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S.B. 180
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Hicks-Hudson

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SUMMARY

- Permits an otherwise eligible individual to receive unemployment benefits if the individual's unemployment was caused by a strike at a facility owned or operated by the individual's employer.
- Allows an eligible individual unemployed due to a strike to receive up to four weeks of benefits retroactively (but not earlier than when the strike began).
- Declares an emergency.

DETAILED ANALYSIS

Unemployment benefits due to strikes

The bill eliminates the disqualification from receiving unemployment benefits if an individual's unemployment is caused by a strike. Thus, the bill allows an individual who is otherwise eligible to receive those benefits if the individual's unemployment was caused by a strike at the factory, establishment, or other premises, owned or operated by the individual's employer, at which the individual is or was last employed.

Under current law, an individual is generally disqualified from serving a waiting week or receiving unemployment benefits for any week in which the individual's unemployment is due to a labor dispute, including a strike. Continuing law contains exceptions to the labor dispute disqualification, including an exception for an individual who is unemployed due to a labor dispute at a facility owned or operated by the individual's employer other than the facility at which the individual works. The bill expands the exception by eliminating a requirement that the individual must prove that the individual is not financing, participating in, or directly interested in the labor dispute that is causing the unemployment.¹

¹ R.C. 4141.29(D) and 4141.294(A).

Retroactive eligibility

Under the bill, an otherwise eligible individual who is unemployed because of a strike qualifies for benefits beginning on one of the following days, as applicable:

- If the individual files an initial application for benefits or an application for an additional claim fewer than four weeks after the date the strike began, the first day of the week during which the strike began;
- If the individual files an initial application for benefits or an application for an additional claim four or more weeks after the date the strike began, the first day of the week that is four weeks before the individual filed the application.

An individual who is eligible for benefits for any week that occurred before the individual applied is entitled to receive those benefits retroactively. The Director of Job and Family Services (who administers the Unemployment Compensation Law) must do all of the following with respect to any weeks that occurred before the individual filed the application:

- Waive a continuing law requirement that an individual must actively search for work to receive benefits;
- Waive a continuing law requirement that an individual must serve a one-week waiting period before being paid unemployment benefits;
- Consider the individual to be registered for purposes of a continuing law requirement that the individual register for work.²

Emergency clause

The bill declares that it is an emergency measure, and that it therefore takes effect immediately.³

Background – Unemployment Compensation Law

The Unemployment Compensation Law specifies certain conditions that an individual must meet and procedures the individual must follow to qualify for unemployment benefits. Determining eligibility is a two-phase process. In the first phase, an individual files an initial application for a determination of benefit rights, which generally examines whether the individual worked and earned enough to be eligible for benefits (“monetary eligibility”). This application is used to establish the individual’s benefit year, which is the 52-week period during which the individual may file claims for benefits based on satisfying the monetary eligibility requirements.⁴ After filing a valid initial application and establishing a benefit year, an individual

² R.C. 4141.294(B) and (C), with conforming changes in R.C. 4141.29.

³ Section 4.

⁴ R.C. 4141.01(R)(1) and 4141.28(B) and (D), not in the bill.

enters the second phase of the process. In the second phase, the individual must file a claim for benefits each week the individual seeks benefits during the individual's benefit year.⁵

Ordinarily, to satisfy the monetary eligibility requirements, an individual must have worked in employment covered by the Unemployment Compensation Law for at least 20 weeks within the individual's "base period" and earned an average weekly wage of not less than 27.5% of the statewide average weekly wage within the base period.⁶ An individual's "base period" is the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year. If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, the individual's base period is the four most recently completed calendar quarters preceding the first day of the individual's benefit year, which is referred to as the "alternate base period."⁷

An individual who has satisfied the monetary eligibility requirements is eligible for benefits after serving a waiting period of one week, during which no benefits are payable. After the waiting week, the individual is entitled to receive benefits for a minimum of 20 weeks, up to a maximum of 26 weeks (one additional benefit week is added for each qualifying week above 20 weeks in the individual's base period). Total benefits cannot exceed an amount equal to the maximum number of weeks for which an individual is eligible times the individual's weekly benefit amount (50% of the individual's average weekly wage during the individual's base period, up to a statutory maximum based on the number of the individual's dependents).⁸

HISTORY

Action	Date
Introduced	10-30-23

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⁵ R.C. 4141.28(E), not in the bill.

⁶ R.C. 4141.01(R), not in the bill.

⁷ R.C. 4141.01(O)(1), (Q), and (R), not in the bill.

⁸ R.C. 4141.29(B) and R.C. 4141.30(B), (D), and (E), not in the bill; [How UI Benefits are Calculated](#), which may be accessed by conducting a keyword "UI benefits" search on the ODJFS website: jfs.ohio.gov.