

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**S. B. No. 299**

**Senator Craig**

**A BILL**

To enact sections 4143.01, 4143.02, 4143.03, 1  
4143.04, 4143.05, 4143.06, 4143.07, 4143.08, 2  
4143.09, and 4143.99 of the Revised Code to 3  
require paid leave for an employee who is unable 4  
to work due to quarantine or mandatory 5  
isolation, to create a grant program to 6  
compensate contract workers who cannot perform 7  
services during public health emergencies, to 8  
make an appropriation, and to declare an 9  
emergency. 10

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

**Section 1.** That sections 4143.01, 4143.02, 4143.03, 11  
4143.04, 4143.05, 4143.06, 4143.07, 4143.08, 4143.09, and 12  
4143.99 of the Revised Code be enacted to read as follows: 13

**Sec. 4143.01.** (A) "Average weekly wage," "employment," 14  
"employer," and "remuneration" have the same meanings as in 15  
section 4141.01 of the Revised Code. 16

(B) "Contract worker" means an individual who performs 17  
services for remuneration under any contract of hire, written or 18  
oral, express or implied, free from the control and direction of 19

the hiring entity in connection with the performance of the 20  
work, except that "contract worker" does not include a person 21  
who performs work on a casual basis as defined in section 22  
4111.14 of the Revised Code. 23

(C) "Duration of inability to contract" means the full 24  
period of an individual's inability to contract next ensuing 25  
after a separation from any base period, as defined in rules 26  
adopted under section 4143.03 of the Revised Code, or subsequent 27  
work and until an individual has become reengaged in contracts 28  
for hire subject to this chapter or employment subject to the 29  
unemployment compensation laws of this or any other state or of 30  
the United States, and until the individual has worked six weeks 31  
and for those weeks has earned or been paid remuneration equal 32  
to six times an average weekly wage of not less than the amount 33  
as determined in the rules adopted by the director of job and 34  
family services under section 4143.03 of the Revised Code. 35

(D) "Grant year," with respect to an individual, means the 36  
fifty-two week period beginning with the first day of that week 37  
with respect to which the individual first files a valid 38  
application for a grant under this chapter, and thereafter the 39  
fifty-two week period beginning with the first day of that week 40  
with respect to which the individual next files a valid 41  
application after the termination of the individual's last 42  
preceding grant year, except that the application shall not be 43  
considered valid unless the individual has had work in six weeks 44  
and has, since the beginning of the individual's previous grant 45  
year, earned three times the average weekly wage determined for 46  
the previous grant year. 47

(E) "Qualifying week" means any calendar week in an 48  
individual's base period with respect to which the individual 49

earns or is paid remuneration as a contract worker. 50

(F) "Unemployment compensation" has the same meaning as in 51  
section 4141.284 of the Revised Code. 52

**Sec. 4143.02.** There is created the contract worker 53  
compensation grant program to provide compensation to an 54  
individual who is unable to perform contract work due to an 55  
order or regulation described in section 4143.04 of the Revised 56  
Code. The director of job and family services shall administer 57  
the program in accordance with the requirements of this chapter. 58

**Sec. 4143.03.** (A) With respect to the contract worker 59  
compensation grant program created in section 4143.02 of the 60  
Revised Code, the director of job and family services, in 61  
accordance with Chapter 119. of the Revised Code, shall adopt 62  
rules that establish all of the following: 63

(1) Eligibility requirements an individual shall satisfy 64  
to receive a grant under section 4143.04 of the Revised Code, 65  
including the definition of an individual's "base period," which 66  
shall be similar to the requirements an individual must satisfy 67  
to receive unemployment compensation under Chapter 4141. of the 68  
Revised Code; 69

(2) Procedures for an individual to follow to apply for a 70  
grant and procedures for the awarding and payment of grants in 71  
accordance with section 4143.04 of the Revised Code, which shall 72  
be similar to the manner in which claims for unemployment 73  
compensation are applied for, awarded, and paid pursuant to 74  
Chapter 4141. of the Revised Code; 75

(3) Requirements to determine an individual's duration of 76  
inability to contract; 77

(4) Requirements for the reduction in grant amounts, that 78

shall be similar to the requirements specified in sections 79  
4141.31 and 4141.312 of the Revised Code; 80

(5) Procedures and requirements addressing child support 81  
obligations, which shall be similar to the procedures and 82  
requirements described in section 4141.284 of the Revised Code; 83

(6) Procedures to allow an individual to appeal a 84  
determination made by the director under this chapter in 85  
accordance with Chapter 119. of the Revised Code, including the 86  
time limits in which the individual has to file an appeal; 87

(7) Penalties for overpayments, and procedures to collect 88  
those overpayments, which shall be similar to penalties and 89  
procedures described in section 4141.35 of the Revised Code. 90

(B) The director, in accordance with Chapter 119. of the 91  
Revised Code, may adopt any other rules as the director 92  
determines necessary to administer and enforce this chapter. Any 93  
rules adopted under this division shall be consistent with any 94  
similar provision addressed in Chapter 4141. of the Revised 95  
Code. 96

(C) The director may apply any agreement the director has 97  
entered into pursuant to section 4141.43 of the Revised Code, to 98  
the extent permitted under an agreement, in administering this 99  
chapter, or the director may enter into similar agreements as 100  
the director determines necessary. The director shall cooperate 101  
with other agencies as described in division (A) of section 102  
4141.43 of the Revised Code in the administration of this 103  
chapter. 104

**Sec. 4143.04.** (A) An individual is eligible to receive a 105  
grant under the contract worker compensation grant program 106  
created in section 4143.02 of the Revised Code for a week in 107

<u>which the individual satisfies all of the following</u>	108
<u>requirements:</u>	109
<u>(1) The individual is unable to perform services as a</u>	110
<u>contract worker because the individual or an immediate family</u>	111
<u>member has been quarantined or isolated or the entity for which</u>	112
<u>the individual performs services ceases operations under an</u>	113
<u>order or regulation made or issued by any of the following:</u>	114
<u>(a) The governor;</u>	115
<u>(b) The board of health of a city health district pursuant</u>	116
<u>to section 3709.20 of the Revised Code;</u>	117
<u>(c) The board of health of a general health district</u>	118
<u>pursuant to section 3709.21 of the Revised Code;</u>	119
<u>(d) A health commissioner pursuant to section 3707.34 of</u>	120
<u>the Revised Code;</u>	121
<u>(e) The department of health pursuant to section 3701.13</u>	122
<u>of the Revised Code;</u>	123
<u>(f) The director of the United States centers for disease</u>	124
<u>control and prevention pursuant to 42 C.F.R. part 70 or 71 or</u>	125
<u>any other federal agency pursuant to federal law.</u>	126
<u>(2) The individual is not otherwise eligible for</u>	127
<u>unemployment compensation.</u>	128
<u>(3) The individual satisfies the eligibility requirements</u>	129
<u>established by the director of job and family services in the</u>	130
<u>rules the director adopts under section 4143.03 of the Revised</u>	131
<u>Code.</u>	132
<u>(B) The director may use the information the director</u>	133
<u>obtains under section 4141.162 of the Revised Code to determine</u>	134

an individual's eligibility for a grant under this section. 135

(C) All grants shall be paid through public employment 136  
offices in accordance with the rules the director adopts under 137  
section 4143.03 of the Revised Code. The director shall use 138  
eligible funds to issue grants established in this section, 139  
except from the unemployment compensation fund established in 140  
section 4141.09 of the Revised Code. 141

(D) A grant is payable to an eligible and qualified 142  
individual who is unable to perform services as a contract 143  
worker for the reasons described in division (A) of this section 144  
for each week the individual is unable to perform the services 145  
at the weekly grant amount determined by the following: 146

(1) Computing the individual's average weekly wage; 147

(2) Determining the individual's dependency class under 148  
division (F) of this section; 149

(3) Computing the individual's weekly grant amount to be 150  
fifty per cent of the individual's average weekly wage, that 151  
shall not exceed the following amounts: 152

(a) For dependency class A, fifty per cent of the 153  
statewide average weekly wage as calculated under section 154  
4141.30 of the Revised Code; 155

(b) For dependency class B, sixty per cent of the 156  
statewide average weekly wage; 157

(c) For dependency class C, sixty-six and two-thirds per 158  
cent of the statewide average weekly wage. 159

(E) The total amount of a grant to which an individual is 160  
entitled in any grant year shall not exceed the lesser of the 161  
following two amounts: 162

(1) An amount equal to twenty-six times the individual's weekly grant amount determined in accordance with division (B) of this section and this division; 163  
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(2) An amount computed by taking the sum of twenty times the individual's weekly grant amount for the first twenty base period qualifying weeks plus one times the weekly grant amount for each additional qualifying week beyond the first twenty qualifying weeks in the individual's base period. 166  
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(F)(1) As used in this division, "dependent" has the same meaning as in section 4141.30 of the Revised Code. 171  
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(2) Each eligible and qualified individual shall be assigned a dependency class in accordance with the following schedule: 173  
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A Class            Description of dependents

B A                No dependents, or has insufficient wages to qualify for more than the maximum weekly grant amount as provided under dependency class A

C B                One or two dependents

D C                Three or more dependents

(G) Any weekly grant amount that is not a multiple of one dollar shall be rounded to the next lower multiple of one dollar. Any grant paid under this section shall be calculated against the maximum total unemployment compensation payable to 177  
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the individual in a benefit year under section 4141.30 of the 181  
Revised Code. 182

**Sec. 4143.05.** The director of job and family services 183  
shall reduce the amount of any weekly grant amount paid under 184  
section 4143.04 of the Revised Code in accordance with the rules 185  
the director adopts under section 4143.03 of the Revised Code. 186  
The director shall make any deduction from such a grant for 187  
purposes of federal income tax payment in a similar manner as 188  
the director makes that deduction under section 4141.321 of the 189  
Revised Code with respect to unemployment compensation. 190

**Sec. 4143.06.** An individual may appeal a determination 191  
made by the director of job and family services in accordance 192  
with the rules the director adopts under section 4143.03 of the 193  
Revised Code. The determination made on completion of that 194  
appeals process is a final determination that may be appealed 195  
pursuant to section 119.12 of the Revised Code. 196

**Sec. 4143.07.** (A) Except with respect to the rules adopted 197  
by the director of job and family services under section 4143.03 198  
of the Revised Code concerning child support obligations: 199

(1) No agreement by an individual to waive the 200  
individual's right to a grant under this chapter is valid, nor 201  
shall a grant be assigned, released, or commuted. 202

(2) A grant is exempt from all claims of creditors and 203  
from levy, execution, garnishment, attachment, and all other 204  
process or remedy for recovery or collection of a debt, and that 205  
exemption may not be waived. 206

(B) No individual claiming a grant under this chapter 207  
shall be charged fees of any kind by the director in any 208  
proceeding under this chapter. Any individual claiming a grant 209

<u>may represent the individual's self personally or be represented</u>	210
<u>by a person admitted to the practice of law or by a person not</u>	211
<u>admitted to the practice of law in any proceeding under this</u>	212
<u>chapter before the director, but the counsel or agent</u>	213
<u>representing an individual claiming a grant shall not either</u>	214
<u>charge or receive for those services more than an amount</u>	215
<u>approved by the director. No person recklessly shall charge or</u>	216
<u>receive anything of value in violation of this division.</u>	217
<u>(C) (1) No person shall recklessly do any of the following:</u>	218
<u>(a) Violate this chapter;</u>	219
<u>(b) Do any act prohibited by this chapter;</u>	220
<u>(c) Fail to perform any duty lawfully enjoined, within the</u>	221
<u>time prescribed by the director, for which no penalty has been</u>	222
<u>specifically provided;</u>	223
<u>(d) Fail to obey any lawful order given or made by the</u>	224
<u>director or any judgment or decree made by any court in</u>	225
<u>connection with this chapter.</u>	226
<u>(2) Every day during which any person fails to comply with</u>	227
<u>any order of the director or to perform any duty enjoined by</u>	228
<u>this chapter constitutes a separate violation of the order or of</u>	229
<u>this chapter.</u>	230
<b><u>Sec. 4143.08.</u></b> <u>The director of job and family services</u>	231
<u>shall enforce this chapter in accordance with the rules the</u>	232
<u>director adopts under section 4143.03 of the Revised Code. In</u>	233
<u>administering and enforcing this chapter, the director shall</u>	234
<u>give great weight and deference to decisions made under Chapter</u>	235
<u>4141. of the Revised Code with respect to unemployment</u>	236
<u>compensation.</u>	237

The director may administer oaths, certify to official 238  
acts, take depositions, issue subpoenas, and compel the 239  
attendance and testimony of witnesses and the production of 240  
documents and testimony in connection with the administration of 241  
this chapter. In case of the refusal of a witness to attend or 242  
testify, or to produce documents, as to any matter regarding 243  
which the witness might be lawfully interrogated in the 244  
administration of this chapter, the court of common pleas of the 245  
county in which the person resides or is found, the court of 246  
appeals that has jurisdiction over the county in which the 247  
person resides or is found, or a judge thereof, on application 248  
of the director, shall compel obedience by proceedings as for 249  
contempt as in case of like refusal to obey a similar order of 250  
the court. 251

**Sec. 4143.09.** This chapter shall be liberally construed. 252

**Sec. 4143.99.** (A) Whoever violates division (B) of section 253  
4143.07 of the Revised Code is guilty of a misdemeanor of the 254  
first degree. 255

(B) Whoever violates division (C) of section 4143.07 of 256  
the Revised Code shall be fined not more than five hundred 257  
dollars for the first offense, and for each subsequent offense, 258  
the person shall be fined not less than twenty-five dollars nor 259  
more than one thousand dollars. 260

**Section 2.** On the effective date of this section, or as 261  
soon as possible thereafter, the Director of Job and Family 262  
Services shall certify to the Director of Budget and Management 263  
the amount necessary to provide grants under Chapter 4143. of 264  
the Revised Code, as enacted by this act, through the remainder 265  
of fiscal year 2020 and for fiscal year 2021. The Director of 266  
Budget and Management shall transfer cash from the Budget 267

Stabilization Fund (Fund 7013) to the General Revenue Fund in 268  
the amount certified, but the amount shall not exceed the 269  
balance of Fund 7013. The amount transferred is hereby 270  
appropriated to appropriation item 600551, Job and Family 271  
Services Program Support. 272

On July 1, 2020, or as soon as possible thereafter, the 273  
Director of Job and Family Services may certify to the Director 274  
of Budget and Management an amount up to the unexpended, 275  
unencumbered balance of the foregoing appropriation item 600551, 276  
Job and Family Services Program Support, at the end of fiscal 277  
year 2020 to be reappropriated to fiscal year 2021. The amount 278  
certified is hereby reappropriated to the same appropriation 279  
item for fiscal year 2021. 280

If the Director of Job and Family Services determines that 281  
there are not sufficient funds available to provide full 282  
benefits as specified in this act, the Director shall 283  
proportionately reduce benefits so as not to exceed available 284  
funds. 285

**Section 3.** Within the limits set forth in this act, the 286  
Director of Budget and Management shall establish accounts 287  
indicating the source and amount of funds for each appropriation 288  
made in this act, and shall determine the form and manner in 289  
which appropriation accounts shall be maintained. Expenditures 290  
from appropriations contained in this act shall be accounted for 291  
as though made in the main operating appropriations act of the 292  
133rd General Assembly. 293

The appropriations made in this act are subject to all 294  
provisions of H.B. 166 of the 133rd General Assembly that are 295  
generally applicable to such appropriations. 296

<b>Section 4.</b> (A) As used in this section and Sections 5 to 9	297
of this act:	298
(1) "Employee" means an individual performing services for	299
an employer in the business of the employer under either of the	300
following circumstances:	301
(a) An appointment;	302
(b) A contract or multiple contracts of hire under which	303
the nature of the relationship between the employer and	304
individual causes the employer and individual to reasonably	305
expect the individual's continued service with the employer for	306
an indefinite time period because of the continuing nature of	307
the relationship, regardless of a single contract's duration or	308
scope.	309
(2) "Employer" means an individual or entity that employs	310
one or more individuals in this state.	311
(3) "Quarantine or isolation pay" means payment of an	312
amount equal to an employee's normal rate of pay for every hour	313
during which the employee would normally be scheduled to work.	314
(4) "Sick leave" means payment of an amount equal to an	315
employee's normal rate of pay for every hour during which the	316
employee would normally be scheduled to work.	317
(5) "Paid leave" includes paid sick leave, paid vacation	318
leave, paid personal leave, other paid time off, and any	319
combination of those types of leave.	320
(6) "School" means a school operated by a school district,	321
other public school as defined in section 3301.0711 of the	322
Revised Code, or chartered nonpublic school.	323
(7) "Domestic violence" means an offense of violence, as	324

defined in section 2901.01 of the Revised Code, committed 325  
against a family or household member as defined in division (F) 326  
of section 2919.25 of the Revised Code. 327

(8) "Sexual battery" means the commission of one of the 328  
acts listed under division (A) of section 2907.03 of the Revised 329  
Code. 330

(9) "Menacing by stalking" means the commission of one of 331  
the acts listed under division (A) of section 2903.211 of the 332  
Revised Code. 333

(10) "Child" means a biological, foster, or adopted child, 334  
a stepchild, a child of a domestic partner, a legal ward, or 335  
child of a person standing in loco parentis under eighteen years 336  
of age. 337

(11) "Serious health condition" means an illness, injury, 338  
impairment, or other condition resulting from COVID-19 that 339  
involves continuing treatment or continuing supervision by 340  
another individual. 341

**Section 5.** (A) Every employer shall provide quarantine or 342  
isolation pay to an employee in an amount equal to fourteen 343  
days. An employer is not required to provide quarantine or 344  
isolation pay to an employee on or after the ninety-first day 345  
after the emergency declared by Executive Order 2020-01D, issued 346  
on March 9, 2020, ends. 347

(B) An employee is entitled to use the quarantine or 348  
isolation pay under division (A) of this section immediately on 349  
and after the effective date of this section during the period 350  
of the emergency declared by Executive Order 2020-01D, issued on 351  
March 9, 2020, if the employee is unable to work because of any 352  
one of the following reasons: 353

(1) The employee is experiencing a serious health condition and is being quarantined or isolated because the employee's presence in the community may jeopardize the health of others.	354 355 356 357
(2) The employee is obtaining professional medical diagnosis or care or preventive medical care.	358 359
(3) The employee is being quarantined or isolated because the employee's presence in the community may jeopardize the health of others due to the employee's exposure to COVID-19, regardless of whether the employee has contracted COVID-19.	360 361 362 363
(4) The employee is caring for an individual who is experiencing a serious health condition and is being quarantined or isolated because the employee's presence in the community may jeopardize the health of others.	364 365 366 367
(5) The employee's place of employment has been closed because of the state of emergency due to COVID-19, including at the employer's discretion.	368 369 370
(6) The child care provider or school that a child of the employee attends has been closed because of the state of emergency due to COVID-19, and the employee must remain home to care for the child.	371 372 373 374
(7) The employee must remain home to care for a family member who has a physical or mental disability because the family member's normal care provider is closed or unavailable because of the state of emergency due to COVID-19.	375 376 377 378
(8) The employee is seeking assistance because of domestic violence, sexual assault, or stalking.	379 380
(C) No employer shall require an employee to use paid	381

leave accrued by the employee until the employee has received 382  
quarantine or isolation pay under this section. 383

(D) Leave granted under this section that is not used by 384  
the ninety-first day after the emergency declared by Executive 385  
Order 2020-01D, issued on March 9, 2020, ends, is forfeited. 386

**Section 6.** (A) As used in this section, notwithstanding 387  
the definition of "employer" in Section 4 of this act, 388  
"employer" means any person who has one or more employees. 389  
"Employer" does not include the state or any agency or 390  
instrumentality of the state, any municipal corporation, county, 391  
township, school district, or other political subdivision or any 392  
agency or instrumentality thereof. 393

(B) Every employer shall immediately provide to an 394  
employee on the effective date of this section sick leave that 395  
is equal to one hour for each completed thirty hours of service 396  
performed in the employer's employ during the one-year period 397  
before the effective date of this section. An employer is not 398  
required to provide an employee with more than fifty-six hours 399  
of sick leave under this section and is not required to provide 400  
an employee with sick leave under this section on or after the 401  
ninety-first day after the period of the emergency declared by 402  
Executive Order 2020-01D, issued on March 9, 2020, ends. 403

(C) An employee is entitled to use sick leave provided 404  
under this section for the reasons described in division (B) of 405  
Section 5 of this act immediately on and after the effective 406  
date of this section. Leave granted under this section that is 407  
not used by the ninety-first day after the emergency declared by 408  
Executive Order 2020-01D, issued on March 9, 2020, ends is 409  
forfeited. 410

(D) No employer shall require an employee to use paid 411  
leave accrued by the employee until the employee has received 412  
sick leave under this section. 413

(E) Nothing in this section limits the ability of an 414  
employer to provide an employee with sick leave in an amount 415  
that exceeds fifty-six hours. 416

**Section 7.** (A) No employer shall fail to comply with 417  
Sections 5 and 6 of this act. 418

(B) No employer shall terminate the employment, 419  
discipline, suspend, constructively discharge, demote, 420  
unfavorably reassign, refuse to promote, or take other adverse 421  
employment action against an employee because the employee has 422  
done either of the following: 423

(1) Failed to report to work for a reason described in 424  
division (B) of Section 5 of this act; 425

(2) Requested to receive quarantine or isolation pay or 426  
sick leave under Section 5 or 6 of this act. 427

**Section 8.** (A) Any employee who believes the employee has 428  
been injured by a violation of Section 7 of this act may file a 429  
complaint with the Director of Job and Family Services alleging 430  
a violation of that section. The employee shall file the 431  
complaint within one year after the alleged violation occurred. 432

(B) On receiving a complaint filed under division (A) of 433  
this section, the Director may conduct an investigation to 434  
determine whether it is probable that the employer has violated 435  
Section 7 of this act. 436

(C) If, after the investigation, the Director has 437  
reasonable cause to believe that a violation has occurred, the 438

Director shall issue notice to the employer and employee and 439  
hold a hearing pursuant to section 119.09 of the Revised Code to 440  
determine whether a violation has occurred. 441

(D) If, after the hearing, the Director determines that 442  
the employer has violated Section 7 of this act, the Director 443  
may order all appropriate relief from the employer, including 444  
all of the following: 445

(1) Rehiring or reinstatement of the employee to the 446  
employee's previous position; 447

(2) Payment of back wages; 448

(3) Reestablishment of employee benefits to which the 449  
employee otherwise would have been entitled. 450

(E) Any party may appeal an order of the Director issued 451  
under division (D) of this section to the court of common pleas 452  
of the county in which the violation is alleged to have 453  
occurred. 454

**Section 9.** Any employee who believes the employee has been 455  
injured by a violation of Section 7 of this act may file a civil 456  
action in the court of common pleas of the county in which the 457  
violation allegedly occurred. The employee shall bring the 458  
action within one year after the alleged violation occurred. 459

A court of common pleas that finds that a violation of 460  
Section 7 of this act has occurred may order all appropriate 461  
relief including damages, injunctive relief, or a civil penalty 462  
in an amount fixed by the court. 463

An employee who believes the employee has been injured by 464  
an alleged violation of Section 7 of this act is not required to 465  
file a complaint with the Director of Job and Family Services or 466

to otherwise exhaust the employee's remedies under Section 8 of 467  
this act before filing a civil action under this section. 468

**Section 10.** This act is hereby declared to be an emergency 469  
measure necessary for the immediate preservation of the public 470  
peace, health, and safety. The reason for such necessity is to 471  
minimize the impact to Ohio citizens from the COVID-19 outbreak 472  
and help protect further spread of the disease. Therefore, this 473  
act shall go into immediate effect. 474