees~~ 3309  
hearing officers shall take any steps in the hearings, consistent 3310  
with the impartial discharge of their duties, which appear 3311  
reasonable and necessary to ascertain the facts and determine 3312  
whether the claimant is entitled to benefits under the law. ~~For~~ 3313  
~~the purpose of any hearing on appeal which is provided in this~~ 3314  
~~section, the file of the administrator pertaining to the case~~ 3315  
~~shall be certified by the administrator and shall automatically~~ 3316  
~~become a part of the record in the appeal hearing. All information~~ 3317  
~~in the file which pertains to the claim, including statements made~~ 3318  
~~to the administrator or the administrator's deputy by the~~ 3319  
~~individual claiming benefits or other interested parties, shall be~~ 3320  
~~considered by the commission and the referees in arriving at a~~ 3321  
~~decision, together with any other information which is produced at~~ 3322  
~~the hearing. The commission and referees~~ hearings shall be de 3323  
novu, except that the administrator's file pertaining to a case 3324  
shall be included in the record to be considered. 3325

The hearing officers may conduct any such hearing in person 3326  
or by telephone. The commission shall adopt rules which designate 3327  
the circumstances under which ~~the commission or referees~~ hearing 3328  
officers may conduct a hearing by telephone, grant a party to the 3329  
hearing the opportunity to object to a hearing by telephone, and 3330  
govern the conduct of hearings by telephone. An interested party 3331  
whose hearing would be by telephone pursuant to the commission 3332  
rules may elect to have an in-person hearing, provided that the 3333  
party electing the in-person hearing agrees to have the hearing at 3334  
the time and place the commission determines pursuant to rule. 3335

(1) The failure of the claimant or other interested party to appear at a hearing, unless the claimant or interested party is the appealing party, shall not preclude a decision in the claimant's or interested party's favor, if on the basis of all the information in the record, including that contained in the file of the administrator, the claimant or interested party is entitled to the decision.

(2) If the party appealing fails to appear at the hearing, the ~~referee or the commission~~ hearing officer shall dismiss the appeal, provided that the ~~referee~~ hearing officer or commission shall vacate the dismissal upon a showing that due notice of the hearing was not mailed to such party's last known address or good cause for the failure to appear is shown to ~~the referee or the~~ commission within fourteen days after the hearing date. No further appeal from the decision may thereafter be instituted by such party. If the other party fails to appear at the hearing, the ~~referee or the commission~~ hearing officer shall proceed with the hearing and shall issue a decision ~~without further hearing,~~ provided that the referee or based on the evidence of record, including the administrator's file. The commission shall vacate the decision upon a showing that due notice of the hearing was not mailed to such party's last known address or good cause for such party's failure to appear is shown to ~~the referee or the~~ commission within fourteen days after the hearing date.

(3) Where a party requests that a hearing be scheduled in the evening because the party is employed during the day, the commission ~~or referee~~ shall schedule the hearing during such hours as the party is not employed.

(4) The interested parties may waive, in writing, the hearing. if the parties waive the hearing, the hearing officer shall issue a decision based on the evidence of record, including the administrator's file.

(K) The proceedings at the hearing before the ~~referee, or the~~ 3368  
~~commission hearing officer~~, shall be recorded by mechanical means 3369  
or otherwise as may be prescribed by the commission. ~~Unless the~~ 3370  
~~claim is further appealed, such~~ In the absence of further 3371  
proceedings, the record of proceedings that is made need not be 3372  
transcribed. 3373

(L) All interested parties shall be notified of the ~~referee's~~ 3374  
~~hearing officer's~~ decision, which shall include the reasons 3375  
therefor. The ~~referee's~~ hearing officer's decision shall become 3376  
final unless, within twenty-one days after the decision was mailed 3377  
to the last known post-office address of such parties, or within 3378  
an extended period pursuant to division ~~(R)~~(Q) of this section, 3379  
the commission on its own motion removes or transfers such claim 3380  
to ~~itself or an application to institute a further appeal before~~ 3381  
~~the commission~~ the review level, or upon a request for review that 3382  
is filed by ~~any~~ an interested party and ~~such appeal~~ is allowed by 3383  
the commission. 3384

(M) ~~When any claim is removed or transferred to the~~ 3385  
~~commission on its own motion, or when an application to institute~~ 3386  
~~a further appeal is allowed by the commission, the commission~~ 3387  
~~shall review the decision of the referee and shall either affirm,~~ 3388  
~~modify, or reverse such decision. Before rendering its decision,~~ 3389  
~~the commission may remand the case to the referee for further~~ 3390  
~~proceedings. When the commission disallows an application to~~ 3391  
~~institute a further appeal, or renders its decision affirming,~~ 3392  
~~modifying, or reversing the decision of the referee, all~~ 3393  
~~interested parties shall be notified of such decision or order by~~ 3394  
~~mail addressed to the last known post office address of such~~ 3395  
~~parties. A disallowance by the commission of an application for~~ 3396  
~~further appeal shall be deemed an affirmation by the commission of~~ 3397  
~~the referee's decision under appeal~~ IN THE CONDUCT OF A HEARING BY 3398  
THE COMMISSION OR A HEARING OFFICER AT THE REVIEW LEVEL, THE 3399

COMMISSION AND THE HEARING OFFICERS ARE NOT BOUND BY COMMON LAW OR 3400  
STATUTORY RULES OF EVIDENCE OR BY TECHNICAL OR FORMAL RULES OF 3401  
PROCEDURE. THE COMMISSION AND THE HEARING OFFICERS SHALL TAKE ANY 3402  
STEPS IN THE HEARINGS, CONSISTENT WITH THE IMPARTIAL DISCHARGE OF 3403  
THEIR DUTIES, THAT APPEAR REASONABLE AND NECESSARY TO ASCERTAIN 3404  
THE FACTS AND DETERMINE WHETHER THE CLAIMANT IS ENTITLED TO 3405  
BENEFITS UNDER THE LAW. 3406

(1) the review commission, or a hearing officer designated by 3407  
the commission, shall consider an appeal at the review level under 3408  
the following circumstances: 3409

(a) when An appeal is required to be heard initially by the 3410  
commission pursuant to this chapter; 3411

(b) when the commission on its own motion removes an appeal 3412  
within twenty-one days after a hearing officer issues the hearing 3413  
officer's decision in the case; 3414

(c) when a hearing officer refers an appeal to the commission 3415  
within twenty-one days after the hearing officer issues the 3416  
hearing officer's decision in the case; 3417

(d) when an interested party files a request for review with 3418  
the commission within twenty-one days after the date a hearing 3419  
officer issues the hearing officer's decision in the case. The 3420  
commission shall disallow the request for review if it is not 3421  
timely filed. 3422

the commission may remove, and a hearing officer may refer, 3423  
Appeals involving decisions of potentially precedential value. 3424

(2) If a request for review is timely filed, the commission 3425  
shall decide whether to allow or disallow the request for review. 3426

If the request for review is disallowed, the commission shall 3427  
notify all interested parties of that fact. The disallowance of a 3428  
request for review constitutes a final decision by the commission 3429

for purposes of appeal to court. If the request for review is 3430  
allowed, the commission shall notify all interested parties of 3431  
that fact, and the commission shall provide a reasonable period of 3432  
time, as the commission defines by rule, in which interested 3433  
parties may file a response. After that period of time, the 3434  
commission, based on the record before it, shall do one of the 3435  
following at the review level: 3436

(a) Affirm the decision of the hearing officer; 3437

(b) Order that the case be heard or reheard by a hearing 3438  
officer; 3439

(c) Order that the case be heard or reheard by a hearing 3440  
officer as a potential precedential decision; 3441

(d) Order that the decision be rewritten. 3442

(3) the commission shall send notice to all interested 3443  
parties When it orders a case to be heard or reheard. The notice 3444  
shall include the reasons for the hearing or rehearing. If the 3445  
commission identifies an appeal as a potentially precedential 3446  
case, the commission shall notify the administrator and other 3447  
interested parties of the special nature of the hearing. 3448

(N) Whenever the administrator and the chairperson of the 3449  
review commission determine in writing and certify jointly that a 3450  
controversy exists with respect to the proper application of this 3451  
chapter to more than five hundred claimants similarly situated 3452  
whose claims are pending before the administrator or the review 3453  
commission or both on ~~reconsideration~~ redetermination or appeal 3454  
applied for or filed by three or more employers or by such 3455  
claimants, the chairperson of the review commission shall select 3456  
one such claim which is representative of all such claims and 3457  
assign it for a fair hearing and decision. Any other claimant or 3458  
employer in the group who makes a timely request to participate in 3459  
the hearing and decision shall be given a reasonable opportunity 3460

to participate as a party to the proceeding. 3461

Such joint certification by the administrator and the 3462  
chairperson of the commission shall constitute a stay of further 3463  
proceedings in the claims of all claimants similarly situated 3464  
until the issue or issues in controversy are adjudicated by the 3465  
supreme court of Ohio. At the time the decision of the commission 3466  
is issued, the chairperson shall certify the commission's decision 3467  
directly to the supreme court of Ohio and the chairperson shall 3468  
file with the clerk of the supreme court a certified copy of the 3469  
transcript of the proceedings before the commission pertaining to 3470  
such decision. Hearings on such issues shall take precedence over 3471  
all other civil cases. If upon hearing and consideration of such 3472  
record the court decides that the decision of the commission is 3473  
unlawful, the court shall reverse and vacate the decision or 3474  
modify it and enter final judgment in accordance with such 3475  
modification; otherwise such court shall affirm such decision. The 3476  
notice of the decision of the commission to the interested parties 3477  
shall contain a certification by the chairperson of the commission 3478  
that the decision is of great public interest and that a certified 3479  
transcript of the record of the proceedings before the commission 3480  
has been filed with the clerk of the supreme court as an appeal to 3481  
the court. Promptly upon the final judgment of the court, the 3482  
administrator and the commission shall decide those claims pending 3483  
before them where the facts are similar and shall notify all 3484  
interested parties of such decision and the reason therefor in the 3485  
manner provided for in this section. Nothing in this division 3486  
shall be construed so as to deny the right of any such claimant, 3487  
whose claim is pending before the administrator on ~~reconsideration~~ 3488  
redetermination or before the commission, to apply for and be 3489  
granted an opportunity for a fair hearing to show that the facts 3490  
in the claimant's case are different from the facts in the claim 3491  
selected as the representative claim as provided in this division, 3492  
nor shall any such claimant be denied the right to appeal the 3493

decision of the administrator or the commission which is made as a 3494  
result of the decision of the court in the representative case. 3495  
3496

(O)(1) Any interested party as defined in division (I) of 3497  
section 4141.01 of the Revised Code, within thirty days after 3498  
notice of the decision of the commission was mailed to the last 3499  
known post-office address of all interested parties, may appeal 3500  
from the decision of the commission to the court of common pleas 3501  
of the county where the appellant, if an employee, is resident or 3502  
was last employed or of the county where the appellant, if an 3503  
employer, is resident or has the principal place of business in 3504  
this state. The commission shall provide on its decision the names 3505  
and addresses of all interested parties. Such appeal shall be 3506  
taken within such thirty days by the appellant by filing a notice 3507  
of appeal with the clerk of the court of common pleas. Such filing 3508  
shall be the only act required to perfect the appeal and vest 3509  
jurisdiction in the court. Failure of an appellant to take any 3510  
step other than timely filing of a notice of appeal does not 3511  
affect the validity of the appeal, but is grounds only for such 3512  
action as the court deems appropriate, which may include dismissal 3513  
of the appeal. Such notice of appeal shall set forth the decision 3514  
appealed from. The appellant shall mail a copy of the notice of 3515  
appeal to the commission and to all interested parties by 3516  
certified mail to their last known post-office address and proof 3517  
of the mailing of the notice shall be filed with the clerk within 3518  
thirty days of filing the notice of appeal. All interested parties 3519  
shall be made appellees. The commission upon receipt of the notice 3520  
of appeal shall within thirty days file with the clerk a certified 3521  
transcript of the record of the proceedings before the commission 3522  
pertaining to the decision complained of, and mail a copy of the 3523  
transcript to the appellant's attorney or to the appellant, if not 3524  
represented by counsel. The appellant shall file a statement of 3525  
the assignments of error presented for review within sixty days of 3526

the filing of the notice of appeal with the court. The appeal  
shall be heard upon such record certified by the commission. After  
an appeal has been filed in the court, the commission may, by  
petition, be made a party to such appeal. If the court finds that  
the decision was unlawful, unreasonable, or against the manifest  
weight of the evidence, it shall reverse and vacate such decision  
or it may modify such decision and enter final judgment in  
accordance with such modification; otherwise such court shall  
affirm such decision. Any interested party shall have the right to  
appeal from the decision of the court as in civil cases.

(2) If an appeal is filed after the thirty-day appeal period  
established in division (O)(1) of this section, the court of  
common pleas shall conduct a hearing to determine whether the  
appeal was timely filed pursuant to division ~~(R)~~(O) of this  
section. At the hearing, additional evidence may be introduced and  
oral arguments may be presented regarding the timeliness of the  
filing of the appeal. If the court of common pleas determines that  
the time for filing the appeal is extended as provided in division  
~~(R)~~(O) of this section and that the appeal was filed within the  
extended time provided in that division, the court shall  
thereafter make its decision on the merits of the appeal. If the  
court of common pleas determines that the time for filing the  
appeal may not be extended as provided in division ~~(R)~~(O) of this  
section, the court shall dismiss the appeal accordingly. The  
determination on timeliness by the court of common pleas may be  
appealed to the court of appeals as in civil cases, and such  
appeal shall be consolidated with any appeal from the decision by  
the court of common pleas on the merits of the appeal.

(P) Any ~~application for reconsideration, any appeal from a  
decision on reconsideration of the determination or  
redetermination~~ of the administrator, ~~application to institute a~~

~~further appeal, and any notice of intention to appeal the or a~~ 3559  
~~decision or order of the commission to a court of common pleas may~~ 3560  
~~be executed in behalf of any party or any group of claimants by an~~ 3561  
~~agent.~~ 3562

~~(Q)(1) The administrator, the administrator's deputy, the~~ 3563  
~~referee, the review commission, or the court that has the~~ 3564  
~~authority or jurisdiction pursuant to this section to hear an~~ 3565  
~~application for reconsideration or an appeal that is timely filed~~ 3566  
~~shall render a decision on the application for reconsideration or~~ 3567  
~~the appeal and upon any further application for reconsideration or~~ 3568  
~~appeal that is timely filed, whether or not the claimant meets the~~ 3569  
~~able to work, available for suitable work, or the actively seeking~~ 3570  
~~work requirements of division (A)(4)(a) of section 4141.29 of the~~ 3571  
~~Revised Code, if all of the following apply:~~ 3572

~~(a) The claimant's claim for benefits is allowed or denied~~ 3573  
~~upon initial determination by the administrator or the~~ 3574  
~~administrator's deputy or upon reconsideration, review, or appeal~~ 3575  
~~by a decision of the administrator, the administrator's deputy, a~~ 3576  
~~referee, the review commission, or a court.~~ 3577

~~(b) After the claim is allowed or disallowed, the claimant is~~ 3578  
~~subjected to criminally injurious conduct, as defined in section~~ 3579  
~~2743.51 of the Revised Code.~~ 3580

~~(c) Pursuant to this section, any interested party timely~~ 3581  
~~applies for reconsideration, or timely files an appeal, of the~~ 3582  
~~determination or decision.~~ 3583

~~(d) The claimant files an application for an award of~~ 3584  
~~reparations pursuant to sections 2743.51 to 2743.72 of the Revised~~ 3585  
~~Code, for the loss of unemployment benefits.~~ 3586

~~(2) Any decision that is rendered pursuant to division (Q)(1)~~ 3587  
~~of this section when a claimant fails to meet the able to work,~~ 3588  
~~available for suitable work, or the actively seeking work~~ 3589

~~requirements of division (A)(4)(a) of section 4141.29 of the~~ 3590  
~~Revised Code shall apply only for the purposes of any claim for an~~ 3591  
~~award of reparations filed pursuant to sections 2743.51 to 2743.72~~ 3592  
~~of the Revised Code and shall not enable a claimant who does not~~ 3593  
~~meet the able to work, available for suitable work, or the~~ 3594  
~~actively seeking work requirements of division (A)(4)(a) of~~ 3595  
~~section 4141.29 of the Revised Code to obtain any benefits~~ 3596  
~~pursuant to this chapter.~~ 3597

~~(R) The time for filing a request for reconsideration, an~~ 3598  
~~appeal, an application to institute further appeal~~ a request for 3599  
review, or a court appeal, under ~~division (G), (H), (L), or (O) of~~ 3600  
this section shall be extended as follows: 3601

(1) When the last day of an appeal period is a Saturday, 3602  
Sunday, or legal holiday, the appeal period is extended to the 3603  
next work day after the Saturday, Sunday, or legal holiday; or 3604

(2) When an interested party provides certified medical 3605  
evidence stating that the interested party's physical condition or 3606  
mental capacity prevented the interested party from filing a 3607  
~~request for reconsideration, an appeal, or an application to~~ 3608  
~~institute further appeal~~ request for review pursuant to division 3609  
(G), (H), or (L) of this section within the appropriate 3610  
twenty-one-day period, the appeal period is extended to twenty-one 3611  
days after the end of the physical or mental condition and the 3612  
~~request, appeal, or application~~ request for review is considered 3613  
timely filed if filed within that extended period; 3614

(3) When an interested party provides evidence, which 3615  
evidence may consist of testimony from the interested party, that 3616  
is sufficient to establish that the party did not actually receive 3617  
the determination or decision within the applicable appeal period 3618  
pursuant to division (G), (H), or (L) of this section, and the 3619  
administrator or the commission finds that the interested party 3620

did not actually receive the determination or decision within the  
applicable appeal period, then the appeal period is extended to  
twenty-one days after the interested party actually receives the  
determination or decision.

(4) When an interested party provides evidence, which  
evidence may consist of testimony from the interested party, that  
is sufficient to establish that the party did not actually receive  
a decision within the thirty-day appeal period provided in  
division (0)(1) of this section, and a court of common pleas finds  
that the interested party did not actually receive the decision  
within that thirty-day appeal period, then the appeal period is  
extended to thirty days after the interested party actually  
receives the decision.

~~(S)~~(R) No finding of fact or law, decision, or order of the  
administrator, ~~referee~~ hearing officer, or the review commission,  
or a reviewing court pursuant to this section, shall be given  
collateral estoppel or res judicata effect in any separate or  
subsequent judicial, administrative, or arbitration proceeding,  
other than a proceeding arising under this chapter.

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

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

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

(2) Has made a claim for benefits in accordance with section  
4141.28 of the Revised Code;

(3) Has registered at an employment office or other 3651  
registration place maintained or designated by the administrator 3652  
of the bureau of employment services. Registration shall be made 3653  
~~in person or in writing~~ in accordance with the time limits, 3654  
frequency, and manner prescribed by the administrator. 3655

(4)(a) Is able to work and available for suitable work and is 3656  
actively seeking suitable work either in a locality in which ~~he~~ 3657  
the individual has earned wages subject to this chapter during ~~his~~ 3658  
the individual's base period, or if ~~he~~ the individual leaves ~~such~~ 3659  
that locality, then in a locality where suitable work ~~is~~ normally 3660  
is performed. 3661

The administrator may waive the requirement that a claimant 3662  
be actively seeking work when ~~he~~ the administrator finds that an 3663  
individual has been laid off and the employer who laid ~~him~~ the 3664  
individual off has notified the administrator within ten days 3665  
after the layoff, that work is expected to be available for the 3666  
individual within a specified number of days not to exceed 3667  
forty-five calendar days following the last day the individual 3668  
worked. In the event the individual is not recalled within the 3669  
specified period, ~~such~~ this waiver shall cease to be operative 3670  
with respect to ~~such~~ that layoff. 3671

(b) The individual shall be instructed as to the efforts that 3672  
~~he~~ the individual must make in ~~his~~ the search for suitable work, 3673  
except where the active search for work requirement has been 3674  
waived under division (A)(4)(a) of this section, and shall keep a 3675  
record of where and when ~~he~~ the individual has sought work in 3676  
complying with ~~such~~ those instructions and ~~shall~~, upon request, 3677  
shall produce ~~such~~ that record for examination by the 3678  
administrator. 3679

(c) An individual who is attending a training course approved 3680  
by the administrator meets the requirement of this division, if 3681

~~such~~ attendance was recommended by the administrator and the 3682  
individual is regularly attending the course and is making 3683  
satisfactory progress. An individual also meets the requirements 3684  
of this division if ~~he~~ the individual is participating and 3685  
advancing in a training program, as defined in division (P) of 3686  
section 5709.61 of the Revised Code, and if an enterprise, defined 3687  
in division (B) of section 5709.61 of the Revised Code, is paying 3688  
all or part of the cost of the individual's participation in the 3689  
training program with the intention of hiring the individual for 3690  
employment as a new employee, as defined in division (L) of 3691  
section 5709.61 of the Revised Code, for at least ninety days 3692  
after the individual's completion of the training program. 3693

(d) An individual who becomes unemployed while attending a 3694  
regularly established school and whose base period qualifying 3695  
weeks were earned in whole or in part while attending ~~such~~ that 3696  
school, meets the availability and active search for work 3697  
requirements of division (A)(4)(a) of this section if ~~he~~ the 3698  
individual regularly attends the school during weeks with respect 3699  
to which the individual claims unemployment benefits and makes 3700  
~~himself~~ self available on any shift of hours for suitable 3701  
employment with ~~his~~ the individual's most recent employer or any 3702  
other employer in ~~his~~ the individual's base period, or for any 3703  
other suitable employment to which ~~he~~ the individual is directed, 3704  
under this chapter. 3705

(e) The administrator shall adopt ~~such~~ any rules ~~as he~~ that 3706  
the administrator deems necessary for the administration of 3707  
division (A)(4) of this section. 3708

(f) Notwithstanding any other provisions of this section, no 3709  
otherwise eligible individual shall be denied benefits for any 3710  
week because ~~he or she~~ the individual is in training approved 3711  
under section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 3712  
19 U.S.C.A. 2296, nor shall ~~such~~ that individual be denied 3713

benefits by reason of leaving work to enter such training, 3714  
provided the work left is not suitable employment, or because of 3715  
the application to any week in training of provisions in this 3716  
chapter, or any applicable federal unemployment compensation law, 3717  
relating to availability for work, active search for work, or 3718  
refusal to accept work. 3719

For the purposes of division (A)(4)(f) of this section, 3720  
"suitable employment" means with respect to an individual, work of 3721  
a substantially equal or higher skill level than the individual's 3722  
past adversely affected employment, as defined for the purposes of 3723  
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 3724  
wages for such work at not less than eighty per cent of the 3725  
individual's average weekly wage as determined for the purposes of 3726  
that federal act. 3727

(5) Is unable to obtain suitable work. 3728

(6) Participates in reemployment services, such as job search 3729  
assistance services, if the individual has been determined to be 3730  
likely to exhaust benefits under this chapter, including 3731  
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 3732  
extended compensation, and needs reemployment services pursuant to 3733  
the profiling system established by the administrator under 3734  
division (K) of this section, unless the administrator determines 3735  
that: 3736

(a) The individual has completed such services; or 3737

(b) There is justifiable cause for the claimant's failure to 3738  
participate in such services. 3739

(B) An individual suffering total or partial unemployment is 3740  
eligible for benefits for unemployment occurring subsequent to a 3741  
waiting period of one week and no benefits shall be payable during 3742  
this required waiting period, but no more than one week of waiting 3743  
period shall be required of any such individual in any benefit 3744

year in order to establish ~~his~~ the individual's eligibility for 3745  
total or partial unemployment benefits. 3746

(C) The waiting period for total or partial unemployment 3747  
shall commence on the first day of the first week with respect to 3748  
which the individual first files a claim for benefits at an 3749  
employment office or other place of registration maintained or 3750  
designated by the administrator or on the first day of the first 3751  
week with respect to which ~~he~~ the individual has otherwise filed a 3752  
claim for benefits in accordance with the rules of the bureau of 3753  
employment services, provided such claim is allowed by the 3754  
administrator ~~or his deputy~~. 3755

(D) Notwithstanding division (A) of this section, no 3756  
individual may serve a waiting period or be paid benefits under 3757  
the following conditions: 3758

(1) For any week with respect to which the administrator 3759  
finds that: 3760

(a) ~~His~~ The individual's unemployment was due to a labor 3761  
dispute other than a lockout at any factory, establishment, or 3762  
other premises located in this or any other state and owned or 3763  
operated by the employer by which ~~he~~ the individual is or was last 3764  
employed; and for so long as ~~his~~ the individual's unemployment is 3765  
due to such labor dispute. No individual shall be disqualified 3766  
under this provision if either of the following applies: 3767

(i) ~~His~~ The individual's employment was with such employer at 3768  
any factory, establishment, or premises located in this state, 3769  
owned or operated by such employer, other than the factory, 3770  
establishment, or premises at which the labor dispute exists, if 3771  
it is shown that ~~he~~ the individual is not financing, participating 3772  
in, or directly interested in such labor dispute; ~~or~~ 3773

(ii) ~~His~~ The individual's employment was with an employer not 3774  
involved in the labor dispute but whose place of business was 3775

located within the same premises as the employer engaged in the 3776  
dispute, unless ~~his~~ the individual's employer is a wholly owned 3777  
subsidiary of the employer engaged in the dispute, or unless ~~he~~ 3778  
the individual actively participates in or voluntarily stops work 3779  
because of such dispute. If it is established that the claimant 3780  
was laid off for an indefinite period and not recalled to work 3781  
prior to the dispute, or was separated by the employer prior to 3782  
the dispute for reasons other than the labor dispute, or that ~~he~~ 3783  
the individual obtained a bona fide job with another employer 3784  
while the dispute was still in progress, such labor dispute shall 3785  
not render the employee ineligible for benefits. 3786

(b) ~~He~~ The individual has been given a disciplinary layoff 3787  
for misconduct in connection with ~~his~~ the individual's work. 3788

(2) For the duration of ~~his~~ the individual's unemployment if 3789  
the administrator finds that: 3790

(a) ~~He~~ The individual quit ~~his~~ work without just cause or has 3791  
been discharged for just cause in connection with ~~his~~ the 3792  
individual's work, provided division (D)(2) of this section does 3793  
not apply to the separation of a person under any of the following 3794  
circumstances: 3795

(i) Separation from employment for the purpose of entering 3796  
the armed forces of the United States if ~~he~~ the individual makes 3797  
application to enter, or is inducted into ~~such~~ the armed forces 3798  
within thirty days after such separation; 3799

(ii) Separation from employment pursuant to a 3800  
labor-management contract or agreement, or pursuant to an 3801  
established employer plan, program, or policy, which permits the 3802  
employee, because of lack of work, to accept a separation from 3803  
employment; 3804

(iii) ~~He~~ The individual has left ~~his~~ employment to accept a 3805  
recall from a prior employer or, except as provided in division 3806

(D)(2)(a)(iv) of this section, to accept other employment as 3807  
provided under section 4141.291 of the Revised Code, or left or 3808  
was separated from employment ~~which~~ that was concurrent employment 3809  
at the time of the most recent separation or within six weeks 3810  
prior to the most recent separation where the remuneration, hours, 3811  
or other conditions of such concurrent employment were 3812  
substantially less favorable than ~~his~~ the individual's most recent 3813  
employment and where such employment, if offered as new work, 3814  
would be considered not suitable under the provisions of divisions 3815  
(E) and (F) of this section. Any benefits ~~which~~ that would 3816  
otherwise be chargeable to the account of the employer from whom 3817  
an individual has left employment or was separated from employment 3818  
that was concurrent employment under conditions described in 3819  
division (D)(2)(a)(iii) of this section, shall instead be charged 3820  
to the mutualized account created by division ~~(D)~~(B) of section 3821  
4141.25 of the Revised Code, except that any benefits chargeable 3822  
to the account of a reimbursing employer under division 3823  
(D)(2)(a)(iii) of this section shall be charged to the account of 3824  
the reimbursing employer and not to the mutualized account, ~~unless~~ 3825  
~~the reimbursing employer is a seasonal employer as determined by~~ 3826  
~~the administrator pursuant to section 4141.33 of the Revised Code,~~ 3827  
~~and the benefit charges are for weeks of unemployment that~~ 3828  
~~occurred outside the seasonal employer's seasonal period~~ except as 3829  
provided in division (D)(2) of section 4141.24 Of the Revised 3830  
Code. 3831

(iv) When an individual has been issued a definite layoff 3832  
date by ~~his~~ the individual's employer and before the layoff date, 3833  
the individual quits to accept other employment, the provisions of 3834  
division (D)(2)(a)(iii) of this section apply and no 3835  
disqualification shall be imposed under division (D) of this 3836  
section. However, if the individual fails to meet the employment 3837  
and earnings requirements of division (A)(2) of section 4141.291 3838  
of the Revised Code, then the individual ~~shall~~, pursuant to 3839

division (A)(5) of this section, shall be ineligible for benefits 3840  
for any week of unemployment that occurs prior to the layoff date. 3841

(b) ~~He~~ The individual has refused without good cause to 3842  
accept an offer of suitable work when made by an employer either 3843  
in person or to ~~his~~ the individual's last known address, or has 3844  
refused or failed to investigate a referral to suitable work when 3845  
directed to do so by a local employment office of this state or 3846  
another state, provided that this division shall not cause a 3847  
disqualification for a waiting week or benefits under the 3848  
following circumstances: 3849

(i) When work is offered by ~~his~~ the individual's employer and 3850  
~~he~~ the individual is not required to accept the offer pursuant to 3851  
the terms of the labor-management contract or agreement; or 3852

(ii) When the individual is attending a vocational training 3853  
course pursuant to division (A)(4) of this section except, in the 3854  
event of a refusal to accept an offer of suitable work or a 3855  
refusal or failure to investigate a referral, benefits thereafter 3856  
paid to such individual shall not be charged to the account of any 3857  
employer and, except as provided in division (B)(1)(b) of section 3858  
4141.241 of the Revised Code, shall be charged to the mutualized 3859  
account as provided in division ~~(D)~~(B) of section 4141.25 of the 3860  
Revised Code. 3861

(c) Such individual quit work to marry or because of marital, 3862  
parental, filial, or other domestic obligations. 3863

(d) ~~He~~ The individual has knowingly made a false statement or 3864  
representation or knowingly failed to report any material fact 3865  
with the object of obtaining benefits to which ~~he~~ the individual 3866  
is not entitled. 3867

(e) ~~He~~ The individual became unemployed by reason of 3868  
commitment to any correctional institution. 3869

(f) ~~He~~ The individual became unemployed because of dishonesty 3870

in connection with ~~his~~ the individual's most recent or any base 3871  
period work. Remuneration earned in such work shall be excluded 3872  
from ~~such~~ the individual's total base period remuneration and 3873  
qualifying weeks ~~which~~ that otherwise would be credited to ~~such an~~ 3874  
the individual for such work in the individual's base period shall 3875  
not be credited for the purpose of determining the total benefits 3876  
to which ~~such~~ the individual is eligible and the weekly benefit 3877  
amount to be paid under section 4141.30 of the Revised Code. Such 3878  
excluded remuneration and noncredited qualifying weeks shall be 3879  
excluded from the calculation of the maximum amount to be charged, 3880  
under division (D) of section 4141.24 and section 4141.33 of the 3881  
Revised Code, against the accounts of the individual's base period 3882  
employers. In addition, no benefits shall thereafter be paid to 3883  
~~such~~ the individual based upon such excluded remuneration or 3884  
noncredited qualifying weeks. 3885

For purposes of division (D)(2)(f) of this section, 3886  
"dishonesty" means the commission of substantive theft, fraud, or 3887  
deceitful acts. 3888

(E) No individual otherwise qualified to receive benefits 3889  
shall lose the right to benefits by reason of a refusal to accept 3890  
new work if: 3891

(1) As a condition of being so employed ~~he~~ the individual 3892  
would be required to join a company union, or to resign from or 3893  
refrain from joining any bona fide labor organization, or would be 3894  
denied the right to retain membership in and observe the lawful 3895  
rules of any such organization. 3896

(2) The position offered is vacant due directly to a strike, 3897  
lockout, or other labor dispute. 3898

(3) The work is at an unreasonable distance from ~~his~~ the 3899  
individual's residence, having regard to the character of the work 3900  
~~he~~ the individual has been accustomed to do, and travel to the 3901

place of work involves expenses substantially greater than that 3902  
required for ~~his~~ the individual's former work, unless the expense 3903  
is provided for. 3904

(4) The remuneration, hours, or other conditions of the work 3905  
offered are substantially less favorable to the individual than 3906  
those prevailing for similar work in the locality. 3907

(F) Subject to the special exceptions contained in division 3908  
(A)(4)(f) of this section and section 4141.301 of the Revised 3909  
Code, in determining whether any work is suitable for a claimant 3910  
in the administration of this chapter, the administrator ~~shall~~, in 3911  
addition to the determination required under division (E) of this 3912  
section, shall consider the degree of risk to the claimant's 3913  
health, safety, and morals, ~~his~~ the individual's physical fitness 3914  
for the work, ~~his~~ the individual's prior training and experience, 3915  
the length of ~~his~~ the individual's unemployment, the distance of 3916  
the available work from ~~his~~ the individual's residence, and ~~his~~ 3917  
the individual's prospects for obtaining local work. 3918

(G) The "duration of ~~his~~ unemployment" as used in this 3919  
section means the full period of unemployment next ensuing after a 3920  
separation from any base period or subsequent work and until an 3921  
individual has become reemployed in employment subject to this 3922  
chapter, or the unemployment compensation act of another state, or 3923  
of the United States, and until such individual has worked six 3924  
weeks and for ~~such~~ those weeks has earned or been paid 3925  
remuneration equal to six times an average weekly wage of not less 3926  
than: eighty-five dollars and ten cents per week beginning on June 3927  
26, 1990; and beginning on and after January 1, 1992, twenty-seven 3928  
and one-half per cent of the statewide average weekly wage as 3929  
computed each first day of January under division (B)(3) of 3930  
section 4141.30 of the Revised Code, rounded down to the nearest 3931  
dollar, except for purposes of division (D)(2)(c) of this section, 3932  
such term means the full period of unemployment next ensuing after 3933

a separation from such work and until such individual has become 3934  
reemployed subject to the terms set forth above, and has earned 3935  
wages equal to one-half of ~~his~~ the individual's average weekly 3936  
wage or sixty dollars, whichever is less. 3937

(H) If a claimant is disqualified under division (D)(2)(a), 3938  
(c), or (e) of this section or found to be qualified under the 3939  
exceptions provided in division (D)(2)(a)(i), (ii), (iii), or (iv) 3940  
of this section or division (A)(2) of section 4141.291 of the 3941  
Revised Code, then benefits ~~which~~ that may become payable to such 3942  
claimant, which are chargeable to the account of the employer from 3943  
whom ~~he~~ the individual was separated under such conditions, shall 3944  
be charged to the mutualized account provided in section 4141.25 3945  
of the Revised Code, provided that no charge shall be made to the 3946  
mutualized account for benefits chargeable to a reimbursing 3947  
employer, except as provided in division ~~(C)~~(D)(2) of section 3948  
~~4141.33~~ 4141.24 of the Revised Code. In the case of a reimbursing 3949  
employer, the administrator shall refund or credit to the account 3950  
of the reimbursing employer any over-paid benefits that are 3951  
recovered under division (B) of section 4141.35 of the Revised 3952  
Code. 3953

(I)(1) Benefits based on service in employment as provided in 3954  
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 3955  
shall be payable in the same amount, on the same terms, and 3956  
subject to the same conditions as benefits payable on the basis of 3957  
other service subject to this chapter; except that after December 3958  
31, 1977: 3959

(a) Benefits based on service in an instructional, research, 3960  
or principal administrative capacity in an institution of higher 3961  
education, as defined in division (Y) of section 4141.01 of the 3962  
Revised Code; or for an educational institution as defined in 3963  
division (CC) of section 4141.01 of the Revised Code, shall not be 3964  
paid to any individual for any week of unemployment ~~which~~ that 3965

begins during the period between two successive academic years or 3966  
terms, or during a similar period between two regular but not 3967  
successive terms or during a period of paid sabbatical leave 3968  
provided for in the individual's contract, if the individual 3969  
performs such services in the first of ~~such~~ those academic years 3970  
or terms and has a contract or a reasonable assurance that the 3971  
individual will perform services in any such capacity for any such 3972  
institution in the second of ~~such~~ those academic years or terms. 3973

(b) Benefits based on service for an educational institution 3974  
or an institution of higher education in other than an 3975  
instructional, research, or principal administrative capacity, 3976  
shall not be paid to any individual for any week of unemployment 3977  
which begins during the period between two successive academic 3978  
years or terms of the employing educational institution or 3979  
institution of higher education, provided the individual performed 3980  
~~such~~ those services for the educational institution or institution 3981  
of higher education during the first such academic year or term 3982  
and, there is a reasonable assurance that such individual will 3983  
perform ~~such~~ those services for any educational institution or 3984  
institution of higher education in the second of such academic 3985  
years or terms. 3986

If compensation is denied to any individual for any week 3987  
under division (I)(1)(b) of this section and the individual was 3988  
not offered an opportunity to perform ~~such~~ those services for an 3989  
institution of higher education or for an educational institution 3990  
for the second of such academic years or terms, the individual is 3991  
entitled to a retroactive payment of compensation for each week 3992  
for which the individual timely filed a claim for compensation and 3993  
for which compensation was denied solely by reason of division 3994  
(I)(1)(b) of this section. An application for retroactive benefits 3995  
shall be timely filed if received by the administrator or ~~his~~ the 3996  
administrator's deputy within or prior to the end of the fourth 3997

full calendar week after the end of the period for which benefits 3998  
were denied because of reasonable assurance of employment. The 3999  
provision for the payment of retroactive benefits under division 4000  
(I)(1)(b) of this section is applicable to weeks of unemployment 4001  
beginning on and after November 18, 1983. The provisions under 4002  
division (I)(1)(b) of this section shall be retroactive to 4003  
September 5, 1982, only if, as a condition for full tax credit 4004  
against the tax imposed by the "Federal Unemployment Tax Act," 53 4005  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 4006  
secretary of labor determines that retroactivity is required by 4007  
federal law. 4008

(c) With respect to weeks of unemployment beginning after 4009  
December 31, 1977, benefits shall be denied to any individual for 4010  
any week which commences during an established and customary 4011  
vacation period or holiday recess, if the individual performs any 4012  
services described in divisions (I)(1)(a) and (b) of this section 4013  
in the period immediately before the vacation period or holiday 4014  
recess, and there is a reasonable assurance that the individual 4015  
will perform any such services in the period immediately following 4016  
the vacation period or holiday recess. 4017

(d) With respect to any services described in division 4018  
(I)(1)(a), (b), or (c) of this section, benefits payable on the 4019  
basis of services in any such capacity shall be denied as 4020  
specified in division (I)(1)(a), (b), or (c) of this section to 4021  
any individual who performs such services in an educational 4022  
institution or institution of higher education while in the employ 4023  
of an educational service agency. For this purpose, the term 4024  
"educational service agency" means a governmental agency or 4025  
governmental entity ~~which~~ that is established and operated 4026  
exclusively for the purpose of providing services to one or more 4027  
educational institutions or one or more institutions of higher 4028  
education. 4029

(e) Any individual employed by a public school district or a county board of mental retardation shall be notified by the thirtieth day of April each year if ~~he~~ the individual is not to be reemployed the following academic year.

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

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

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

(1) Any data or information required of individuals applying 4061  
for benefits to determine whether benefits are not payable to them 4062  
because of their alien status shall be uniformly required from all 4063  
applicants for benefits. 4064

(2) In the case of an individual whose application for 4065  
benefits would otherwise be approved, no determination that 4066  
benefits to the individual are not payable because of ~~his~~ the 4067  
individual's alien status shall be made except upon a 4068  
preponderance of the evidence that the individual had not, in 4069  
fact, been lawfully admitted to the United States. 4070

(K) The administrator shall establish and utilize a system of 4071  
profiling all new claimants under this chapter that: 4072

(1) Identifies which claimants will be likely to exhaust 4073  
regular compensation and will need job search assistance services 4074  
to make a successful transition to new employment; 4075

(2) Refers claimants identified pursuant to division (K)(1) 4076  
of this section to reemployment services, such as job search 4077  
assistance services, available under any state or federal law; 4078

(3) Collects follow-up information relating to the services 4079  
received by such claimants and the employment outcomes for such 4080  
claimant's subsequent to receiving such services and utilizes such 4081  
information in making identifications pursuant to division (K)(1) 4082  
of this section; and 4083

(4) Meets such other requirements as the United States 4084  
secretary of labor determines are appropriate. 4085

**Sec. 4141.291.** (A) Notwithstanding section 4141.29 of the 4086  
Revised Code, an individual who voluntarily quits work: 4087

(1) To accept a recall from a prior employer and establishes 4088  
that the refusal or failure to accept the recall would have 4089  
resulted in a substantial loss of employment rights, benefits, or 4090

pension, under a labor-management agreement or company policy; 4091

(2) To accept a recall to employment from a prior employer 4092  
and cannot establish that a substantial loss of employment rights, 4093  
benefits, or pension was involved in the recall, or to accept 4094  
other employment subject to this chapter, or the unemployment 4095  
compensation act of another state, or of the United States, where 4096  
the individual obtains such employment while still employed or 4097  
commences such employment within seven calendar days after the 4098  
last day of employment with the prior employer, and subsequent to 4099  
the last day of the employment with the prior employer, works 4100  
three weeks in the new employment and earns wages equal to one and 4101  
one-half times the individual's average weekly wage or one hundred 4102  
eighty dollars, whichever is less; 4103

(3) Shall, under the conditions specified in either division 4104  
(A)(1) or (2) of this section, remove the disqualification imposed 4105  
by division (D)(2)(a) of section 4141.29 of the Revised Code and 4106  
shall be deemed to have fully complied with division (G) of such 4107  
section. 4108

(B) Benefits which may become payable to such individual 4109  
because of the individual's subsequent separation from the 4110  
employer who recalled that individual shall be charged to employer 4111  
accounts as provided in division (D) of section 4141.24 of the 4112  
Revised Code. 4113

(C) Any benefits which would be chargeable to the account of 4114  
the employer from whom such individual voluntarily quit to accept 4115  
such recall or other employment which are not chargeable to the 4116  
recalling employer as provided in this section shall be charged to 4117  
the mutualized account provided in section 4141.25 of the Revised 4118  
Code; except that any benefits chargeable to the account of a 4119  
reimbursing employer under this division shall be charged to the 4120  
account of the reimbursing employer and not the mutualized account 4121

~~unless the charge is required under division (C) of section 4141.33 of the Revised Code, except as provided in division (D)(2) of section 4141.24 Of the Revised Code.~~

**Sec. 4141.301.** (A) As used in this section, unless the context clearly requires otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is a state "on" indicator; and

(b) Ends with either of the following weeks, whichever occurs later:

(i) The third week after the first week for which there is a state "off" indicator; or

(ii) The thirteenth consecutive week of such period;

Except, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(2) There is a "state 'on' indicator" for this state for a week if the administrator determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, not seasonally adjusted, under Chapter 4141. of the Revised Code:

(a) Equalled or exceeded one hundred and twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and for weeks beginning before September 25, 1982, equalled or exceeded four per cent and for weeks beginning after September 25, 1982, equalled or exceeded five per cent;

(b) For weeks of unemployment beginning after December 31,	4151
1977 and before September 25, 1982, such rate of insured	4152
unemployment:	4153
(i) Met the criteria set forth in division (A)(2)(a) of this	4154
section; or	4155
(ii) Equaled or exceeded five per cent.	4156
(c) For weeks of unemployment beginning after September 25,	4157
1982, such rate of insured unemployment:	4158
(i) Met the criteria set forth in division (A)(2)(a) of this	4159
section; or	4160
(ii) Equaled or exceeded six per cent.	4161
(3) A "state 'off' indicator" exists for the state for a week	4162
if the administrator determines, in accordance with the	4163
regulations of the United States secretary of labor, that for the	4164
period consisting of such week and the immediately preceding	4165
twelve weeks, the rate of insured unemployment, not seasonally	4166
adjusted, under Chapter 4141. of the Revised Code:	4167
(a) Was less than one hundred and twenty per cent of the	4168
average of such rates for the corresponding thirteen-week period	4169
ending in each of the preceding two calendar years, or for weeks	4170
beginning before September 25, 1982, was less than four per cent	4171
and for weeks beginning after September 25, 1982, was less than	4172
five per cent;	4173
(b) For weeks of unemployment beginning after December 31,	4174
1977 and before September 25, 1982, such rate of insured	4175
unemployment:	4176
(i) Was less than five per cent; and	4177
(ii) Met the criteria set forth in division (A)(3)(a) of this	4178
section.	4179

(c) For weeks of unemployment beginning after September 25, 4180  
1982, such rate of insured unemployment; 4181

(i) Was less than six per cent; and 4182

(ii) Met the criteria set forth in division (A)(3)(a) of this 4183  
section. 4184

(4) "Rate of insured unemployment," for purposes of divisions 4185  
(A)(2) and (3) of this section, means the percentage derived by 4186  
dividing: 4187

(a) The average weekly number of individuals filing claims 4188  
for regular compensation in this state for weeks of unemployment 4189  
with respect to the most recent thirteen-consecutive-week period, 4190  
as determined by the administrator on the basis of ~~his~~ the 4191  
administrator's reports to the United States secretary of labor, 4192  
by 4193

(b) The average monthly employment covered under Chapter 4194  
4141. of the Revised Code, for the first four of the most recent 4195  
six completed calendar quarters ending before the end of such 4196  
thirteen-week period. 4197

(5) "Regular benefits" means benefits payable to an 4198  
individual, as defined in division (C) of section 4141.01 of the 4199  
Revised Code, or under any other state law, including dependents' 4200  
allowance and benefits payable to federal civilian employees and 4201  
to ~~ex-servicemen~~ ex-servicepersons pursuant to the "Act of 4202  
September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, other than 4203  
extended benefits, and additional benefits as defined in division 4204  
(A)(10) of this section. 4205

(6) "Extended benefits" means benefits, including benefits 4206  
payable to federal civilian employees and to ~~ex-servicemen~~ 4207  
ex-servicepersons pursuant to the "Act of September 6, 1966," 80 4208  
Stat. 585, 5 U.S.C.A. 8501, and additional benefits, payable to an 4209

individual under the provisions of this section for weeks of 4210  
unemployment in ~~his~~ the individual's eligibility period. 4211

(7) "Eligibility period" of an individual means the period 4212  
consisting of the weeks in ~~his~~ the individual's benefit year which 4213  
begin in an extended benefit period and, if ~~his~~ the individual's 4214  
benefit year ends within the extended benefit period, any weeks 4215  
thereafter which begin in the period. 4216

(8) "Exhaustee" means an individual who, with respect to any 4217  
week of unemployment in ~~his~~ the individual's eligibility period: 4218

(a) Has received prior to the week, all of the regular 4219  
benefits that were available to ~~him~~ the individual under Chapter 4220  
4141. of the Revised Code, or any other state law, including 4221  
dependents' allowance and benefits payable to federal civilian 4222  
employees and ~~ex-servicemen~~ ex-servicepersons under the "Act of 4223  
September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, in ~~his~~ the 4224  
individual's current benefit year that includes the week; 4225

(b) Has received, prior to the week, all of the regular 4226  
benefits that were available to ~~him~~ the individual under this 4227  
chapter or any other state law, including dependents' allowances 4228  
and regular benefits available to federal civilian employees and 4229  
~~ex-servicemen~~ ex-servicepersons under the "Act of September 6, 4230  
1966," 80 Stat. 585, 5 U.S.C.A. 8501, in ~~his~~ the individual's 4231  
current benefit year that includes the week, after the 4232  
cancellation of some or all of ~~his~~ the individual's wage credits 4233  
or the total or partial reduction of ~~his~~ the individual's right to 4234  
regular benefits, provided that, for the purposes of divisions 4235  
(A)(8)(a) and (8)(b) of this section, an individual shall be 4236  
deemed to have received in ~~his~~ the individual's current benefit 4237  
year all of the regular benefits that were either payable or 4238  
available to ~~him~~ the individual even though: 4239

(i) As a result of a pending appeal with respect to wages or 4240

employment, or both, that were not included in the original 4241  
monetary determination with respect to ~~his~~ the individual's 4242  
current benefit year, ~~he~~ the individual may subsequently be 4243  
determined to be entitled to more regular benefits, or 4244

(ii) By reason of section 4141.33 of the Revised Code, or the 4245  
seasonal employment provisions of another state law, ~~he~~ the 4246  
individual is not entitled to regular benefits with respect to the 4247  
week of unemployment, although ~~he~~ the individual may be entitled 4248  
to regular benefits with respect to future weeks of unemployment 4249  
in either the next season or off season in ~~his~~ the individual's 4250  
current benefit year, and ~~he~~ the individual is otherwise an 4251  
"exhaustee" within the meaning of this section with respect to ~~his~~ 4252  
the right to regular benefits under state law seasonal employment 4253  
provisions during either the season or off season in which that 4254  
week of unemployment occurs, or 4255

(iii) Having established a benefit year, no regular benefits 4256  
are payable to ~~him~~ the individual during the year because ~~his~~ the 4257  
individual's wage credits were cancelled or ~~his~~ the individual's 4258  
right to regular benefits was totally reduced as the result of the 4259  
application of a disqualification; or 4260

(c) ~~His~~ The individual's benefit year having expired prior to 4261  
the week, has no, or insufficient, wages or weeks of employment on 4262  
the basis of which ~~he~~ the individual could establish in any state 4263  
a new benefit year that would include the week, or having 4264  
established a new benefit year that includes the week, ~~he~~ the 4265  
individual is precluded from receiving regular benefits by reason 4266  
of a state law which meets the requirements of section 3304 (a)(7) 4267  
of the "Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 4268  
~~3301, as amended to 3311;~~ and 4269

(i) Has no right for the week to unemployment benefits or 4270  
allowances, as the case may be, under the Railroad Unemployment 4271

Insurance Act, the Trade Act of 1974, and other federal laws as 4272  
are specified in regulations issued by the United States secretary 4273  
of labor; and 4274

(ii) Has not received and is not seeking for the week 4275  
unemployment benefits under the unemployment compensation law of 4276  
the Virgin Islands, prior to the day after that on which the 4277  
secretary of labor approves the unemployment compensation law of 4278  
the Virgin Islands, or of Canada; or if ~~he~~ the individual is 4279  
seeking benefits and the appropriate agency finally determines 4280  
that ~~he~~ the individual is not entitled to benefits under the law 4281  
for the week. 4282

(9) "State law" means the unemployment insurance law of any 4283  
state, approved by the United States secretary of labor under 4284  
section 3304 of the Internal Revenue Code of 1954. 4285

(10) "Additional benefits" means benefits totally financed by 4286  
a state and payable to exhaustees by reason of high unemployment 4287  
or by reason of other special factors under the provisions of any 4288  
state law. 4289

(B) Except when the result would be inconsistent with the 4290  
other provisions of this section, as provided in the regulations 4291  
of the administrator, the provisions of Chapter 4141. of the 4292  
Revised Code, which apply to claims for, or the payment of, 4293  
regular benefits, shall apply to claims for, and the payment of, 4294  
extended benefits. 4295

(C) Any individual shall be eligible to receive extended 4296  
benefits with respect to any week of unemployment in ~~his~~ the 4297  
individual's eligibility period only if the administrator finds 4298  
that, with respect to such week: 4299

(1) The individual is an "exhaustee" as defined in division 4300  
(A)(8) of this section; and 4301

(2) The individual has satisfied the requirements of Chapter 4302  
4141. of the Revised Code, for the receipt of regular benefits 4303  
that are applicable to individuals claiming extended benefits, 4304  
including not being subject to a disqualification for the receipt 4305  
of benefits. 4306

(D) The weekly extended benefit amount payable to an 4307  
individual for a week of total unemployment in ~~his~~ the 4308  
individual's eligibility period shall be the same as the weekly 4309  
benefit amount payable to ~~him~~ the individual during ~~his~~ the 4310  
individual's applicable benefit year. 4311

(E) The total extended benefit amount payable to any eligible 4312  
individual with respect to ~~his~~ the individual's applicable benefit 4313  
year shall be the lesser of the following amounts: 4314

(1) Fifty per cent of the total amount of regular benefits, 4316  
including dependents' allowances which were payable to ~~him~~ the 4317  
individual under Chapter 4141. of the Revised Code, in ~~his~~ the 4318  
individual's applicable benefit year; 4319

(2) Thirteen times ~~his~~ the individual's weekly benefit 4320  
amount, including dependents' allowances, which was payable to ~~him~~ 4321  
the individual under Chapter 4141. of the Revised Code, for a week 4322  
of total unemployment in the applicable benefit year; provided, 4323  
that in making the computation under divisions (E)(1) and (2) of 4324  
this section, any amount which is not a multiple of one dollar 4325  
shall be rounded to the next lower multiple of one dollar. 4326

(F)(1) Except as provided in division (F)(2) of this section, 4327  
an individual eligible for extended benefits pursuant to an 4328  
interstate claim filed in any state under the interstate benefit 4329  
payment plan shall not be paid extended benefits for any week in 4330  
which an extended benefit period is not in effect in such state. 4331

4332

(2) Division (F)(1) of this section does not apply with 4333  
respect to the first two weeks for which extended compensation is 4334  
payable to an individual, as determined without regard to this 4335  
division, pursuant to an interstate claim filed under the 4336  
interstate benefit payment plan from the total extended benefit 4337  
amount payable to that individual in ~~his~~ the individual's 4338  
applicable benefit year. 4339

(3) Notwithstanding any other provisions of this section, if 4340  
the benefit year of any individual ends within an extended benefit 4341  
period, the remaining balance of extended benefits that the 4342  
individual would, but for this section, be entitled to receive in 4343  
that extended benefit period, with respect to weeks of 4344  
unemployment beginning after the end of the benefit year, shall be 4345  
reduced, but not below zero, by the product of the number of weeks 4346  
for which the individual received any amounts as trade 4347  
readjustment allowances within that benefit year, multiplied by 4348  
the individual's weekly benefit amount for extended benefits. 4349

(G)(1) Whenever an extended benefit period is to become 4350  
effective in this state, as a result of a state "on" indicator, or 4351  
an extended benefit period is to be terminated in this state as a 4352  
result of a state "off" indicator, the administrator shall make an 4353  
appropriate public announcement. 4354

(2) Computations required by division (A)(4) of this section 4355  
shall be made by the administrator, in accordance with the 4356  
regulations prescribed by the United States secretary of labor. 4357

(H)(1)(a) The administrator shall promptly examine any 4358  
application for extended benefits filed and, under this section, 4359  
shall determine whether such application is to be allowed or 4360  
disallowed and, if allowed, the weekly and total extended benefits 4361  
payable and the effective date of the application. The claimant, 4362  
~~his~~ the claimant's most recent employer, and any other employer in 4363

the base period of the claim upon which the extended benefits are 4364  
based, and who was chargeable for regular benefits based on such 4365  
claim, shall be notified of such determination. 4366

(b) The determination issued to the most recent or other base 4367  
period employer shall include the total amount of extended 4368  
benefits which may be charged to ~~his~~ the employer's account. Such 4369  
potential charge amount shall be an amount equal to one-fourth of 4370  
the regular benefits chargeable to ~~his~~ the employer's account on 4371  
the regular claim upon which extended benefits are based except 4372  
that, effective January 1, 1979, the potential charge amount to 4373  
the state and its instrumentalities and its political subdivisions 4374  
and their instrumentalities shall be an amount equal to one-half 4375  
of the regular benefits chargeable to their accounts on such 4376  
claim. If regular benefits were chargeable to the mutualized 4377  
account, in lieu of an employer's account, then the extended 4378  
benefits which are based on such prior mutualized benefits shall 4379  
also be charged to the mutualized account. 4380

(c) As extended benefits are paid to eligible individuals: 4381

(i) One-half of such benefits will be charged to an extended 4382  
benefit account to which reimbursement payments of one-half of 4383  
extended benefits, received from the federal government as 4384  
described in division (J) of this section, will be credited; and 4385

(ii) One-half of the extended benefits shall be charged to 4386  
the accounts of base period employers and the mutualized account 4387  
in the same sequence as was provided for on the regular claim; or 4388

(iii) The full amount of extended benefits shall be charged 4389  
to the accounts of the state and its instrumentalities, and its 4390  
political subdivisions and their instrumentalities. Employers 4391  
making payments in lieu of contributions shall be charged in 4392  
accordance with division (B)(1) of section 4141.241 of the Revised 4393  
Code. 4394

(d) If the application for extended benefits is disallowed, a determination shall be issued to the claimant, which determination shall set forth the reasons for the disallowance. Determinations issued under this division, whether allowed or disallowed, shall be subject to reconsideration and appeal in accordance with section 4141.28 of the Revised Code.

(2) Any additional or continued claims, as described in division (F) of section 4141.01 of the Revised Code, filed by an individual at the beginning of, or during, ~~his~~ the individual's extended benefit period shall be determined under division (D) of section 4141.28 of the Revised Code, and such determination shall be subject to reconsideration and appeal in accordance with section 4141.28 of the Revised Code.

(I) Notwithstanding division (B) of this section, payment of extended benefits under this section shall not be made to any individual for any week of unemployment in ~~his~~ the individual's eligibility period during which ~~he~~ the individual fails to accept any offer of suitable work, as defined in division (I)(2) of this section, or fails to apply for any suitable work to which ~~he~~ the individual was referred by the administrator, or fails to actively engage in seeking work, as prescribed in division (I)(4) of this section.

(1) If any individual is ineligible for extended benefits for any week by reason of a failure described in this division, the individual shall be ineligible to receive extended benefits beginning with the week in which the failure occurred and continuing until the individual has been employed during each of four subsequent weeks and the total remuneration earned by the individual for this employment is equal to or more than four times the individual's weekly extended benefit amount, and has met all other eligibility requirements of this section, in order to establish entitlement to extended benefits.

(2) For purposes of this section, the term "suitable work" 4427  
means, with respect to an individual, any work which is within the 4428  
individual's capabilities, provided that with respect to the 4429  
position all of the following requirements are met: 4430

(a) It offers the individual gross average weekly 4431  
remuneration of more than the sum of: 4432

(i) The individual's extended weekly benefit amount; and 4433

(ii) The amount of supplemental unemployment compensation 4434  
benefits, as defined in section 501(c)(17)(D) of the "Internal 4435  
Revenue Code of 1954," 80 Stat. 1515, 26 U.S.C.A. 501, payable to 4436  
the individual for the week of unemployment. 4437

(b) It pays equal to or more than the higher of: 4438

(i) The minimum wage provided by section 6(a)(1) of the "Fair 4439  
Labor Standards Act of 1938," 91 Stat. 1245, 29 U.S.C.A. 206, 4440  
without regard to any exemption; or 4441

(ii) Any applicable state or local minimum wage. 4442

(c) It is offered to the individual in writing or is listed 4443  
with the employment office maintained or designated by the bureau 4444  
of employment services. 4445

(3) Extended benefits shall not be denied under this division 4446  
to any individual for any week by reason of a failure to accept an 4447  
offer of, or apply for suitable work if either of the following 4448  
conditions apply: 4449

(a) The failure would not result in a denial of benefits to a 4450  
regular benefit claimant under section 4141.29 of the Revised Code 4451  
to the extent that section 4141.29 of the Revised Code is not 4452  
inconsistent with division (I)(2) of this section; 4453

(b) The individual furnishes evidence satisfactory to the 4454  
administrator that the individual's prospects for obtaining work 4455  
in ~~his~~ the individual's customary occupation within a reasonably 4456

short period are good. If the evidence is deemed satisfactory, the 4457  
determination as to whether any work is suitable work with respect 4458  
to this individual and whether the individual is ineligible or 4459  
disqualified shall be based upon the meaning of "suitable work" 4460  
and other provisions in section 4141.29 of the Revised Code. 4461

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(4) For purposes of this section, an individual shall be 4463  
treated as actively engaged in seeking work during any week if: 4464

(a) The individual has engaged in a systematic and sustained 4465  
effort to obtain work during that week; and 4466

(b) The individual provides tangible evidence to the 4467  
administrator that ~~he~~ the individual has engaged in the effort 4468  
during that week. 4469

(5) The administrator shall refer applicants for extended 4470  
benefits to job openings that meet the requirements of divisions 4471  
(E) and (F) of section 4141.29 of the Revised Code, and in the 4472  
case of applicants whose prospects are determined not to be good 4473  
under division (I)(3)(b) of this section to any suitable work 4474  
which meets the criteria in divisions (I)(2) and (3)(a) of this 4475  
section. 4476

(6) Individuals denied extended or regular benefits under 4477  
division (D)(1)(b) of section 4141.29 of the Revised Code because 4478  
of being given a disciplinary layoff for misconduct must, after 4479  
the date of disqualification, work the length of time and earn the 4480  
amount of remuneration specified in division (I)(1) of this 4481  
section, and meet all other eligibility requirements of this 4482  
section, in order to establish entitlement to extended benefits. 4483

(J) All payments of extended benefits made pursuant to this 4484  
section shall be paid out of the unemployment compensation fund, 4485  
provided by section 4141.09 of the Revised Code, and all payments 4486  
of the federal share of extended benefits that are received as 4487

reimbursements under section 204 of the "Federal-State Extended  
Unemployment Compensation Act of 1970," 84 Stat. 696, 26 U.S.C.A.  
3306, shall be deposited in such unemployment compensation fund  
and shall be credited to the extended benefit account established  
by division (G) of this section. Any refund of extended benefits,  
because of prior overpayment of such benefits, may be made from  
the unemployment compensation fund.

(K) In the administration of the provisions of this section  
which are enacted to conform with the requirements of the  
"Federal-State Extended Unemployment Compensation Act of 1970," 84  
Stat. 696, 26 U.S.C.A. 3306, the administrator shall take such  
action consistent with state law, as may be necessary:

(1) To ensure that the provisions are so interpreted and  
applied as to meet the requirements of the federal act as  
interpreted by the United States department of labor; and

(2) To secure to this state the full reimbursement of the  
federal share of extended benefits paid under this section that  
are reimbursable under the federal act.

**Sec. 4141.312.** Notwithstanding sections 4141.31 and 4141.311  
of the Revised Code, and to the extent that the following  
provisions are required as a condition for full tax credit against  
the tax imposed by the "Federal Unemployment Tax Act of 1976," 84  
Stat. 713, 26 U.S.C.A. 3301 to 3311, then the following conditions  
shall apply:

(A) The amount of benefits payable to a claimant for any week  
with respect to which the claimant is receiving a governmental or  
other pension, retirement or retired pay, annuity or any other  
similar periodic payment which is based on the previous work of  
the individual, shall, to the extent required by such federal act,  
be reduced by an amount equal to the amount of the pension,

retirement or retired pay, annuity or other payment which is 4518  
reasonably attributable to that week. 4519

(B) The amount of any disability pension, allowance, or 4520  
payment paid to former members of the armed forces of the United 4521  
States which is based on the nature and extent of the disability 4522  
rather than a prior period of employment or service, shall not 4523  
reduce or be deducted from the weekly benefits payable. 4524

**Sec. 4141.33.** (A) "Seasonal employment" means employment of 4525  
individuals hired primarily to perform services in an industry 4526  
which because of climatic conditions or because of the seasonal 4527  
nature of such industry it is customary to operate only during 4528  
regularly recurring periods of forty weeks or less in any 4529  
consecutive fifty-two weeks. "Seasonal employer" means an employer 4530  
determined by the administrator of the bureau of employment 4531  
services to be an employer whose operations and business, with the 4532  
exception of certain administrative and maintenance operations, 4533  
are substantially all in a seasonal industry. Any employer who 4534  
claims to have seasonal employment in a seasonal industry may file 4535  
with the administrator a written application for classification of 4536  
such employment as seasonal. Whenever in any industry it is 4537  
customary to operate because of climatic conditions or because of 4538  
the seasonal nature of such industry only during regularly 4539  
recurring periods of forty weeks or less duration, benefits shall 4540  
be payable only during the longest seasonal periods which the best 4541  
practice of such industry will reasonably permit. The 4542  
administrator shall determine, after investigation, hearing, and 4543  
due notice, whether the industry is seasonal and, if seasonal, 4544  
establish seasonal periods for such seasonal employer. Until such 4545  
determination by the administrator, no industry or employment 4546  
shall be deemed seasonal. 4547

(B) When the administrator has determined such seasonal 4548

periods, he shall also establish the proportionate number of weeks 4549  
of employment and earnings required to qualify for seasonal 4550  
benefit rights in place of the weeks of employment and earnings 4551  
requirement stipulated in division (R) of section 4141.01 and 4552  
section 4141.30 of the Revised Code, and the proportionate number 4553  
of weeks for which seasonal benefits may be paid. An individual 4554  
whose base period employment consists of only seasonal employment 4555  
for a single seasonal employer and who meets the employment and 4556  
earnings requirements determined by the administrator pursuant to 4557  
this division will have his benefit rights determined in 4558  
accordance with this division. Benefit charges for such seasonal 4559  
employment shall be computed and charged in accordance with 4560  
division (D) of section 4141.24 of the Revised Code. The 4561  
administrator may adopt rules for implementation of this section. 4562

(C) An individual whose base period employment consists of 4563  
either seasonal employment with two or more seasonal employers or 4564  
both seasonal employment and nonseasonal employment with employers 4565  
subject to this chapter, will have his benefit rights determined 4566  
in accordance with division (R) of section 4141.01 and section 4567  
4141.30 of the Revised Code. Benefit charges for both seasonal and 4568  
nonseasonal employment shall be computed and charged in accordance 4569  
with division (D) of section 4141.24 of the Revised Code, ~~except~~ 4570  
~~that benefit charges for weeks of unemployment that occurred~~ 4571  
~~outside a seasonal employer's seasonal period, as determined by~~ 4572  
~~the administrator pursuant to division (A) of this section, shall~~ 4573  
~~not be charged to the account of that seasonal employer but shall~~ 4574  
~~instead be charged to the mutualized account established pursuant~~ 4575  
~~to division (D) of section 4141.25 of the Revised Code.~~ The total 4576  
seasonal and nonseasonal benefits during a benefit year cannot 4577  
exceed twenty-six times the weekly benefit amount. 4578

(D) Benefits shall not be paid to any individual on the basis 4579  
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of any services, substantially all of which consist of 4581  
participating in sports or athletic events or training or 4582  
preparing to so participate, for any week which commences during 4583  
the period between two successive sport seasons, or similar 4584  
periods, if the individual performed services in the first of the 4585  
seasons, or similar periods, and there is a reasonable assurance 4586  
that the individual will perform services in the later of the 4587  
seasons, or similar periods. 4588

(1) The term "reasonable assurance" as used in this division 4589  
means a written, verbal, or implied agreement that the individual 4590  
will perform services in the same or similar capacity during the 4591  
ensuing sports season. 4592

(2) The administrator shall adopt rules concerning the 4593  
eligibility for benefits of individuals under this division. 4594

~~(D) Notwithstanding division (A) of this section, the Ohio 4595  
expositions commission is a "seasonal employer" for purposes of 4596  
this chapter. 4597~~

**Sec. 4141.35.** (A) If the administrator of the bureau of 4598  
employment services finds that any fraudulent misrepresentation 4599  
has been made by an applicant for or a recipient of benefits with 4600  
the object of obtaining benefits to which ~~he~~ the applicant or 4601  
recipient was not entitled, and in addition to any other penalty 4602  
or forfeiture under this chapter, then the administrator: 4603

(1) Shall within four years after the end of the benefit year 4604  
in which the fraudulent misrepresentation was made reject or 4605  
cancel such person's entire weekly claim for benefits that was 4606  
fraudulently claimed, or ~~his~~ the person's entire benefit rights if 4607  
the misrepresentation was in connection with the filing of the 4608  
claimant's application for determination of benefit rights; 4609

(2) Shall by order declare that, for each application for 4610

benefit rights and for each weekly claim canceled, such person 4611  
shall be ineligible for two otherwise valid weekly claims for 4612  
benefits, claimed within six years subsequent to the discovery of 4613  
such misrepresentation; 4614

(3) ~~Shall by~~ By order shall require that the total amount of 4615  
benefits rejected or canceled under division (A)(1) of this 4616  
section be repaid to the bureau of employment services before such 4617  
person may become eligible for further benefits, and shall 4618  
withhold such unpaid sums from future benefit payments accruing 4619  
and otherwise payable to such claimant. Effective with orders 4620  
issued on or after January 1, 1993, if such benefits are not 4621  
repaid within thirty days after the administrator's order becomes 4622  
final, interest on the amount remaining unpaid shall be charged to 4623  
the person at a rate and calculated in the same manner as provided 4624  
under section 4141.23 of the Revised Code. When a person ordered 4625  
to repay benefits has repaid all overpaid benefits according to a 4626  
plan approved by the administrator, the administrator may cancel 4627  
the amount of interest that accrued during the period of the 4628  
repayment plan. The administrator may take action in the courts of 4629  
this state to collect benefits and interest as provided in 4630  
sections 4141.23 and 4141.27 of the Revised Code, in regard to the 4631  
collection of unpaid contributions, using the final repayment 4632  
order as the basis for such action. No administrative or legal 4633  
proceedings for the collection of such benefits or interest due 4634  
shall be initiated after the expiration of six years from the date 4635  
on which the administrator's order requiring repayment became 4636  
final and the amount of any benefits or interest not recovered at 4637  
that time, and any liens thereon, shall be canceled as 4638  
uncollectible. 4639

(4) May take action to collect benefits fraudulently obtained 4640  
under the unemployment compensation law of any other state or the 4641  
United States or Canada. Such action may be initiated in the 4642

courts of this state in the same manner as provided for unpaid  
contributions in section 4141.41 of the Revised Code.

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(5) May take action to collect benefits that have been  
fraudulently obtained from the bureau, interest pursuant to  
division (A)(3) of this section, and court costs, through  
attachment proceedings under Chapter 2715. of the Revised Code and  
garnishment proceedings under Chapter 2716. of the Revised Code.

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

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(1)(a) Within six months after the determination under which  
the claimant was credited with that waiting period or paid  
benefits becomes final pursuant to section 4141.28 of the Revised  
Code, or within three years after the end of the benefit year in  
which such benefits were claimed, whichever is later, by order  
cancel such waiting period and require that such benefits be  
repaid to the bureau of employment services or be withheld from  
any benefits to which such applicant is or may become entitled  
before any additional benefits are paid, provided that the  
repayment or withholding shall not be required where the  
overpayment is the result of the administrator's correcting or  
amending a prior decision due to a typographical or clerical error  
in the administrator's prior decision, or an error in an  
employer's report under division (G)(2) of section 4141.28 of the  
Revised Code.

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(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  
administrator's order requiring repayment shall not be issued

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unless the administrator is notified of such retroactive payment 4675  
within six months from the date the retroactive payment was made 4676  
to the claimant. 4677

(2) The administrator may, by reciprocal agreement with the 4678  
United States secretary of labor or another state, recover 4679  
overpayment amounts from unemployment benefits otherwise payable 4680  
to an individual under Chapter 4141. of the Revised Code. Any 4681  
overpayments made to the individual that have not previously been 4682  
recovered under an unemployment benefit program of the United 4683  
States may be recovered in accordance with section 303(g) of the 4684  
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 4685  
"Federal Unemployment Tax Act," Pub. L. 99-272 53 Stat. 183 4686  
(1939), 26 U.S.C.A. 3301 to 3311. 4687

(3) If the amounts required to be repaid under division (B) 4688  
of this section are not recovered within three years from the date 4689  
the administrator's order requiring payment became final, initiate 4690  
no further action to collect such benefits and the amount of any 4691  
benefits not recovered at that time shall be canceled as 4692  
uncollectible. 4693

(C) The reconsideration and appeal provisions of section 4694  
4141.28 of the Revised Code shall apply to all orders and 4695  
determinations issued under this section, except that an 4696  
individual's right of appeal under division (B)(2) of this section 4697  
shall be limited to this state's authority to recover overpayment 4698  
of benefits. 4699

(D) If an individual makes a full repayment or a repayment 4700  
that is less than the full amount required by this section, the 4701  
administrator shall apply the repayment to the mutualized account 4702  
under division ~~(D)~~(B) of section 4141.25 of the Revised Code, 4703  
except that the administrator shall credit the repayment to the 4704  
accounts of the individual's base period employers that previously 4705

have not been credited for the amount of improperly paid benefits 4706  
charged against their accounts based on the proportion of benefits 4707  
charged against the accounts as determined pursuant to division 4708  
(D) of section 4141.24 ~~and division (B) or (C) of section 4141.33~~ 4709  
of the Revised Code. 4710

The administrator shall deposit any repayment collected under 4711  
this section that the administrator determines to be payment of 4712  
interest or court costs into the unemployment compensation special 4713  
administrative fund established pursuant to section 4141.11 of the 4714  
Revised Code. 4715

**Sec. 4141.43.** (A) The administrator of the bureau of 4716  
employment services may cooperate with the industrial commission, 4717  
the bureau of workers' compensation, the United States internal 4718  
revenue service, the United States employment service, the 4719  
department of human services, and other similar departments and 4720  
agencies, as determined by the administrator, in the exchange or 4721  
disclosure of information as to wages, employment, payrolls, 4722  
unemployment, and other information. The administrator may employ, 4723  
jointly with one or more of such agencies or departments, 4724  
auditors, examiners, inspectors, and other employees necessary for 4725  
the administration of this chapter and employment and training 4726  
services for workers in the state. 4727

(B) The administrator may make the state's record relating to 4728  
the administration of this chapter available to the railroad 4729  
retirement board and may furnish the board at the board's expense 4730  
such copies thereof as the board deems necessary for its purposes. 4731

(C) The administrator may afford reasonable cooperation with 4732  
every agency of the United States charged with the administration 4733  
of any unemployment compensation law. 4734

(D) The administrator may enter into arrangements with the 4735  
appropriate agencies of other states or of the United States or 4736

Canada whereby individuals performing services in this and other 4737  
states for a single employer under circumstances not specifically 4738  
provided for in division (B) of section 4141.01 of the Revised 4739  
Code or in similar provisions in the unemployment compensation 4740  
laws of such other states shall be deemed to be engaged in 4741  
employment performed entirely within this state or within one of 4742  
such other states or within Canada, and whereby potential rights 4743  
to benefits accumulated under the unemployment compensation laws 4744  
of several states or under such a law of the United States, or 4745  
both, or of Canada may constitute the basis for the payment of 4746  
benefits through a single appropriate agency under terms that the 4747  
administrator finds will be fair and reasonable as to all affected 4748  
interests and will not result in any substantial loss to the 4749  
unemployment compensation fund. 4750

(E) The administrator may enter into agreements with the 4751  
appropriate agencies of other states or of the United States or 4752  
Canada: 4753

(1) Whereby services or wages upon the basis of which an 4754  
individual may become entitled to benefits under the unemployment 4755  
compensation law of another state or of the United States or 4756  
Canada shall be deemed to be employment or wages for employment by 4757  
employers for the purposes of qualifying claimants for benefits 4758  
under this chapter, and the administrator may estimate the number 4759  
of weeks of employment represented by the wages reported to the 4760  
administrator for such claimants by such other agency, provided 4761  
such other state agency or agency of the United States or Canada 4762  
has agreed to reimburse the unemployment compensation fund for 4763  
such portion of benefits paid under this chapter upon the basis of 4764  
such services or wages as the administrator finds will be fair and 4765  
reasonable as to all affected interests; 4766

(2) Whereby the administrator will reimburse other state or 4767  
federal or Canadian agencies charged with the administration of 4768

unemployment compensation laws with such reasonable portion of 4769  
benefits, paid under the law of such other states or of the United 4770  
States or of Canada upon the basis of employment or wages for 4771  
employment by employers, as the administrator finds will be fair 4772  
and reasonable as to all affected interests. Reimbursements so 4773  
payable shall be deemed to be benefits for the purpose of section 4774  
4141.09 and division (A) of section 4141.30 of the Revised Code. 4775  
However, no reimbursement so payable shall be charged against any 4776  
employer's account for the purposes of section 4141.24 of the 4777  
Revised Code if the employer's account, under the same or similar 4778  
circumstances, with respect to benefits charged under the 4779  
provisions of this chapter, other than this section, would not be 4780  
charged or, if the claimant at the time the claimant files the 4781  
combined wage claim cannot establish benefit rights under this 4782  
chapter. This noncharging shall not be applicable to a nonprofit 4783  
organization that has elected to make payments in lieu of 4784  
contributions under section 4141.241 of the Revised Code, except 4785  
as provided in division ~~(C)~~(D)(2) of section ~~4141.33~~ 4141.24 of 4786  
the Revised Code. The administrator may make to other state or 4787  
federal or Canadian agencies and receive from such other state or 4788  
federal or Canadian agencies reimbursements from or to the 4789  
unemployment compensation fund, in accordance with arrangements 4790  
pursuant to this section. 4791

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 4792  
the Revised Code, the administrator may enter into agreements with 4793  
other states whereby services performed for a crew leader, as 4794  
defined in division (BB) of section 4141.01 of the Revised Code, 4795  
may be covered in the state in which the crew leader either: 4796

(a) Has ~~his or her~~ the crew leader's place of business or 4797  
from which ~~his or her~~ the crew leader's business is operated or 4798  
controlled; 4799

(b) ~~Has his or her residence~~ Resides if ~~he or she~~ the crew 4800

leader has no place of business in any state. 4801

(F) The administrator may apply for an advance to the 4802  
unemployment compensation fund and do all things necessary or 4803  
required to obtain such advance and arrange for the repayment of 4804  
such advance in accordance with Title XII of the "Social Security 4805  
Act" as amended. 4806

(G) The administrator may enter into reciprocal agreements or 4807  
arrangements with the appropriate agencies of other states in 4808  
regard to services on vessels engaged in interstate or foreign 4809  
commerce whereby such services for a single employer, wherever 4810  
performed, shall be deemed performed within this state or within 4811  
such other states. 4812

(H) The administrator shall participate in any arrangements 4813  
for the payment of compensation on the basis of combining an 4814  
individual's wages and employment, covered under this chapter, 4815  
with the individual's wages and employment covered under the 4816  
unemployment compensation laws of other states which are approved 4817  
by the United States secretary of labor in consultation with the 4818  
state unemployment compensation agencies as reasonably calculated 4819  
to assure the prompt and full payment of compensation in such 4820  
situations and which include provisions for: 4821

(1) Applying the base period of a single state law to a claim 4822  
involving the combining of an individual's wages and employment 4823  
covered under two or more state unemployment compensation laws, 4824  
and 4825

(2) Avoiding the duplicate use of wages and employment by 4826  
reason of such combining. 4827

(I) The administrator shall cooperate with the United States 4828  
department of labor to the fullest extent consistent with this 4829  
chapter, and shall take such action, through the adoption of 4830  
appropriate rules, regulations, and administrative methods and 4831

standards, as may be necessary to secure to this state and its  
citizens all advantages available under the provisions of the  
"Social Security Act" that relate to unemployment compensation,  
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26  
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat.  
113, 29 U.S.C.A. 49, and the "Federal-State Extended Unemployment  
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306.

**Sec. 4582.31.** A port authority created in accordance with  
section 4582.22 of the Revised Code may:

(A) Adopt bylaws for the regulation of its affairs and the  
conduct of its business;

(B) Adopt an official seal;

(C) Maintain a principal office within its jurisdiction, and  
maintain such branch offices as it may require;

(D) Acquire, purchase, construct, reconstruct, enlarge,  
furnish, equip, maintain, repair, sell, exchange, lease or rent  
to, lease or rent from, or operate port authority facilities;

(E) Straighten, deepen, and improve any channel, river,  
stream, or other water course or way which may be necessary or  
proper in the development of the facilities of a water port;

(F) Make available the use or services of any port authority  
facility to one or more persons, one or more governmental  
agencies, or any combination thereof;

(G) Issue bonds or notes for the acquisition or construction  
of any port authority facility or other permanent improvement  
which a port authority is authorized to acquire or construct, in  
compliance with Chapter 133. of the Revised Code, except that such  
bonds or notes may only be issued pursuant to a vote of the  
electors residing within the area of jurisdiction of the port  
authority. The net indebtedness incurred by a port authority shall

never exceed two per cent of the total value of all property 4862  
within the territory comprising such port authority as listed and 4863  
assessed for taxation. 4864

(H) Issue port authority revenue bonds beyond the limit of 4865  
bonded indebtedness provided by law, payable solely from revenues 4866  
as provided in section 4582.48 of the Revised Code, unless the 4867  
bonds be refunded by refunding bonds, for the purpose of providing 4868  
funds to pay the costs of any port authority facility or 4869  
facilities or parts thereof, pursuant to Section 13 of Article 4870  
VIII, Ohio Constitution, and in order to create or preserve jobs 4871  
and employment opportunities and improve the economic welfare of 4872  
the people of the state; 4873

(I) Apply to the proper authorities of the United States 4874  
pursuant to appropriate law for the right to establish, operate, 4875  
and maintain foreign trade zones ~~within the area of jurisdiction~~ 4876  
~~of the port authority~~ and to establish, operate, and maintain such 4877  
foreign trade zones in accordance with the "Foreign Trade Zones 4878  
Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 81u; 4879

(J) Enjoy and possess the same rights, privileges, and powers 4880  
granted municipal corporations under sections 721.04 to 721.11 of 4881  
the Revised Code; 4882

(K) Maintain such funds as it considers necessary; 4883

(L) Direct its agents or employees, when properly identified 4884  
in writing, and after at least five days' written notice, to enter 4885  
upon lands within the confines of its jurisdiction in order to 4886  
make surveys and examinations preliminary to location and 4887  
construction of works for the purposes of the port authority, 4888  
without liability of the port authority or its agents or employees 4889  
except for actual damage done; 4890

(M) Promote, advertise, and publicize the port authority and 4891  
its facilities; provide information to shippers and other 4892

commercial interests; and appear before rate-making authorities to 4893  
represent and promote the interests of the port authority.; 4894

(N) Adopt rules, not in conflict with general law, governing 4895  
the use of its property, grounds, buildings, equipment, and 4896  
facilities, and governing the conduct of its employees and the 4897  
public, in order to promote the public safety and convenience in 4898  
and about its facilities and grounds, and to maintain order. Any 4899  
such rule shall be posted at a prominent place in each of the 4900  
facilities to which it applies. No person shall violate any lawful 4901  
rule adopted and posted as provided in this division. 4902

(O) Acquire by gift or purchase, hold, lease, and dispose of 4903  
real and personal property and interests therein in the exercise 4904  
of the powers of the port authority and the performance of its 4905  
duties under sections 4582.21 to 4582.59 of the Revised Code; 4906

(P) Acquire, in the name of the port authority, by purchase 4907  
or otherwise, on such terms and in such manner as the port 4908  
authority finds proper, or by the exercise of the right of 4909  
condemnation in the manner provided by section 4582.56 of the 4910  
Revised Code, such public or private lands, including public 4911  
parks, playgrounds, or reservations, or parts thereof or rights 4912  
therein, rights-of-way, property, rights, easements, and interests 4913  
as it finds necessary for carrying out sections 4582.21 to 4582.59 4914  
of the Revised Code, and compensation shall be paid for public or 4915  
private lands so taken; 4916

(Q) Make and enter into all contracts and agreements and 4917  
execute all instruments necessary or incidental to the performance 4918  
of its duties and the execution of its powers under sections 4919  
4582.21 to 4582.59 of the Revised Code. 4920

(1) When the cost under any such contract or agreement, other 4921  
than compensation for personal services, involves an expenditure 4922  
of more than ten thousand dollars, the port authority shall make a 4923

written contract with the lowest responsive and responsible  
bidder, in accordance with section 9.312 of the Revised Code,  
after advertisement once a week for not less than two consecutive  
weeks in a newspaper of general circulation in the county where  
the facility is located, and in such other publications as the  
port authority determines, which notice shall state the general  
character of the work and the general character of the materials  
to be furnished, the place where plans and specifications therefor  
may be examined, and the time and place of receiving bids;  
provided, that a contract or lease for the operation of a port  
authority facility constructed and owned by the port authority or  
an agreement for cooperation in the acquisition or construction of  
a port authority facility pursuant to section 4582.43 of the  
Revised Code or any contract for the construction of a port  
authority facility that is to be leased by the port authority to,  
and operated by, persons who are not governmental agencies and the  
cost of such facility is to be amortized exclusively from rentals  
or other charges paid to the port authority by persons who are not  
governmental agencies is not subject to the foregoing requirements  
and the port authority may enter into such contract, lease, or  
agreement pursuant to negotiation and upon such terms and  
conditions and for such period as it finds to be reasonable and  
proper in the circumstances and in the best interests of proper  
operation or of efficient acquisition or construction of such  
facility.

(2) Each bid shall contain the full name of every person  
interested in it and shall be accompanied by a sufficient bond or  
certified check on a solvent bank that if the bid is accepted a  
contract will be entered into and the performance thereof secured.

(3) The port authority may reject any and all bids.

(4) A bond with good and sufficient surety, approved by the  
port authority, shall be required of all contractors in an amount

equal to at least fifty per cent of the contract price, 4956  
conditioned upon the faithful performance of the contract. 4957

(R) Employ managers, superintendents, and other employees and 4958  
retain or contract with consulting engineers, financial 4959  
consultants, accounting experts, architects, attorneys, and such 4960  
other consultants and independent contractors as are necessary in 4961  
its judgment to carry out this chapter, and fix the compensation 4962  
thereof. All expenses thereof shall be payable from any available 4963  
funds of the port authority or from funds appropriated for such 4964  
purpose by a political subdivision creating or participating in 4965  
the creation of the port authority. 4966

(S) Receive and accept from any federal agency grants for or 4967  
in aid of the construction of any port authority facility or for 4968  
research and development with respect to port authority 4969  
facilities, and receive and accept aid or contributions from any 4970  
source of money, property, labor, or other things of value, to be 4971  
held, used, and applied only for the purposes for which such 4972  
grants and contributions are made; 4973

(T) Engage in research and development with respect to port 4974  
authority facilities; 4975

(U) Purchase fire and extended coverage and liability 4976  
insurance for any port authority facility and for the principal 4977  
office and branch offices of the port authority, insurance 4978  
protecting the port authority and its officers and employees 4979  
against liability for damage to property or injury to or death of 4980  
persons arising from its operations, and any other insurance the 4981  
port authority may agree to provide under any resolution 4982  
authorizing its port authority revenue bonds or in any trust 4983  
agreement securing the same; 4984

(V) Charge, alter, and collect rentals and other charges for 4985  
the use or services of any port authority facility as provided in 4986

section 4582.43 of the Revised Code; 4987

(W) Provide coverage for its employees under Chapters 145., 4988  
4123., and 4141. of the Revised Code; 4989

(X) Do all acts necessary or proper to carry out the powers 4990  
expressly granted in sections 4582.21 to 4582.59 of the Revised 4991  
Code. 4992

**Section 2.** That existing sections 2743.55, 4141.01, 4141.05, 4993  
4141.06, 4141.07, 4141.09, 4141.16, 4141.17, 4141.20, 4141.21, 4994  
4141.22, 4141.24, 4141.241, 4141.25, 4141.26, 4141.28, 4141.29, 4995  
4141.291, 4141.301, 4141.312, 4141.33, 4141.35, 4141.43, and 4996  
4582.31 and sections 4141.043 and 4141.251 of the Revised Code are 4997  
hereby repealed. 4998

**Section 3.** Section 4141.29 of the Revised Code is presented 4999  
in this act as a composite of the section as amended by both Am. 5000  
Sub. H.B. 571 and S.B. 303 of the 120th General Assembly, with the 5001  
new language of neither of the acts shown in capital letters. 5002  
Section 4141.33 of the Revised Code is presented in this act as a 5003  
composite of the section as amended by both Am. Sub. H.B. 152 and 5004  
Sub. S.B. 154 of the 120th General Assembly, with the new language 5005  
of neither of the acts shown in capital letters. Section 4141.43 5006  
of the Revised Code is presented in this act as a composite of the 5007  
section as amended by both Am. Sub. S.B. 162 and Am. Sub. H.B. 275 5008  
of the 121st General Assembly, with the new language of neither of 5009  
the acts shown in capital letters. This is in recognition of the 5010  
principle stated in division (B) of section 1.52 of the Revised 5011  
Code that such amendments are to be harmonized where not 5012  
substantively irreconcilable and constitutes a legislative finding 5013  
that such is the resulting version in effect prior to the 5014  
effective date of this act. 5015

**Section 4.** This act is hereby declared to be an emergency 5016

measure necessary for the immediate preservation of the public 5017  
peace, health, and safety. The reason for such necessity is to 5018  
reduce the current tax burden for unemployment compensation upon 5019  
certain employers of the state. Therefore, this act shall go into 5020  
immediate effect. 5021