

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 228

**Senator Schaffer
Cosponsor: Senator Cirino**



A BILL

To amend section 4141.43 and to enact section 1
4141.433 of the Revised Code to establish 2
legislative oversight of executive action 3
regarding voluntary federal unemployment 4
compensation programs. 5

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

Section 1. That section 4141.43 be amended and section 6
4141.433 of the Revised Code be enacted to read as follows: 7

Sec. 4141.43. (A) The director of job and family services 8
may cooperate with the industrial commission, the bureau of 9
workers' compensation, the United States internal revenue 10
service, the United States employment service, and other similar 11
departments and agencies, as determined by the director, in the 12
exchange or disclosure of information as to wages, employment, 13
payrolls, unemployment, and other information. The director may 14
employ, jointly with one or more of such agencies or 15
departments, auditors, examiners, inspectors, and other 16
employees necessary for the administration of this chapter and 17
employment and training services for workers in the state. 18

(B) The director may make the state's record relating to 19
the administration of this chapter available to the railroad 20
retirement board and may furnish the board at the board's 21
expense such copies thereof as the board deems necessary for its 22
purposes. 23

(C) The director may afford reasonable cooperation with 24
every agency of the United States charged with the 25
administration of any unemployment compensation law. 26

(D) The director may enter into arrangements with the 27
appropriate agencies of other states or of the United States or 28
Canada whereby individuals performing services in this and other 29
states for a single employer under circumstances not 30
specifically provided for in division (B) of section 4141.01 of 31
the Revised Code or in similar provisions in the unemployment 32
compensation laws of such other states shall be deemed to be 33
engaged in employment performed entirely within this state or 34
within one of such other states or within Canada, and whereby 35
potential rights to benefits accumulated under the unemployment 36
compensation laws of several states or under such a law of the 37
United States, or both, or of Canada may constitute the basis 38
for the payment of benefits through a single appropriate agency 39
under terms that the director finds will be fair and reasonable 40
as to all affected interests and will not result in any 41
substantial loss to the unemployment compensation fund. 42

(E) The director may enter into agreements with the 43
appropriate agencies of other states or of the United States or 44
Canada: 45

(1) Whereby services or wages upon the basis of which an 46
individual may become entitled to benefits under the 47
unemployment compensation law of another state or of the United 48

States or Canada shall be deemed to be employment or wages for 49
employment by employers for the purposes of qualifying claimants 50
for benefits under this chapter, and the director may estimate 51
the number of weeks of employment represented by the wages 52
reported to the director for such claimants by such other 53
agency, provided such other state agency or agency of the United 54
States or Canada has agreed to reimburse the unemployment 55
compensation fund for such portion of benefits paid under this 56
chapter upon the basis of such services or wages as the director 57
finds will be fair and reasonable as to all affected interests; 58

(2) Whereby the director will reimburse other state or 59
federal or Canadian agencies charged with the administration of 60
unemployment compensation laws with such reasonable portion of 61
benefits, paid under the law of such other states or of the 62
United States or of Canada upon the basis of employment or wages 63
for employment by employers, as the director finds will be fair 64
and reasonable as to all affected interests. Reimbursements so 65
payable shall be deemed to be benefits for the purpose of 66
section 4141.09 and division (A) of section 4141.30 of the 67
Revised Code. However, no reimbursement so payable shall be 68
charged against any employer's account for the purposes of 69
section 4141.24 of the Revised Code if the employer's account, 70
under the same or similar circumstances, with respect to 71
benefits charged under the provisions of this chapter, other 72
than this section, would not be charged or, if the claimant at 73
the time the claimant files the combined wage claim cannot 74
establish benefit rights under this chapter. This noncharging 75
shall not be applicable to a nonprofit organization that has 76
elected to make payments in lieu of contributions under section 77
4141.241 of the Revised Code, except as provided in division (D) 78
(2) of section 4141.24 of the Revised Code. The director may 79

make to other state or federal or Canadian agencies and receive 80
from such other state or federal or Canadian agencies 81
reimbursements from or to the unemployment compensation fund, in 82
accordance with arrangements pursuant to this section. 83

(3) Notwithstanding division (B)(2)(f) of section 4141.01 84
of the Revised Code, the director may enter into agreements with 85
other states whereby services performed for a crew leader, as 86
defined in division (BB) of section 4141.01 of the Revised Code, 87
may be covered in the state in which the crew leader either: 88

(a) Has the crew leader's place of business or from which 89
the crew leader's business is operated or controlled; 90

(b) Resides if the crew leader has no place of business in 91
any state. 92

(F) The director may apply for an advance to the 93
unemployment compensation fund and do all things necessary or 94
required to obtain such advance and arrange for the repayment of 95
such advance in accordance with Title XII of the "Social 96
Security Act" as amended. 97

(G) The director may enter into reciprocal agreements or 98
arrangements with the appropriate agencies of other states in 99
regard to services on vessels engaged in interstate or foreign 100
commerce whereby such services for a single employer, wherever 101
performed, shall be deemed performed within this state or within 102
such other states. 103

(H) The director shall participate in any arrangements for 104
the payment of compensation on the basis of combining an 105
individual's wages and employment, covered under this chapter, 106
with the individual's wages and employment covered under the 107
unemployment compensation laws of other states which are 108

approved by the United States secretary of labor in consultation 109
with the state unemployment compensation agencies as reasonably 110
calculated to assure the prompt and full payment of compensation 111
in such situations and which include provisions for: 112

(1) Applying the base period of a single state law to a 113
claim involving the combining of an individual's wages and 114
employment covered under two or more state unemployment 115
compensation laws, and 116

(2) Avoiding the duplicate use of wages and employment by 117
reason of such combining. 118

(I) ~~The Subject to section 4141.433 of the Revised Code,~~ 119
the director shall cooperate with the United States department 120
of labor to the fullest extent consistent with this chapter, and 121
shall take such action, through the adoption of appropriate 122
rules, regulations, and administrative methods and standards, as 123
may be necessary to secure to this state and its citizens all 124
advantages available under the provisions of the "Social 125
Security Act" that relate to unemployment compensation, the 126
"Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 U.S.C.A. 127
3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 113, 29 128
U.S.C.A. 49, the "Federal-State Extended Unemployment 129
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and 130
the "Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 131
et seq. 132

(J) The director may disclose wage information furnished 133
to or maintained by the director under Chapter 4141. of the 134
Revised Code to a consumer reporting agency as defined by the 135
"Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 136
as amended, for the purpose of verifying an individual's income 137
under a written agreement that requires all of the following: 138

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

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

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

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

(K) The director shall adopt rules defining the requirements of the release of individual income verification information specified in division (J) of this section, which shall include all terms and conditions necessary to meet the requirements of federal law as interpreted by the United States department of labor or considered necessary by the director for the proper administration of this division.

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

Sec. 4141.433. (A) Notwithstanding any provision of this chapter to the contrary, and except as provided in division (B) of this section, neither the governor nor the director of job and family services shall enter into an agreement or issue a special or standing order to implement a voluntary program created on or after the effective date of this section under any

federal law providing for compensation, assistance, or 168
allowances with respect to unemployment if the program does any 169
of the following: 170

(1) Subjects employers to requirements that are in 171
addition to the requirements with which employers must comply 172
under this chapter; 173

(2) Increases the weekly benefit amount to which an 174
individual is entitled under this chapter; 175

(3) Increases or decreases the duration for which benefits 176
are payable to individuals under this chapter; 177

(4) Provides to any individual benefits that are in 178
addition to the benefits available to individuals under this 179
chapter; 180

(5) Requires the director to create new administrative 181
processes or systems that are in addition to processes or 182
systems created pursuant to this chapter. 183

(B) If the governor or the director wishes to enter into 184
an agreement or issue a special or standing order to implement a 185
program described in division (A) of this section, the governor 186
or director shall submit a request to the speaker of the house 187
of representatives and to the president of the senate. The 188
general assembly, by adopting a concurrent resolution, may allow 189
the governor or director to enter into an agreement or issue a 190
special or standing order to implement a program described in 191
that division. 192

(C) If the governor or the director enters into any 193
agreement or issues a special or standing order to implement a 194
program described in division (A) of this section, the general 195
assembly may rescind that agreement or special or standing 196

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| <u>order, in whole or in part, by adopting a concurrent resolution.</u> | 197 |
| Section 2. That existing section 4141.43 of the Revised Code is hereby repealed. | 198 199 |
| Section 3. Sections 1 and 2 of this act take effect January 1, 2022. | 200 201 |