

As Introduced

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Representatives Holmes, G., Miller, A.

**Cosponsors: Representatives Boggs, Boyd, Brown, Lepore-Hagan, Lightbody,
O'Brien, Sheehy, Smith, K., Upchurch, Weinstein, Sobecki**

A BILL

To amend sections 4141.28 and 4141.30 of the 1
Revised Code regarding notices, resources, and 2
benefits under the Unemployment Compensation Law 3
when a mass layoff occurs. 4

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

Section 1. That sections 4141.28 and 4141.30 of the 5
Revised Code be amended to read as follows: 6

Sec. 4141.28. 7

BENEFITS 8

(A) FILINGS 9

Applications for determination of benefit rights and 10
claims for benefits shall be filed with the director of job and 11
family services. Such applications and claims also may be filed 12
with an employee of another state or federal agency charged with 13
the duty of accepting applications and claims for unemployment 14
benefits or with an employee of the unemployment insurance 15
commission of Canada. 16

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

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS

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

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

(C) MASS LAYOFFS

An employer who lays off or separates within any seven-day
period fifty or more individuals because of lack of work shall
furnish notice to the director of the dates of layoff or

separation and the approximate number of individuals being laid 46
off or separated. The notice shall be furnished at least ~~three-~~ 47
thirty working days prior to the date of the first day of such 48
layoff or separation. In addition, at the time of the layoff or 49
separation the employer shall furnish to the individual and to 50
the director information necessary to determine the individual's 51
eligibility for unemployment compensation. 52

When an employer lays off or separates within any seven- 53
day period seventy-five or more individuals because of lack of 54
work, the director shall provide any additional local office 55
space and claims processing personnel necessary to expedite 56
claims in the geographic area affected by the layoff or 57
separation. 58

(D) DETERMINATION OF BENEFIT RIGHTS 59

The director shall promptly examine any application for 60
determination of benefit rights. On the basis of the information 61
available to the director under this chapter, the director shall 62
determine whether or not the application is valid, and if valid, 63
the date on which the benefit year shall commence and the weekly 64
benefit amount. The director shall promptly notify the 65
applicant, employers in the applicant's base period, and any 66
other interested parties of the determination and the reasons 67
for it. In addition, the determination issued to the claimant 68
shall include the total amount of benefits payable. The 69
determination issued to each chargeable base period employer 70
shall include the total amount of benefits that may be charged 71
to the employer's account. 72

(E) CLAIM FOR BENEFITS 73

The director shall examine the first claim and any 74

additional claim for benefits. On the basis of the information 75
available, the director shall determine whether the claimant's 76
most recent separation and, to the extent necessary, prior 77
separations from work, allow the claimant to qualify for 78
benefits. Written notice of the determination granting or 79
denying benefits shall be sent to the claimant, the most recent 80
separating employer, and any other employer involved in the 81
determination, except that written notice is not required to be 82
sent to the claimant if the reason for separation is lack of 83
work and the claim is allowed. 84

If the director identifies an eligibility issue, the 85
director shall send notice to the claimant of the issue 86
identified and specify the week or weeks involved. The claimant 87
has a minimum of five business days after the notice is sent to 88
respond to the information included in the notice, and after the 89
time allowed as determined by the director, the director shall 90
make a determination. The claimant's response may include a 91
request for a fact-finding interview when the eligibility issue 92
is raised by an informant or source other than the claimant, or 93
when the eligibility issue, if determined adversely, 94
disqualifies the claimant for the duration of the claimant's 95
period of unemployment. 96

When the determination of a continued claim for benefits 97
results in a disallowed claim, the director shall notify the 98
claimant of the disallowance and the reasons for it. 99

(F) ELIGIBILITY NOTICE 100

Any base period or subsequent employer of a claimant who 101
has knowledge of specific facts affecting the claimant's right 102
to receive benefits for any week may notify the director in 103
writing of those facts. The director shall prescribe a form for 104

such eligibility notice, but failure to use the form shall not 105
preclude the director's examination of any notice. 106

To be considered valid, an eligibility notice must: 107
contain in writing, a statement that identifies either a source 108
who has firsthand knowledge of the information or an informant 109
who can identify the source; provide specific and detailed 110
information that may potentially disqualify the claimant; 111
provide the name and address of the source or the informant; and 112
appear to the director to be reliable and credible. 113

An eligibility notice is timely filed if received or 114
postmarked prior to or within forty-five calendar days after the 115
end of the week with respect to which a claim for benefits is 116
filed by the claimant. An employer who timely files a valid 117
eligibility notice shall be an interested party to the claim for 118
benefits which is the subject of the notice. 119

The director shall consider the information contained in 120
the eligibility notice, together with other available 121
information. After giving the claimant notice and an opportunity 122
to respond, the director shall make a determination and inform 123
the notifying employer, the claimant, and other interested 124
parties of the determination. 125

(G) CORRECTED DETERMINATION 126

If the director finds within the fifty-two calendar weeks 127
beginning with the Sunday of the week during which an 128
application for benefit rights was filed or within the benefit 129
year that a determination made by the director was erroneous due 130
to an error in an employer's report or any typographical or 131
clerical error in the director's determination, or as shown by 132
correct remuneration information received by the director, the 133

director shall issue a corrected determination to all interested 134
parties. The corrected determination shall take precedence over 135
and void the prior determination of the director. The director 136
shall not issue a corrected determination when the commission or 137
a court has jurisdiction with respect to that determination. 138

(H) EFFECT OF COMMISSION DECISIONS 139

In making determinations, the director shall follow 140
decisions of the unemployment compensation review commission 141
which have become final with respect to claimants similarly 142
situated. 143

(I) PROMPT PAYMENTS 144

If benefits are allowed by the director, a hearing 145
officer, the commission, or a court, the director shall pay 146
benefits promptly, notwithstanding any further appeal, provided 147
that if benefits are denied on appeal, of which the parties have 148
notice and an opportunity to be heard, the director shall 149
withhold payment of benefits pending a decision on any further 150
appeal. 151

Sec. 4141.30. (A) All benefits shall be paid through 152
public employment offices in accordance with such rules as the 153
director of job and family services prescribes. 154

(B) With the exceptions in division (B)(4) of this 155
section, benefits are payable to each eligible and qualified 156
individual on account of each week of involuntary total 157
unemployment after the specified waiting period at the weekly 158
benefit amount determined by: 159

(1) Computing the individual's average weekly wage as 160
defined in division (O)(2) of section 4141.01 of the Revised 161
Code; 162

(2) Determining the individual's dependency class under 163
division (E) of this section; 164

(3) Computing the individual's weekly benefit amount to be 165
fifty per cent of the individual's average weekly wage except, 166
that the individual's weekly benefit amount shall not exceed the 167
maximum amount shown for the individual's dependency class in 168
the following table: 169

	Maximum Weekly	170
Dependency Class	Benefit Amount	171
A	\$147	172
B	223	173
C	233	174

Effective Sunday of the calendar week in which January 1, 175
1988, occurs and on each similar day of each year thereafter, 176
the current maximum weekly benefit amount for each dependency 177
class shall be adjusted based on the statewide average weekly 178
wage. Any percentage increase in such statewide average weekly 179
wage between the wage computed for the current year and the wage 180
computed for the preceding year shall be used to increase the 181
maximum amounts then in effect by the same percentage. Such 182
increased amounts will be effective with respect to applications 183
for benefit rights filed during the fifty-two consecutive 184
calendar weeks beginning with such Sunday date. 185

The director shall calculate the statewide average weekly 186
wage based on the average weekly earnings of all workers in 187
employment subject to this chapter during the preceding twelve- 188
month period ending the thirtieth day of June. The calculation 189
shall be made in the following manner: 190

(a) The sum of the total monthly employment reported for 191

the previous twelve-month period shall be divided by twelve to 192
determine the average monthly employment; 193

(b) The sum of the total wages reported for the previous 194
twelve-month period shall be divided by the average monthly 195
employment to determine the average annual wage; 196

(c) The average annual wage shall be divided by fifty-two 197
to determine the statewide average weekly wage. 198

In the computation of the weekly benefit amount, any 199
resulting amount not a multiple of one dollar shall be rounded 200
to the next lower multiple of one dollar. In the computation of 201
the adjusted maximum benefit amounts, based on the statewide 202
average weekly wage, any resulting amount not a multiple of one 203
dollar shall be rounded to the next lower multiple of one 204
dollar. 205

(4) Effective Sunday of the calendar week in which January 206
1, occurs for calendar years 1988 through 1993, the maximum 207
weekly benefit amount payable for an individual's dependency 208
class for those years shall be computed in accordance with this 209
division, with an additional increase added to the prior year's 210
increase equal to one-sixth of total percentage increase that 211
otherwise would have been available in calendar years 1983, 212
1984, 1985, 1986, and 1987, if in those years an adjustment in 213
the maximum weekly benefit amount would have been made pursuant 214
to this division. 215

(5) Effective Sunday of the calendar week in which January 216
1, 1991, occurs, the maximum weekly benefit amounts computed 217
under divisions (B)(3) and (4) of this section shall not exceed 218
the following amounts: 219

(a) For dependency class A, fifty per cent of the 220

statewide average weekly wage;	221
(b) For dependency class B, sixty per cent of the	222
statewide average weekly wage;	223
(c) For dependency class C, sixty-six and two-thirds per	224
cent of the statewide average weekly wage.	225
Division (B) (5) of this section applies to all new claims	226
filed on and after the Sunday of the calendar week in which	227
January 1, 1991, occurs, provided that the maximum weekly	228
benefit amounts established for the dependency classes prior to	229
such date apply to all claims until the maximum weekly benefit	230
amounts as determined pursuant to division (B) (5) of this	231
section equal or exceed the maximum weekly benefit amounts in	232
effect prior to such date.	233
(6) For the time period beginning on January 1, 2018, and	234
ending January 1, 2020, no individual's weekly benefit amount	235
shall exceed the maximum weekly benefit amounts in effect on the	236
effective date of this section <u>March 28, 2017.</u>	237
(C) Benefits are payable to each partially unemployed	238
individual otherwise eligible on account of each week of	239
involuntary partial unemployment after the specified waiting	240
period in an amount equal to the individual's weekly benefit	241
amount less that part of the remuneration payable to the	242
individual with respect to such week which is in excess of	243
twenty per cent of the individual's weekly benefit amount, and	244
the resulting amount rounded to the next lower multiple of one	245
dollar.	246
(D) The (1) <u>Except as provided in division (D) (2) of this</u>	247
<u>section, the</u> total benefits to which an individual is entitled	248
in any benefit year, whether for partial or total unemployment,	249

or both, shall not exceed the lesser of the following two 250
amounts: ~~(1)~~ (a) an amount equal to twenty-six times the 251
individual's weekly benefit amount determined in accordance with 252
division (B) of this section and this division, or ~~(2)~~ (b) an 253
amount computed by taking the sum of twenty times the 254
individual's weekly benefit amount for the first twenty base 255
period qualifying weeks plus one times the weekly benefit amount 256
for each additional qualifying week beyond the first twenty 257
qualifying weeks in the individual's base period. 258

(2) An individual is entitled in any benefit year, whether 259
for partial or total unemployment, or both, to twenty-five 260
additional weeks of benefits in an amount equal to the weekly 261
benefit determined pursuant to divisions (B) and (D) of this 262
section if both of the following apply: 263

(a) The individual has received the maximum total benefits 264
to which the individual is entitled under division (D)(1) of 265
this section. 266

(b) The individual was laid off or separated from the 267
individual's most recent employment as part of a group of 268
seventy-five or more individuals who were laid off or separated 269
by the same employer within a seven-day period due to lack of 270
work. 271

(E) Each eligible and qualified individual shall be 272
assigned a dependency class in accordance with the following 273
schedule: 274

Class	Description of Dependents	275
A	No dependents, or has	276
	insufficient wages to qualify	277
	for more than the maximum	278

weekly benefit amount as	279
provided under dependency	280
class A	281
B One or two dependents	282
C Three or more dependents	283
As used in this division "dependent" means:	284
(1) Any natural child, stepchild, or adopted child of the	285
individual claiming benefits for whom such individual at the	286
beginning of the individual's current benefit year is supplying	287
and for at least ninety consecutive days, or for the duration of	288
the parental relationship if it existed less than ninety days,	289
immediately preceding the beginning of such benefit year, has	290
supplied more than one-half of the cost of support and if such	291
child on the beginning date of such benefit year was under	292
eighteen years of age, or if unable to work because of permanent	293
physical or mental disability;	294
(2) The legally married wife or husband of the individual	295
claiming benefits for whom more than one-half the cost of	296
support has been supplied by such individual for at least ninety	297
consecutive days, or for the duration of the marital	298
relationship if it has existed for less than ninety days,	299
immediately preceding the beginning of such individual's current	300
benefit year and such wife or husband was living with such	301
individual and had an average weekly income, in such period, not	302
in excess of twenty-five per cent of the claimant's average	303
weekly wage.	304
(3) If both the husband and wife qualify for benefit	305
rights with overlapping benefit years, only one of them may	306
qualify for a dependency class other than A.	307

Section 2. That existing sections 4141.28 and 4141.30 of 308
the Revised Code are hereby repealed. 309

Section 3. As used in this section, "benefit year" has the 310
same meaning as in section 4141.01 of the Revised Code. 311

Section 4141.30 of the Revised Code, as amended by this 312
act, applies to an individual whose benefit year begins on or 313
after the effective date of this act. 314