

As Introduced

136th General Assembly

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H. B. No. 321

Representative Peterson

To amend sections 4141.01, 4141.09, 4141.13, 1
4141.23, 4141.231, 4141.24, 4141.25, 4141.26, 2
4141.27, 4141.36, 4141.39, 5726.31, 5733.121, 3
5736.081, 5747.12, and 5751.081 and to enact 4
section 4141.252 of the Revised Code to increase 5
the taxable wage base under the Unemployment 6
Compensation Law and require a contributory 7
employer's employees to pay a contribution when 8
the employer has a negative account balance in 9
the Unemployment Compensation Fund. 10

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

Section 1. That sections 4141.01, 4141.09, 4141.13, 11
4141.23, 4141.231, 4141.24, 4141.25, 4141.26, 4141.27, 4141.36, 12
4141.39, 5726.31, 5733.121, 5736.081, 5747.12, and 5751.081 be 13
amended and section 4141.252 of the Revised Code be enacted to 14
read as follows: 15

Sec. 4141.01. As used in this chapter, unless the context 16
otherwise requires: 17

(A) (1) "Employer" means the state, its instrumentalities, 18
its political subdivisions and their instrumentalities, Indian 19
tribes, and any individual or type of organization including any 20

partnership, limited liability company, association, trust, 21
estate, joint-stock company, insurance company, or corporation, 22
whether domestic or foreign, or the receiver, trustee in 23
bankruptcy, trustee, or the successor thereof, or the legal 24
representative of a deceased person who subsequent to December 25
31, 1971, or in the case of political subdivisions or their 26
instrumentalities, subsequent to December 31, 1973: 27

(a) Had in employment at least one individual, or in the 28
case of a nonprofit organization, subsequent to December 31, 29
1973, had not less than four individuals in employment for some 30
portion of a day in each of twenty different calendar weeks, in 31
either the current or the preceding calendar year whether or not 32
the same individual was in employment in each such day; or 33

(b) Except for a nonprofit organization, had paid for 34
service in employment wages of fifteen hundred dollars or more 35
in any calendar quarter in either the current or preceding 36
calendar year; or 37

(c) Had paid, subsequent to December 31, 1977, for 38
employment in domestic service in a local college club, or local 39
chapter of a college fraternity or sorority, cash remuneration 40
of one thousand dollars or more in any calendar quarter in the 41
current calendar year or the preceding calendar year, or had 42
paid subsequent to December 31, 1977, for employment in domestic 43
service in a private home cash remuneration of one thousand 44
dollars in any calendar quarter in the current calendar year or 45
the preceding calendar year: 46

(i) For the purposes of divisions (A) (1) (a) and (b) of 47
this section, there shall not be taken into account any wages 48
paid to, or employment of, an individual performing domestic 49
service as described in this division. 50

(ii) An employer under this division shall not be an 51
employer with respect to wages paid for any services other than 52
domestic service unless the employer is also found to be an 53
employer under division (A) (1) (a), (b), or (d) of this section. 54

(d) As a farm operator or a crew leader subsequent to 55
December 31, 1977, had in employment individuals in agricultural 56
labor; and 57

(i) During any calendar quarter in the current calendar 58
year or the preceding calendar year, paid cash remuneration of 59
twenty thousand dollars or more for the agricultural labor; or 60

(ii) Had at least ten individuals in employment in 61
agricultural labor, not including agricultural workers who are 62
aliens admitted to the United States to perform agricultural 63
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 64
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 65
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 66
each of the twenty different calendar weeks, in either the 67
current or preceding calendar year whether or not the same 68
individual was in employment in each day; or 69

(e) Is not otherwise an employer as defined under division 70
(A) (1) (a) or (b) of this section; and 71

(i) For which, within either the current or preceding 72
calendar year, service, except for domestic service in a private 73
home not covered under division (A) (1) (c) of this section, is or 74
was performed with respect to which such employer is liable for 75
any federal tax against which credit may be taken for 76
contributions required to be paid into a state unemployment 77
fund; 78

(ii) Which, as a condition for approval of this chapter 79

for full tax credit against the tax imposed by the "Federal
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311,
is required, pursuant to such act to be an employer under this
chapter; or

(iii) Who became an employer by election under division
(A) (4) or (5) of this section and for the duration of such
election; or

(f) In the case of the state, its instrumentalities, its
political subdivisions, and their instrumentalities, and Indian
tribes, had in employment, as defined in divisions (B) (2) (a) and
(B) (2) (1) of this section, at least one individual;

(g) For the purposes of division (A) (1) (a) of this
section, if any week includes both the thirty-first day of
December and the first day of January, the days of that week
before the first day of January shall be considered one calendar
week and the days beginning the first day of January another
week.

(2) Each individual employed to perform or to assist in
performing the work of any agent or employee of an employer is
employed by such employer for all the purposes of this chapter,
whether such individual was hired or paid directly by such
employer or by such agent or employee, provided the employer had
actual or constructive knowledge of the work. All individuals
performing services for an employer of any person in this state
who maintains two or more establishments within this state are
employed by a single employer for the purposes of this chapter.

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

(4) An employer not otherwise subject to this chapter who 109
files with the director of job and family services a written 110
election to become an employer subject to this chapter for not 111
less than two calendar years shall, with the written approval of 112
such election by the director, become an employer subject to 113
this chapter to the same extent as all other employers as of the 114
date stated in such approval, and shall cease to be subject to 115
this chapter as of the first day of January of any calendar year 116
subsequent to such two calendar years only if at least thirty 117
days prior to such first day of January the employer has filed 118
with the director a written notice to that effect. 119

(5) Any employer for whom services that do not constitute 120
employment are performed may file with the director a written 121
election that all such services performed by individuals in the 122
employer's employ in one or more distinct establishments or 123
places of business shall be deemed to constitute employment for 124
all the purposes of this chapter, for not less than two calendar 125
years. Upon written approval of the election by the director, 126
such services shall be deemed to constitute employment subject 127
to this chapter from and after the date stated in such approval. 128
Such services shall cease to be employment subject to this 129
chapter as of the first day of January of any calendar year 130
subsequent to such two calendar years only if at least thirty 131
days prior to such first day of January such employer has filed 132
with the director a written notice to that effect. 133

(6) "Employer" does not include a franchisor with respect 134
to the franchisor's relationship with a franchisee or an 135
employee of a franchisee, unless the franchisor agrees to assume 136
that role in writing or a court of competent jurisdiction 137
determines that the franchisor exercises a type or degree of 138
control over the franchisee or the franchisee's employees that 139

is not customarily exercised by a franchisor for the purpose of 140
protecting the franchisor's trademark, brand, or both. For 141
purposes of this division, "franchisor" and "franchisee" have 142
the same meanings as in 16 C.F.R. 436.1. 143

(B) (1) "Employment" means service performed by an 144
individual for remuneration under any contract of hire, written 145
or oral, express or implied, including service performed in 146
interstate commerce and service performed by an officer of a 147
corporation, without regard to whether such service is 148
executive, managerial, or manual in nature, and without regard 149
to whether such officer is a stockholder or a member of the 150
board of directors of the corporation, unless it is shown to the 151
satisfaction of the director that such individual has been and 152
will continue to be free from direction or control over the 153
performance of such service, both under a contract of service 154
and in fact. The director shall adopt rules to define "direction 155
or control." 156

(2) "Employment" includes: 157

(a) Service performed after December 31, 1977, by an 158
individual in the employ of the state or any of its 159
instrumentalities, or any political subdivision thereof or any 160
of its instrumentalities or any instrumentality of more than one 161
of the foregoing or any instrumentality of any of the foregoing 162
and one or more other states or political subdivisions and 163
without regard to divisions (A) (1) (a) and (b) of this section, 164
provided that such service is excluded from employment as 165
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 166
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 167
(3) of this section; or the services of employees covered by 168
voluntary election, as provided under divisions (A) (4) and (5) 169

of this section; 170

(b) Service performed after December 31, 1971, by an 171
individual in the employ of a religious, charitable, 172
educational, or other organization which is excluded from the 173
term "employment" as defined in the "Federal Unemployment Tax 174
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 175
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 176
excluded under division (B) (3) of this section; 177

(c) Domestic service performed after December 31, 1977, 178
for an employer, as provided in division (A) (1) (c) of this 179
section; 180

(d) Agricultural labor performed after December 31, 1977, 181
for a farm operator or a crew leader, as provided in division 182
(A) (1) (d) of this section; 183

(e) Subject to division (B) (2) (m) of this section, service 184
not covered under division (B) (1) of this section which is 185
performed after December 31, 1971: 186

(i) As an agent-driver or commission-driver engaged in 187
distributing meat products, vegetable products, fruit products, 188
bakery products, beverages other than milk, laundry, or dry- 189
cleaning services, for the individual's employer or principal; 190

(ii) As a traveling or city salesperson, other than as an 191
agent-driver or commission-driver, engaged on a full-time basis 192
in the solicitation on behalf of and in the transmission to the 193
salesperson's employer or principal except for sideline sales 194
activities on behalf of some other person of orders from 195
wholesalers, retailers, contractors, or operators of hotels, 196
restaurants, or other similar establishments for merchandise for 197
resale, or supplies for use in their business operations, 198

provided that for the purposes of division (B) (2) (e) (ii) of this 199
section, the services shall be deemed employment if the contract 200
of service contemplates that substantially all of the services 201
are to be performed personally by the individual and that the 202
individual does not have a substantial investment in facilities 203
used in connection with the performance of the services other 204
than in facilities for transportation, and the services are not 205
in the nature of a single transaction that is not a part of a 206
continuing relationship with the person for whom the services 207
are performed. 208

(f) An individual's entire service performed within or 209
both within and without the state if: 210

(i) The service is localized in this state. 211

(ii) The service is not localized in any state, but some 212
of the service is performed in this state and either the base of 213
operations, or if there is no base of operations then the place 214
from which such service is directed or controlled, is in this 215
state or the base of operations or place from which such service 216
is directed or controlled is not in any state in which some part 217
of the service is performed but the individual's residence is in 218
this state. 219

(g) Service not covered under division (B) (2) (f) (ii) of 220
this section and performed entirely without this state, with 221
respect to no part of which contributions are required and paid 222
under an unemployment compensation law of any other state, the 223
Virgin Islands, Canada, or of the United States, if the 224
individual performing such service is a resident of this state 225
and the director approves the election of the employer for whom 226
such services are performed; or, if the individual is not a 227
resident of this state but the place from which the service is 228

directed or controlled is in this state, the entire services of 229
such individual shall be deemed to be employment subject to this 230
chapter, provided service is deemed to be localized within this 231
state if the service is performed entirely within this state or 232
if the service is performed both within and without this state 233
but the service performed without this state is incidental to 234
the individual's service within the state, for example, is 235
temporary or transitory in nature or consists of isolated 236
transactions; 237

(h) Service of an individual who is a citizen of the 238
United States, performed outside the United States except in 239
Canada after December 31, 1971, or the Virgin Islands, after 240
December 31, 1971, and before the first day of January of the 241
year following that in which the United States secretary of 242
labor approves the Virgin Islands law for the first time, in the 243
employ of an American employer, other than service which is 244
"employment" under divisions (B) (2) (f) and (g) of this section 245
or similar provisions of another state's law, if: 246

(i) The employer's principal place of business in the 247
United States is located in this state; 248

(ii) The employer has no place of business in the United 249
States, but the employer is an individual who is a resident of 250
this state; or the employer is a corporation which is organized 251
under the laws of this state, or the employer is a partnership 252
or a trust and the number of partners or trustees who are 253
residents of this state is greater than the number who are 254
residents of any other state; or 255

(iii) None of the criteria of divisions (B) (2) (f) (i) and 256
(ii) of this section is met but the employer has elected 257
coverage in this state or the employer having failed to elect 258

coverage in any state, the individual has filed a claim for 259
benefits, based on such service, under this chapter. 260

(i) For the purposes of division (B) (2) (h) of this 261
section, the term "American employer" means an employer who is 262
an individual who is a resident of the United States; or a 263
partnership, if two-thirds or more of the partners are residents 264
of the United States; or a trust, if all of the trustees are 265
residents of the United States; or a corporation organized under 266
the laws of the United States or of any state, provided the term 267
"United States" includes the states, the District of Columbia, 268
the Commonwealth of Puerto Rico, and the Virgin Islands. 269

(j) Notwithstanding any other provisions of divisions (B) 270
(1) and (2) of this section, service, except for domestic 271
service in a private home not covered under division (A) (1) (c) 272
of this section, with respect to which a tax is required to be 273
paid under any federal law imposing a tax against which credit 274
may be taken for contributions required to be paid into a state 275
unemployment fund, or service, except for domestic service in a 276
private home not covered under division (A) (1) (c) of this 277
section, which, as a condition for full tax credit against the 278
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 279
26 U.S.C.A. 3301 to 3311, is required to be covered under this 280
chapter. 281

(k) Construction services performed by any individual 282
under a construction contract, as defined in section 4141.39 of 283
the Revised Code, if the director determines that the employer 284
for whom services are performed has the right to direct or 285
control the performance of the services and that the individuals 286
who perform the services receive remuneration for the services 287
performed. The director shall presume that the employer for whom 288

services are performed has the right to direct or control the 289
performance of the services if ten or more of the following 290
criteria apply: 291

(i) The employer directs or controls the manner or method 292
by which instructions are given to the individual performing 293
services; 294

(ii) The employer requires particular training for the 295
individual performing services; 296

(iii) Services performed by the individual are integrated 297
into the regular functioning of the employer; 298

(iv) The employer requires that services be provided by a 299
particular individual; 300

(v) The employer hires, supervises, or pays the wages of 301
the individual performing services; 302

(vi) A continuing relationship between the employer and 303
the individual performing services exists which contemplates 304
continuing or recurring work, even if not full-time work; 305

(vii) The employer requires the individual to perform 306
services during established hours; 307

(viii) The employer requires that the individual 308
performing services be devoted on a full-time basis to the 309
business of the employer; 310

(ix) The employer requires the individual to perform 311
services on the employer's premises; 312

(x) The employer requires the individual performing 313
services to follow the order of work established by the 314
employer; 315

(xi) The employer requires the individual performing 316
services to make oral or written reports of progress; 317

(xii) The employer makes payment to the individual for 318
services on a regular basis, such as hourly, weekly, or monthly; 319

(xiii) The employer pays expenses for the individual 320
performing services; 321

(xiv) The employer furnishes the tools and materials for 322
use by the individual to perform services; 323

(xv) The individual performing services has not invested 324
in the facilities used to perform services; 325

(xvi) The individual performing services does not realize 326
a profit or suffer a loss as a result of the performance of the 327
services; 328

(xvii) The individual performing services is not 329
performing services for more than two employers simultaneously; 330

(xviii) The individual performing services does not make 331
the services available to the general public; 332

(xix) The employer has a right to discharge the individual 333
performing services; 334

(xx) The individual performing services has the right to 335
end the individual's relationship with the employer without 336
incurring liability pursuant to an employment contract or 337
agreement. 338

(1) Service performed by an individual in the employ of an 339
Indian tribe as defined by section 4(e) of the "Indian Self- 340
Determination and Education Assistance Act," 88 Stat. 2204 341
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 342

subsidiary, or business enterprise wholly owned by an Indian 343
tribe provided that the service is excluded from employment as 344
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 345
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 346
under division (B)(3) of this section. 347

(m) Service performed by an individual for or on behalf of 348
a motor carrier transporting property as an operator of a 349
vehicle or vessel, unless all of the following factors apply to 350
the individual and the motor carrier has not elected to consider 351
the individual's service as employment: 352

(i) The individual owns the vehicle or vessel that is used 353
in performing the services for or on behalf of the carrier, or 354
the individual leases the vehicle or vessel under a bona fide 355
lease agreement that is not a temporary replacement lease 356
agreement. For purposes of this division, a bona fide lease 357
agreement does not include an agreement between the individual 358
and the motor carrier transporting property for which, or on 359
whose behalf, the individual provides services. 360

(ii) The individual is responsible for supplying the 361
necessary personal services to operate the vehicle or vessel 362
used to provide the service. 363

(iii) The compensation paid to the individual is based on 364
factors related to work performed, including on a mileage-based 365
rate or a percentage of any schedule of rates, and not solely on 366
the basis of the hours or time expended. 367

(iv) The individual substantially controls the means and 368
manner of performing the services, in conformance with 369
regulatory requirements and specifications of the shipper. 370

(v) The individual enters into a written contract with the 371

carrier for whom the individual is performing the services that 372
describes the relationship between the individual and the 373
carrier to be that of an independent contractor and not that of 374
an employee. 375

(vi) The individual is responsible for substantially all 376
of the principal operating costs of the vehicle or vessel and 377
equipment used to provide the services, including maintenance, 378
fuel, repairs, supplies, vehicle or vessel insurance, and 379
personal expenses, except that the individual may be paid by the 380
carrier the carrier's fuel surcharge and incidental costs, 381
including tolls, permits, and lump sum fees. 382

(vii) The individual is responsible for any economic loss 383
or economic gain from the arrangement with the carrier. 384

(viii) The individual is not performing services described 385
in 26 U.S.C. 3306(c) (7) or (8). 386

(3) "Employment" does not include the following services 387
if they are found not subject to the "Federal Unemployment Tax 388
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 389
services are not required to be included under division (B) (2) 390
(j) of this section: 391

(a) Service performed after December 31, 1977, in 392
agricultural labor, except as provided in division (A) (1) (d) of 393
this section; 394

(b) Domestic service performed after December 31, 1977, in 395
a private home, local college club, or local chapter of a 396
college fraternity or sorority except as provided in division 397
(A) (1) (c) of this section; 398

(c) Service performed after December 31, 1977, for this 399
state or a political subdivision as described in division (B) (2) 400

- (a) of this section when performed: 401
- (i) As a publicly elected official; 402
- (ii) As a member of a legislative body, or a member of the 403
judiciary; 404
- (iii) As a military member of the Ohio national guard; 405
- (iv) As an employee, not in the classified service as 406
defined in section 124.11 of the Revised Code, serving on a 407
temporary basis in case of fire, storm, snow, earthquake, flood, 408
or similar emergency; 409
- (v) In a position which, under or pursuant to law, is 410
designated as a major nontenured policymaking or advisory 411
position, not in the classified service of the state, or a 412
policymaking or advisory position the performance of the duties 413
of which ordinarily does not require more than eight hours per 414
week. 415
- (d) In the employ of any governmental unit or 416
instrumentality of the United States; 417
- (e) Service performed after December 31, 1971: 418
- (i) Service in the employ of an educational institution or 419
institution of higher education, including those operated by the 420
state or a political subdivision, if such service is performed 421
by a student who is enrolled and is regularly attending classes 422
at the educational institution or institution of higher 423
education; or 424
- (ii) By an individual who is enrolled at a nonprofit or 425
public educational institution which normally maintains a 426
regular faculty and curriculum and normally has a regularly 427
organized body of students in attendance at the place where its 428

educational activities are carried on as a student in a full- 429
time program, taken for credit at the institution, which 430
combines academic instruction with work experience, if the 431
service is an integral part of the program, and the institution 432
has so certified to the employer, provided that this subdivision 433
shall not apply to service performed in a program established 434
for or on behalf of an employer or group of employers. 435

(f) Service performed by an individual in the employ of 436
the individual's son, daughter, or spouse and service performed 437
by a child under the age of eighteen in the employ of the 438
child's father or mother; 439

(g) Service performed for one or more principals by an 440
individual who is compensated on a commission basis, who in the 441
performance of the work is master of the individual's own time 442
and efforts, and whose remuneration is wholly dependent on the 443
amount of effort the individual chooses to expend, and which 444
service is not subject to the "Federal Unemployment Tax Act," 53 445
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 446
after December 31, 1971: 447

(i) By an individual for an employer as an insurance agent 448
or as an insurance solicitor, if all this service is performed 449
for remuneration solely by way of commission; 450

(ii) As a home worker performing work, according to 451
specifications furnished by the employer for whom the services 452
are performed, on materials or goods furnished by such employer 453
which are required to be returned to the employer or to a person 454
designated for that purpose. 455

(h) Service performed after December 31, 1971: 456

(i) In the employ of a church or convention or association 457

of churches, or in an organization which is operated primarily 458
for religious purposes and which is operated, supervised, 459
controlled, or principally supported by a church or convention 460
or association of churches; 461

(ii) By a duly ordained, commissioned, or licensed 462
minister of a church in the exercise of the individual's 463
ministry or by a member of a religious order in the exercise of 464
duties required by such order; or 465

(iii) In a facility conducted for the purpose of carrying 466
out a program of rehabilitation for individuals whose earning 467
capacity is impaired by age or physical or mental disability or 468
injury, or providing remunerative work for individuals who 469
because of their impaired physical or mental capacity cannot be 470
readily absorbed in the competitive labor market, by an 471
individual receiving such rehabilitation or remunerative work. 472

(i) Service performed after June 30, 1939, with respect to 473
which unemployment compensation is payable under the "Railroad 474
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 475
351; 476

(j) Service performed by an individual in the employ of 477
any organization exempt from income tax under section 501 of the 478
"Internal Revenue Code of 1954," if the remuneration for such 479
service does not exceed fifty dollars in any calendar quarter, 480
or if such service is in connection with the collection of dues 481
or premiums for a fraternal beneficial society, order, or 482
association and is performed away from the home office or is 483
ritualistic service in connection with any such society, order, 484
or association; 485

(k) Casual labor not in the course of an employer's trade 486

or business; incidental service performed by an officer, 487
appraiser, or member of a finance committee of a bank, building 488
and loan association, savings and loan association, or savings 489
association when the remuneration for such incidental service 490
exclusive of the amount paid or allotted for directors' fees 491
does not exceed sixty dollars per calendar quarter is casual 492
labor; 493

(l) Service performed in the employ of a voluntary 494
employees' beneficial association providing for the payment of 495
life, sickness, accident, or other benefits to the members of 496
such association or their dependents or their designated 497
beneficiaries, if admission to a membership in such association 498
is limited to individuals who are officers or employees of a 499
municipal or public corporation, of a political subdivision of 500
the state, or of the United States and no part of the net 501
earnings of such association inures, other than through such 502
payments, to the benefit of any private shareholder or 503
individual; 504

(m) Service performed by an individual in the employ of a 505
foreign government, including service as a consular or other 506
officer or employee or of a nondiplomatic representative; 507

(n) Service performed in the employ of an instrumentality 508
wholly owned by a foreign government if the service is of a 509
character similar to that performed in foreign countries by 510
employees of the United States or of an instrumentality thereof 511
and if the director finds that the secretary of state of the 512
United States has certified to the secretary of the treasury of 513
the United States that the foreign government, with respect to 514
whose instrumentality exemption is claimed, grants an equivalent 515
exemption with respect to similar service performed in the 516

foreign country by employees of the United States and of 517
instrumentalities thereof; 518

(o) Service with respect to which unemployment 519
compensation is payable under an unemployment compensation 520
system established by an act of congress; 521

(p) Service performed as a student nurse in the employ of 522
a hospital or a nurses' training school by an individual who is 523
enrolled and is regularly attending classes in a nurses' 524
training school chartered or approved pursuant to state law, and 525
service performed as an intern in the employ of a hospital by an 526
individual who has completed a four years' course in a medical 527
school chartered or approved pursuant to state law; 528

(q) Service performed by an individual under the age of 529
eighteen in the delivery or distribution of newspapers or 530
shopping news, not including delivery or distribution to any 531
point for subsequent delivery or distribution; 532

(r) Service performed in the employ of the United States 533
or an instrumentality of the United States immune under the 534
Constitution of the United States from the contributions imposed 535
by this chapter, except that to the extent that congress permits 536
states to require any instrumentalities of the United States to 537
make payments into an unemployment fund under a state 538
unemployment compensation act, this chapter shall be applicable 539
to such instrumentalities and to services performed for such 540
instrumentalities in the same manner, to the same extent, and on 541
the same terms as to all other employers, individuals, and 542
services, provided that if this state is not certified for any 543
year by the proper agency of the United States under section 544
3304 of the "Internal Revenue Code of 1954," the payments 545
required of such instrumentalities with respect to such year 546

shall be refunded by the director from the fund in the same 547
manner and within the same period as is provided in division (E) 548
of section 4141.09 of the Revised Code with respect to 549
contributions erroneously collected; 550

(s) Service performed by an individual as a member of a 551
band or orchestra, provided such service does not represent the 552
principal occupation of such individual, and which service is 553
not subject to or required to be covered for full tax credit 554
against the tax imposed by the "Federal Unemployment Tax Act," 555
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 556

(t) Service performed in the employ of a day camp whose 557
camping season does not exceed twelve weeks in any calendar 558
year, and which service is not subject to the "Federal 559
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 560
3311. Service performed after December 31, 1971: 561

(i) In the employ of a hospital, if the service is 562
performed by a patient of the hospital, as defined in division 563
(W) of this section; 564

(ii) For a prison or other correctional institution by an 565
inmate of the prison or correctional institution; 566

(iii) Service performed after December 31, 1977, by an 567
inmate of a custodial institution operated by the state, a 568
political subdivision, or a nonprofit organization. 569

(u) Service that is performed by a nonresident alien 570
individual for the period the individual temporarily is present 571
in the United States as a nonimmigrant under division (F), (J), 572
(M), or (Q) of section 101(a)(15) of the "Immigration and 573
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 574
that is excluded under section 3306(c)(19) of the "Federal 575

Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 576
3311. 577

(v) Notwithstanding any other provisions of division (B) 578
(3) of this section, services that are excluded under divisions 579
(B) (3) (g), (j), (k), and (l) of this section shall not be 580
excluded from employment when performed for a nonprofit 581
organization, as defined in division (X) of this section, or for 582
this state or its instrumentalities, or for a political 583
subdivision or its instrumentalities or for Indian tribes; 584

(w) Service that is performed by an individual working as 585
an election official or election worker if the amount of 586
remuneration received by the individual during the calendar year 587
for services as an election official or election worker is less 588
than one thousand dollars; 589

(x) Service performed for an elementary or secondary 590
school that is operated primarily for religious purposes, that 591
is described in subsection 501(c) (3) and exempt from federal 592
income taxation under subsection 501(a) of the Internal Revenue 593
Code, 26 U.S.C.A. 501; 594

(y) Service performed by a person committed to a penal 595
institution. 596

(z) Service performed for an Indian tribe as described in 597
division (B) (2) (1) of this section when performed in any of the 598
following manners: 599

(i) As a publicly elected official; 600

(ii) As a member of an Indian tribal council; 601

(iii) As a member of a legislative or judiciary body; 602

(iv) In a position which, pursuant to Indian tribal law, 603

is designated as a major nontenured policymaking or advisory 604
position, or a policymaking or advisory position where the 605
performance of the duties ordinarily does not require more than 606
eight hours of time per week; 607

(v) As an employee serving on a temporary basis in the 608
case of a fire, storm, snow, earthquake, flood, or similar 609
emergency. 610

(aa) Service performed after December 31, 1971, for a 611
nonprofit organization, this state or its instrumentalities, a 612
political subdivision or its instrumentalities, or an Indian 613
tribe as part of an unemployment work-relief or work-training 614
program assisted or financed in whole or in part by any federal 615
agency or an agency of a state or political subdivision, 616
thereof, by an individual receiving the work-relief or work- 617
training. 618

(bb) Participation in a learn to earn program as defined 619
in section 4141.293 of the Revised Code. 620

(4) If the services performed during one half or more of 621
any pay period by an employee for the person employing that 622
employee constitute employment, all the services of such 623
employee for such period shall be deemed to be employment; but 624
if the services performed during more than one half of any such 625
pay period by an employee for the person employing that employee 626
do not constitute employment, then none of the services of such 627
employee for such period shall be deemed to be employment. As 628
used in division (B) (4) of this section, "pay period" means a 629
period, of not more than thirty-one consecutive days, for which 630
payment of remuneration is ordinarily made to the employee by 631
the person employing that employee. Division (B) (4) of this 632
section does not apply to services performed in a pay period by 633

an employee for the person employing that employee, if any of 634
such service is excepted by division (B)(3)(o) of this section. 635

(C) "Benefits" means money payments payable to an 636
individual who has established benefit rights, as provided in 637
this chapter, for loss of remuneration due to the individual's 638
unemployment. 639

(D) "Benefit rights" means the weekly benefit amount and 640
the maximum benefit amount that may become payable to an 641
individual within the individual's benefit year as determined by 642
the director. 643

(E) "Claim for benefits" means a claim for waiting period 644
or benefits for a designated week. 645

(F) "Additional claim" means the first claim for benefits 646
filed following any separation from employment during a benefit 647
year; "continued claim" means any claim other than the first 648
claim for benefits and other than an additional claim. 649

(G) "Wages" means remuneration paid to an employee by each 650
of the employee's employers with respect to employment; except 651
that wages shall not include that part of remuneration paid 652
during any calendar year to an individual by an employer or such 653
employer's predecessor in interest in the same business or 654
enterprise, which in any calendar year is in excess of nine 655
thousand dollars on and after January 1, 1995; nine thousand 656
five hundred dollars on and after January 1, 2018; ~~and nine~~ 657
thousand dollars on and after January 1, 2020; and nine thousand 658
five hundred dollars on and after January 1, 2026. Remuneration 659
in excess of such amounts shall be deemed wages subject to 660
contribution to the same extent that such remuneration is 661
defined as wages under the "Federal Unemployment Tax Act," 84 662

Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 663
remuneration paid an employee by an employer with respect to 664
employment in another state, upon which contributions were 665
required and paid by such employer under the unemployment 666
compensation act of such other state, shall be included as a 667
part of remuneration in computing the amount specified in this 668
division. 669

(H) (1) "Remuneration" means all compensation for personal 670
services, including commissions and bonuses and the cash value 671
of all compensation in any medium other than cash, except that 672
in the case of agricultural or domestic service, "remuneration" 673
includes only cash remuneration. Gratuities customarily received 674
by an individual in the course of the individual's employment 675
from persons other than the individual's employer and which are 676
accounted for by such individual to the individual's employer 677
are taxable wages. 678

The reasonable cash value of compensation paid in any 679
medium other than cash shall be estimated and determined in 680
accordance with rules prescribed by the director, provided that 681
"remuneration" does not include: 682

(a) Payments as provided in divisions (b) (2) to (b) (20) of 683
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 684
713, 26 U.S.C.A. 3301 to 3311, as amended; 685

(b) The payment by an employer, without deduction from the 686
remuneration of the individual in the employer's employ, of the 687
tax imposed upon an individual in the employer's employ under 688
section 3101 of the "Internal Revenue Code of 1954," with 689
respect to services performed after October 1, 1941. 690

(2) "Cash remuneration" means all remuneration paid in 691

cash, including commissions and bonuses, but not including the 692
cash value of all compensation in any medium other than cash. 693

(I) "Interested party" means the director and any party to 694
whom notice of a determination of an application for benefit 695
rights or a claim for benefits is required to be given under 696
section 4141.28 of the Revised Code. 697

(J) "Annual payroll" means the total amount of wages 698
subject to contributions during a twelve-month period ending 699
with the last day of the second calendar quarter of any calendar 700
year. 701

(K) "Average annual payroll" means the average of the last 702
three annual payrolls of an employer, provided that if, as of 703
any computation date, the employer has had less than three 704
annual payrolls in such three-year period, such average shall be 705
based on the annual payrolls which the employer has had as of 706
such date. 707

(L) (1) "Contributions" means the money payments to the 708
state unemployment compensation fund required of employers by 709
section 4141.25 of the Revised Code ~~and~~, of the state and any of 710
its political subdivisions electing to pay contributions under 711
section 4141.242 of the Revised Code, and of employees by 712
section 4141.252 of the Revised Code. Employers paying 713
contributions shall be described as "contributory employers." 714

(2) "Payments in lieu of contributions" means the money 715
payments to the state unemployment compensation fund required of 716
reimbursing employers under sections 4141.241 and 4141.242 of 717
the Revised Code. 718

(M) An individual is "totally unemployed" in any week 719
during which the individual performs no services and with 720

respect to such week no remuneration is payable to the 721
individual. 722

(N) An individual is "partially unemployed" in any week 723
if, due to involuntary loss of work, the total remuneration 724
payable to the individual for such week is less than the 725
individual's weekly benefit amount. 726

(O) "Week" means the calendar week ending at midnight 727
Saturday unless an equivalent week of seven consecutive calendar 728
days is prescribed by the director. 729

(1) "Qualifying week" means any calendar week in an 730
individual's base period with respect to which the individual 731
earns or is paid remuneration in employment subject to this 732
chapter. A calendar week with respect to which an individual 733
earns remuneration but for which payment was not made within the 734
base period, when necessary to qualify for benefit rights, may 735
be considered to be a qualifying week. The number of qualifying 736
weeks which may be established in a calendar quarter shall not 737
exceed the number of calendar weeks in the quarter. 738

(2) "Average weekly wage" means the amount obtained by 739
dividing an individual's total remuneration for all qualifying 740
weeks during the base period by the number of such qualifying 741
weeks, provided that if the computation results in an amount 742
that is not a multiple of one dollar, such amount shall be 743
rounded to the next lower multiple of one dollar. 744

(P) "Weekly benefit amount" means the amount of benefits 745
an individual would be entitled to receive for one week of total 746
unemployment. 747

(Q) (1) "Base period" means the first four of the last five 748
completed calendar quarters immediately preceding the first day 749

of an individual's benefit year, except as provided in division 750
(Q) (2) of this section. 751

(2) If an individual does not have sufficient qualifying 752
weeks and wages in the base period to qualify for benefit 753
rights, the individual's base period shall be the four most 754
recently completed calendar quarters preceding the first day of 755
the individual's benefit year. Such base period shall be known 756
as the "alternate base period." If information as to weeks and 757
wages for the most recent quarter of the alternate base period 758
is not available to the director from the regular quarterly 759
reports of wage information, which are systematically 760
accessible, the director may, consistent with the provisions of 761
section 4141.28 of the Revised Code, base the determination of 762
eligibility for benefits on the affidavit of the claimant with 763
respect to weeks and wages for that calendar quarter. The 764
claimant shall furnish payroll documentation, where available, 765
in support of the affidavit. The determination based upon the 766
alternate base period as it relates to the claimant's benefit 767
rights, shall be amended when the quarterly report of wage 768
information from the employer is timely received and that 769
information causes a change in the determination. As provided in 770
division (B) of section 4141.28 of the Revised Code, any 771
benefits paid and charged to an employer's account, based upon a 772
claimant's affidavit, shall be adjusted effective as of the 773
beginning of the claimant's benefit year. No calendar quarter in 774
a base period or alternate base period shall be used to 775
establish a subsequent benefit year. 776

(3) The "base period" of a combined wage claim, as 777
described in division (H) of section 4141.43 of the Revised 778
Code, shall be the base period prescribed by the law of the 779
state in which the claim is allowed. 780

(4) For purposes of determining the weeks that comprise a 781
completed calendar quarter under this division, only those weeks 782
ending at midnight Saturday within the calendar quarter shall be 783
utilized. 784

(R) (1) "Benefit year" with respect to an individual means 785
the fifty-two week period beginning with the first day of that 786
week with respect to which the individual first files a valid 787
application for determination of benefit rights, and thereafter 788
the fifty-two week period beginning with the first day of that 789
week with respect to which the individual next files a valid 790
application for determination of benefit rights after the 791
termination of the individual's last preceding benefit year, 792
except that the application shall not be considered valid unless 793
the individual has had employment in six weeks that is subject 794
to this chapter or the unemployment compensation act of another 795
state, or the United States, and has, since the beginning of the 796
individual's previous benefit year, in the employment earned 797
three times the average weekly wage determined for the previous 798
benefit year. The "benefit year" of a combined wage claim, as 799
described in division (H) of section 4141.43 of the Revised 800
Code, shall be the benefit year prescribed by the law of the 801
state in which the claim is allowed. Any application for 802
determination of benefit rights made in accordance with section 803
4141.28 of the Revised Code is valid if the individual filing 804
such application is unemployed, has been employed by an employer 805
or employers subject to this chapter in at least twenty 806
qualifying weeks within the individual's base period, and has 807
earned or been paid remuneration at an average weekly wage of 808
not less than twenty-seven and one-half per cent of the 809
statewide average weekly wage for such weeks. For purposes of 810
determining whether an individual has had sufficient employment 811

since the beginning of the individual's previous benefit year to 812
file a valid application, "employment" means the performance of 813
services for which remuneration is payable. 814

(2) Effective for benefit years beginning on and after 815
December 26, 2004, but before July 1, 2022, any application for 816
determination of benefit rights made in accordance with section 817
4141.28 of the Revised Code is valid if the individual satisfies 818
the criteria described in division (R)(1) of this section, and 819
if the reason for the individual's separation from employment is 820
not disqualifying pursuant to division (D)(2) of section 4141.29 821
or section 4141.291 of the Revised Code. A disqualification 822
imposed pursuant to division (D)(2) of section 4141.29 or 823
section 4141.291 of the Revised Code must be removed as provided 824
in those sections as a requirement of establishing a valid 825
application for benefit years beginning on and after December 826
26, 2004, but before July 1, 2022. Effective for benefit years 827
beginning on and after July 1, 2022, any application for 828
determination of benefit rights made in accordance with section 829
4141.28 of the Revised Code is valid if the individual satisfies 830
the criteria described in division (R)(1) of this section. A 831
disqualification imposed pursuant to division (D)(2) of section 832
4141.29 or section 4141.291 of the Revised Code does not affect 833
the validity of an application. 834

(3) The statewide average weekly wage shall be calculated 835
by the director once a year based on the twelve-month period 836
ending the thirtieth day of June, as set forth in division (B) 837
(3) of section 4141.30 of the Revised Code, rounded down to the 838
nearest dollar. Increases or decreases in the amount of 839
remuneration required to have been earned or paid in order for 840
individuals to have filed valid applications shall become 841
effective on Sunday of the calendar week in which the first day 842

of January occurs that follows the twelve-month period ending 843
the thirtieth day of June upon which the calculation of the 844
statewide average weekly wage was based. 845

(4) As used in this division, an individual is 846
"unemployed" if, with respect to the calendar week in which such 847
application is filed, the individual is "partially unemployed" 848
or "totally unemployed" as defined in this section or if, prior 849
to filing the application, the individual was separated from the 850
individual's most recent work for any reason which terminated 851
the individual's employee-employer relationship, or was laid off 852
indefinitely or for a definite period of seven or more days. 853

(S) "Calendar quarter" means the period of three 854
consecutive calendar months ending on the thirty-first day of 855
March, the thirtieth day of June, the thirtieth day of 856
September, and the thirty-first day of December, or the 857
equivalent thereof as the director prescribes by rule. 858

(T) "Computation date" means the first day of the third 859
calendar quarter of any calendar year. 860

(U) "Contribution period" means the calendar year 861
beginning on the first day of January of any year. 862

(V) "Agricultural labor," for the purpose of this 863
division, means any service performed prior to January 1, 1972, 864
which was agricultural labor as defined in this division prior 865
to that date, and service performed after December 31, 1971: 866

(1) On a farm, in the employ of any person, in connection 867
with cultivating the soil, or in connection with raising or 868
harvesting any agricultural or horticultural commodity, 869
including the raising, shearing, feeding, caring for, training, 870
and management of livestock, bees, poultry, and fur-bearing 871

animals and wildlife; 872

(2) In the employ of the owner or tenant or other operator 873
of a farm in connection with the operation, management, 874
conservation, improvement, or maintenance of such farm and its 875
tools and equipment, or in salvaging timber or clearing land of 876
brush and other debris left by hurricane, if the major part of 877
such service is performed on a farm; 878

(3) In connection with the production or harvesting of any 879
commodity defined as an agricultural commodity in section 15 (g) 880
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 881
U.S.C. 1141j, as amended, or in connection with the ginning of 882
cotton, or in connection with the operation or maintenance of 883
ditches, canals, reservoirs, or waterways, not owned or operated 884
for profit, used exclusively for supplying and storing water for 885
farming purposes; 886

(4) In the employ of the operator of a farm in handling, 887
planting, drying, packing, packaging, processing, freezing, 888
grading, storing, or delivering to storage or to market or to a 889
carrier for transportation to market, in its unmanufactured 890
state, any agricultural or horticultural commodity, but only if 891
the operator produced more than one half of the commodity with 892
respect to which such service is performed; 893

(5) In the employ of a group of operators of farms, or a 894
cooperative organization of which the operators are members, in 895
the performance of service described in division (V) (4) of this 896
section, but only if the operators produced more than one-half 897
of the commodity with respect to which the service is performed; 898

(6) Divisions (V) (4) and (5) of this section shall not be 899
deemed to be applicable with respect to service performed: 900

(a) In connection with commercial canning or commercial 901
freezing or in connection with any agricultural or horticultural 902
commodity after its delivery to a terminal market for 903
distribution for consumption; or 904

(b) On a farm operated for profit if the service is not in 905
the course of the employer's trade or business. 906

As used in division (V) of this section, "farm" includes 907
stock, dairy, poultry, fruit, fur-bearing animal, and truck 908
farms, plantations, ranches, nurseries, ranges, greenhouses, or 909
other similar structures used primarily for the raising of 910
agricultural or horticultural commodities and orchards. 911

(W) "Hospital" means an institution which has been 912
registered or licensed by the Ohio department of health as a 913
hospital. 914

(X) "Nonprofit organization" means an organization, or 915
group of organizations, described in section 501(c)(3) of the 916
"Internal Revenue Code of 1954," and exempt from income tax 917
under section 501(a) of that code. 918

(Y) "Institution of higher education" means a public or 919
nonprofit educational institution, including an educational 920
institution operated by an Indian tribe, which: 921

(1) Admits as regular students only individuals having a 922
certificate of graduation from a high school, or the recognized 923
equivalent; 924

(2) Is legally authorized in this state or by the Indian 925
tribe to provide a program of education beyond high school; and 926

(3) Provides an educational program for which it awards a 927
bachelor's or higher degree, or provides a program which is 928

acceptable for full credit toward such a degree, a program of 929
post-graduate or post-doctoral studies, or a program of training 930
to prepare students for gainful employment in a recognized 931
occupation. 932

For the purposes of this division, all colleges and 933
universities in this state are institutions of higher education. 934

(Z) For the purposes of this chapter, "states" includes 935
the District of Columbia, the Commonwealth of Puerto Rico, and 936
the Virgin Islands. 937

(AA) "Alien" means, for the purposes of division (A) (1) (d) 938
of this section, an individual who is an alien admitted to the 939
United States to perform service in agricultural labor pursuant 940
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 941
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 942

(BB) (1) "Crew leader" means an individual who furnishes 943
individuals to perform agricultural labor for any other employer 944
or farm operator, and: 945

(a) Pays, either on the individual's own behalf or on 946
behalf of the other employer or farm operator, the individuals 947
so furnished by the individual for the service in agricultural 948
labor performed by them; 949

(b) Has not entered into a written agreement with the 950
other employer or farm operator under which the agricultural 951
worker is designated as in the employ of the other employer or 952
farm operator. 953

(2) For the purposes of this chapter, any individual who 954
is a member of a crew furnished by a crew leader to perform 955
service in agricultural labor for any other employer or farm 956
operator shall be treated as an employee of the crew leader if: 957

(a) The crew leader holds a valid certificate of 958
registration under the "Farm Labor Contractor Registration Act 959
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 960

(b) Substantially all the members of the crew operate or 961
maintain tractors, mechanized harvesting or crop-dusting 962
equipment, or any other mechanized equipment, which is provided 963
by the crew leader; and 964

(c) If the individual is not in the employment of the 965
other employer or farm operator within the meaning of division 966
(B) (1) of this section. 967

(3) For the purposes of this division, any individual who 968
is furnished by a crew leader to perform service in agricultural 969
labor for any other employer or farm operator and who is not 970
treated as in the employment of the crew leader under division 971
(BB) (2) of this section shall be treated as the employee of the 972
other employer or farm operator and not of the crew leader. The 973
other employer or farm operator shall be treated as having paid 974
cash remuneration to the individual in an amount equal to the 975
amount of cash remuneration paid to the individual by the crew 976
leader, either on the crew leader's own behalf or on behalf of 977
the other employer or farm operator, for the service in 978
agricultural labor performed for the other employer or farm 979
operator. 980

(CC) "Educational institution" means an institution other 981
than an institution of higher education as defined in division 982
(Y) of this section, including an educational institution 983
operated by an Indian tribe, which: 984

(1) Offers participants, trainees, or students an 985
organized course of study or training designed to transfer to 986

them knowledge, skills, information, doctrines, attitudes, or 987
abilities from, by, or under the guidance of an instructor or 988
teacher; and 989

(2) Is approved, chartered, or issued a permit to operate 990
as a school by the director of education and workforce, other 991
government agency, or Indian tribe that is authorized within the 992
state to approve, charter, or issue a permit for the operation 993
of a school. 994

For the purposes of this division, the courses of study or 995
training which the institution offers may be academic, 996
technical, trade, or preparation for gainful employment in a 997
recognized occupation. 998

(DD) "Cost savings day" means any unpaid day off from work 999
in which employees continue to accrue employee benefits which 1000
have a determinable value including, but not limited to, 1001
vacation, pension contribution, sick time, and life and health 1002
insurance. 1003

(EE) "Motor carrier" has the same meaning as in section 1004
4923.01 of the Revised Code. 1005

Sec. 4141.09. (A) There is hereby created an unemployment 1006
compensation fund to be administered by the state without 1007
liability on the part of the state beyond the amounts paid into 1008
the fund and earned by the fund. The unemployment compensation 1009
fund shall consist of all employer contributions, payments in 1010
lieu of contributions described in sections 4141.241 and 1011
4141.242 of the Revised Code, employee contributions described 1012
in section 4141.252 of the Revised Code, reimbursements of the 1013
federal share of extended benefits described in section 4141.301 1014
of the Revised Code, collected under sections 4141.01 to 4141.56 1015

of the Revised Code, and the amount required under division (A) 1016
(4) of section 4141.35 of the Revised Code, together with all 1017
interest earned upon any moneys deposited with the secretary of 1018
the treasury of the United States to the credit of the account 1019
of this state in the unemployment trust fund established and 1020
maintained pursuant to section 904 of the "Social Security Act," 1021
any property or securities acquired through the use of moneys 1022
belonging to the fund, and all earnings of such property or 1023
securities. The unemployment compensation fund shall be used to 1024
pay benefits, shared work compensation as defined in section 1025
4141.50 of the Revised Code, and refunds as provided by such 1026
sections and for no other purpose. 1027

(B) The treasurer of state shall be the custodian of the 1028
unemployment compensation fund and shall administer such fund in 1029
accordance with the directions of the director of job and family 1030
services. All disbursements therefrom shall be paid by the 1031
treasurer of state on warrants drawn by the director. Such 1032
warrants may have the signature of the director printed thereon 1033
and that of a deputy or other employee of the director charged 1034
with the duty of keeping the account of the unemployment 1035
compensation fund and with the preparation of warrants for the 1036
payment of benefits to the persons entitled thereto. Moneys in 1037
the clearing and benefit accounts shall not be commingled with 1038
other state funds, except as provided in division (C) of this 1039
section, but shall be maintained in separate accounts on the 1040
books of the depository bank. Such money shall be secured by the 1041
depository bank to the same extent and in the same manner as 1042
required by sections 135.01 to 135.21 of the Revised Code; and 1043
collateral pledged for this purpose shall be kept separate and 1044
distinct from any collateral pledged to secure other funds of 1045
this state. All sums recovered for losses sustained by the 1046

unemployment compensation fund shall be deposited therein. The 1047
treasurer of state shall be liable on the treasurer's official 1048
bond for the faithful performance of the treasurer's duties in 1049
connection with the unemployment compensation fund, such 1050
liability to exist in addition to any liability upon any 1051
separate bond. 1052

(C) The treasurer of state shall maintain within the 1053
unemployment compensation fund three separate accounts which 1054
shall be a clearing account, a trust fund account, and a benefit 1055
account. All moneys payable to the unemployment compensation 1056
fund, upon receipt by the director, shall be forwarded to the 1057
treasurer of state, who shall immediately deposit them in the 1058
clearing account. Refunds of contributions, or payments in lieu 1059
of contributions, payable pursuant to division (E) of this 1060
section may be paid from the clearing account upon warrants 1061
signed by a deputy or other employee of the director charged 1062
with the duty of keeping the record of the clearing account and 1063
with the preparation of warrants for the payment of refunds to 1064
persons entitled thereto. After clearance thereof, all moneys in 1065
the clearing account shall be deposited with the secretary of 1066
the treasury of the United States to the credit of the account 1067
of this state in the unemployment trust fund established and 1068
maintained pursuant to section 904 of the "Social Security Act," 1069
in accordance with requirements of the "Federal Unemployment Tax 1070
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 1071
in this state relating to the deposit, administration, release, 1072
or disbursement of moneys in the possession or custody of this 1073
state to the contrary notwithstanding. The benefit account shall 1074
consist of all moneys requisitioned from this state's account in 1075
the unemployment trust fund. Federal funds may be deposited, at 1076
the director's discretion, into the benefit account. Any funds 1077

deposited into the benefit account shall be disbursed solely for 1078
payment of benefits under a federal program administered by this 1079
state and for no other purpose. Moneys in the clearing and 1080
benefit accounts may be deposited by the treasurer of state, 1081
under the direction of the director, in any bank or public 1082
depository in which general funds of the state may be deposited, 1083
but no public deposit insurance charge or premium shall be paid 1084
out of the fund. 1085

(D) Moneys shall be requisitioned from this state's 1086
account in the unemployment trust fund solely for the payment of 1087
benefits and in accordance with regulations prescribed by the 1088
director. The director shall requisition from the unemployment 1089
trust fund such amounts, not exceeding the amount standing to 1090
this state's account therein, as are deemed necessary for the 1091
payment of benefits for a reasonable future period. Upon receipt 1092
thereof, the treasurer of state shall deposit such moneys in the 1093
benefit account. Expenditures of such money in the benefit 1094
account and refunds from the clearing account shall not require 1095
specific appropriations or other formal release by state 1096
officers of money in their custody. Any balance of moneys 1097
requisitioned from the unemployment trust fund which remains 1098
unclaimed or unpaid in the benefit account after the expiration 1099
of the period for which such sums were requisitioned shall 1100
either be deducted from estimates for and may be utilized for 1101
the payment of benefits during succeeding periods, or, in the 1102
discretion of the director, shall be redeposited with the 1103
secretary of the treasury of the United States to the credit of 1104
this state's account in the unemployment trust fund, as provided 1105
in division (C) of this section. Unclaimed or unpaid federal 1106
funds redeposited with the secretary of the treasury of the 1107
United States shall be credited to the appropriate federal 1108

account. 1109

(E) No claim for an adjustment or a refund on an employer 1110
contribution, payment in lieu of contributions, employee 1111
contribution, interest, or forfeiture alleged to have been 1112
erroneously or illegally assessed or collected, or alleged to 1113
have been collected without authority, and no claim for an 1114
adjustment or a refund of any sum alleged to have been excessive 1115
or in any manner wrongfully collected shall be allowed unless an 1116
application, in writing, therefor is made within four years from 1117
the date on which such payment was made. If the director 1118
determines that such employer contribution, payment in lieu of 1119
contributions, employee contribution, interest, or forfeiture, 1120
or any portion thereof, was erroneously collected, the director 1121
shall allow such employer to make an adjustment thereof without 1122
interest in connection with subsequent contribution payments, or 1123
payments in lieu of contributions, by the employer, or the 1124
director may refund said amount, without interest, from the 1125
clearing account of the unemployment compensation fund, except 1126
as provided in division (B) of section 4141.11 of the Revised 1127
Code. For like cause and within the same period, adjustment or 1128
refund may be so made on the director's own initiative. An 1129
overpayment of contribution, payment in lieu of contributions, 1130
interest, or forfeiture for which an employer has not made 1131
application for refund prior to the date of sale of the 1132
employer's business shall accrue to the employer's successor in 1133
interest. 1134

With respect to any employee contributions that were 1135
erroneously collected, if the employee on whose behalf the 1136
employer collected the contribution under section 4141.252 of 1137
the Revised Code is employed by the employer on the date the 1138
employer applies for an adjustment or refund under this section, 1139

the employer may request either an adjustment or a refund. If 1140
such an employee is not employed by the employer on the 1141
application date, the employer shall only request a refund of 1142
the employee contribution. The employer shall pay any refund of 1143
employee contributions directly to the employee on whose behalf 1144
the employee contribution was collected. 1145

An application for an adjustment or a refund, or any 1146
portion thereof, that is rejected is binding upon the employer 1147
unless, within thirty days after the mailing of a written notice 1148
of rejection to the employer's last known address, or, in the 1149
absence of mailing of such notice, within thirty days after the 1150
delivery of such notice, the employer files an application for a 1151
review and redetermination setting forth the reasons therefor. 1152
The director shall promptly examine the application for review 1153
and redetermination, and if a review is granted, the employer 1154
shall be promptly notified thereof, and shall be granted an 1155
opportunity for a prompt hearing. 1156

(F) If the director finds that contributions have been 1157
paid to the director in error, and that such contributions 1158
should have been paid to a department of another state or of the 1159
United States charged with the administration of an unemployment 1160
compensation law, the director may upon request by such 1161
department or upon the director's own initiative transfer to 1162
such department the amount of such contributions, less any 1163
benefits paid to claimants whose wages were the basis for such 1164
contributions. The director may request and receive from such 1165
department any contributions or adjusted contributions paid in 1166
error to such department which should have been paid to the 1167
director. 1168

(G) In accordance with section 303(c)(3) of the Social 1169

Security Act, and section 3304(a)(17) of the Internal Revenue 1170
Code of 1954 for continuing certification of Ohio unemployment 1171
compensation laws for administrative grants and for tax credits, 1172
any interest required to be paid on advances under Title XII of 1173
the Social Security Act shall be paid in a timely manner and 1174
shall not be paid, directly or indirectly, by an equivalent 1175
reduction in the Ohio unemployment taxes or otherwise, by the 1176
state from amounts in the unemployment compensation fund. 1177

(H) The treasurer of state, under the direction of the 1178
director and in accordance with the "Cash Management Improvement 1179
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall 1180
deposit amounts of interest earned by the state on funds in the 1181
benefit account established pursuant to division (C) of this 1182
section into the unemployment trust fund. 1183

(I) The treasurer of state, under the direction of the 1184
director, shall deposit federal funds received by the director 1185
for training and administration and for payment of benefits, job 1186
search, relocation, transportation, and subsistence allowances 1187
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 1188
2101, as amended; the "North American Free Trade Agreement 1189
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 1190
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 1191
3801, as amended, into the Trade Act training and administration 1192
account, which is hereby created for the purpose of making 1193
payments specified under those acts. The treasurer of state, 1194
under the direction of the director, may transfer funds from the 1195
Trade Act training and administration account to the benefit 1196
account for the purpose of making any payments directly to 1197
claimants for benefits, job search, relocation, transportation, 1198
and subsistence allowances, as specified by those acts. 1199

Sec. 4141.13. (A) In addition to all other duties imposed 1200
on the director of job and family services and powers granted by 1201
this chapter, the director may: 1202

(1) Adopt and enforce reasonable rules relative to the 1203
exercise of the director's powers and authority, and proper 1204
rules to govern the director's proceedings and to regulate the 1205
mode and manner of all investigations and hearings; 1206

(2) Prescribe the time, place, and manner of making claims 1207
for benefits under such sections, the kind and character of 1208
notices required thereunder, the procedure for investigating, 1209
hearing, and deciding claims, the nature and extent of the 1210
proofs and evidence and the method of furnishing and taking such 1211
proofs and evidence to establish the right to benefits, and the 1212
method and time within which adjudication and awards shall be 1213
made; 1214

(3) Adopt rules with respect to the collection, 1215
maintenance, and disbursement of the unemployment and 1216
administrative funds; 1217

(4) Amend and modify any of the director's rules from time 1218
to time in such respects as the director finds necessary or 1219
desirable; 1220

(5) Authorize a designee to hold or undertake an 1221
investigation, inquiry, or hearing that the director is 1222
authorized to hold or undertake. An order of a designee 1223
authorized pursuant to this section is the order of the 1224
director. 1225

(6) Appoint advisors or advisory employment committees, by 1226
local districts or by industries, who shall, without 1227
compensation but with reimbursements for necessary expenses, 1228

assist the director in the execution of the director's duties; 1229

(7) Require all employers, including employers not 1230
otherwise subject to this chapter, to furnish to the director 1231
information concerning the amount of wages paid, the number of 1232
employees employed and the regularity of their employment, the 1233
number of employees hired, laid off, and discharged from time to 1234
time and the reasons therefor and the numbers that quit 1235
voluntarily, and other and further information respecting any 1236
other facts required for the proper administration of this 1237
chapter; 1238

(8) Classify generally industries, businesses, 1239
occupations, and employments, and employers individually, as to 1240
the hazard of unemployment in each business, industry, 1241
occupation, or employment, and as to the particular hazard of 1242
each employer, having special reference to the conditions of 1243
regularity and irregularity of the employment provided by such 1244
employer and of the fluctuations in payrolls of such employer; 1245

(9) Determine the contribution rates upon employers 1246
subject to this chapter, and provide for the levy and collection 1247
of the contributions from such employers; 1248

(10) In accordance with section 4141.252 of the Revised 1249
Code, provide for the collection of employee contributions from 1250
contributory employers; 1251

(11) Receive, hear, and decide claims for unemployment 1252
benefits, and provide for the payment of such claims as are 1253
allowed; 1254

~~(11)~~ (12) Promote the regularization of employment and the 1255
prevention of unemployment; 1256

~~(12)~~ (13) Encourage and assist in the adoption of practical 1257

methods of vocational training, retraining, and vocational 1258
guidance; 1259

~~(13)~~ (14) Investigate, recommend, and advise and assist in 1260
the establishment and operation by municipal corporations, 1261
counties, school districts, and the state of prosperity reserves 1262
of public work to be prosecuted in times of business depression 1263
and unemployment; 1264

~~(14)~~ (15) Promote the re-employment of unemployed workers 1265
throughout the state in any other way that may be feasible, and 1266
take all appropriate steps within the director's means to reduce 1267
and prevent unemployment; 1268

~~(15)~~ (16) Carry on and publish the results of any 1269
investigations and research that the director deems relevant; 1270

~~(16)~~ (17) Make such reports to the proper agency of the 1271
United States created by the "Social Security Act" as that 1272
agency requires, and comply with such provisions as the agency 1273
finds necessary to assure the correctness and verification of 1274
such reports; 1275

~~(17)~~ (18) Make available upon request to any agency of the 1276
United States charged with the administration of public works or 1277
assistance through public employment the name, address, ordinary 1278
occupation, and employment status of each recipient of 1279
unemployment benefits under this chapter, and a statement of 1280
such recipient's rights to further benefits under this chapter; 1281

~~(18)~~ (19) Make such investigations, secure and transmit 1282
such information, make available such services and facilities, 1283
and exercise such of the other powers provided by this section 1284
with respect to the administration of this chapter, as the 1285
director deems necessary or appropriate to facilitate the 1286

administration of the unemployment compensation law or public 1287
employment service laws of this state and of other states and 1288
the United States, and in like manner accept and utilize 1289
information, services, and facilities made available to this 1290
state by the agency charged with the administration of any such 1291
other unemployment compensation or public employment service 1292
laws; 1293

~~(19)~~ (20) Enter into or cooperate in arrangements whereby 1294
facilities and services provided under the unemployment 1295
compensation law of Canada may be utilized for the taking of 1296
claims and the payment of benefits under the unemployment 1297
compensation law of this state or under a similar law of Canada; 1298

~~(20)~~ (21) Transfer surplus computers and computer equipment 1299
directly to a chartered public school within the state, 1300
notwithstanding sections 125.12 to 125.14 of the Revised Code. 1301
The computers and computer equipment may be repaired or 1302
refurbished prior to the transfer, and the public school may be 1303
charged a service fee not to exceed the direct cost of repair or 1304
refurbishing. 1305

(B) (1) The director shall do all of the following: 1306

(a) Develop a written strategic staffing plan to be 1307
implemented whenever there is a substantial increase or a 1308
substantial decrease in the number of inquiries or claims for 1309
benefits and review the plan in accordance with division (B) (3) 1310
of this section; 1311

(b) Create, in a single place on the web site maintained 1312
by the director, a list of all of the points of contact through 1313
which an applicant for or a recipient of benefits under this 1314
chapter or an employer may submit inquiries related to this 1315

chapter; 1316

(c) Adopt rules creating a uniform process through which 1317
an applicant for or a recipient of benefits under this chapter 1318
or an employer may submit a complaint related to the service the 1319
applicant, recipient, or employer received. 1320

(2) The director shall include all of the following in the 1321
plan required under division (B) (1) (a) of this section: 1322

(a) An explanation of how, if at all, the director will 1323
utilize employees employed by the director who do not ordinarily 1324
perform services related to unemployment compensation; 1325

(b) An explanation of how, if at all, the director will 1326
utilize employees employed by other state agencies; 1327

(c) An explanation of how, if at all, the director will 1328
utilize employees provided by private entities. 1329

(3) For purposes of division (B) (1) (a) of this section, 1330
the director shall develop the initial plan required under that 1331
division and, not later than the date that is six months after 1332
the first meeting of the unemployment compensation modernization 1333
and improvement council, provide it to the council, the 1334
president of the senate, the speaker of the house of 1335
representatives, and the governor. The director shall review the 1336
plan at least once a year. If, after reviewing the plan, the 1337
director determines that the plan should be revised, the 1338
director shall revise the plan. After each review of the plan 1339
required under this division, the director shall provide the 1340
most recent version of the plan to the council, the president of 1341
the senate, the speaker of the house of representatives, and the 1342
governor. The director shall post the most recent version of the 1343
plan on a publicly viewable web site maintained by the director. 1344

Sec. 4141.23. (A) ~~Contributions~~ Employer contributions 1345
shall accrue and become payable by each employer for each 1346
calendar year or other period as prescribed by this chapter. 1347
Such contributions become due and shall be paid by each employer 1348
to the director of job and family services for the unemployment 1349
compensation fund in accordance with such regulations as the 1350
director prescribes, ~~and~~. Employer contributions shall not be 1351
deducted, in whole or in part, from the remuneration of 1352
individuals in the employer's employ. 1353

In the payment of any employer contributions, a fractional 1354
part of a dollar may be disregarded unless it amounts to fifty 1355
cents or more, in which case it may be increased to the next 1356
higher dollar. 1357

(B) (1) Any contribution or payment in lieu of 1358
contribution, due from an employer on or before December 31, 1359
1992, shall, if not paid when due, bear interest at the rate of 1360
ten per cent per annum. In such computation any fraction of a 1361
month shall be considered as a full month. 1362

(2) Any contribution, payment in lieu of contribution, 1363
interest, forfeiture, or fine due from an employer on or after 1364
January 1, 1993, and any employee contribution due from an 1365
employer on or after the effective date of this amendment shall, 1366
if not paid when due, bear interest at the annual rate of 1367
fourteen per cent compounded monthly on the aggregate receivable 1368
balance due. In such computation any fraction of a month shall 1369
be considered as a full month. 1370

(C) The director may waive the interest assessed under 1371
division (B) (2) of this section if the employer meets all of the 1372
following conditions within thirty days after the date the 1373
director mails or delivers the notice of assessment of interest: 1374

(1) Provides to the director a written request for a 1375
waiver of interest clearly demonstrating that the employer's 1376
failure to timely pay contributions, payments in lieu of 1377
contributions, interest, forfeiture, and fines was a result of 1378
circumstances beyond the control of the employer or the 1379
employer's agent, except that negligence on the part of the 1380
employer or the employer's agent shall not be considered beyond 1381
the control of the employer or the employer's agent; 1382

(2) Furnishes to the director all quarterly reports 1383
required under section 4141.20 of the Revised Code; 1384

(3) Pays in full all contributions, payments in lieu of 1385
contributions, interest, forfeiture, and fines for each quarter 1386
for which such payments are due. 1387

The director shall deny an employer's request for a waiver 1388
of interest after finding that the employer's failure to timely 1389
furnish reports or make payments as required under this chapter 1390
was due to an attempt to evade payment. 1391

(D) Any contribution, interest, forfeiture, or fine 1392
required to be paid under this chapter by any employer shall, if 1393
not paid when due, become a lien upon the real and personal 1394
property of such employer. Upon failure of such employer to pay 1395
the contributions, interest, forfeiture, or fine required to be 1396
paid under this chapter, the director shall file notice of such 1397
lien, for which there shall be no charge, in the office of the 1398
county recorder of the county in which it is ascertained that 1399
such employer owns real estate or personal property. The 1400
director shall notify the employer by mail of the lien. The 1401
absence of proof that the notice was sent does not affect the 1402
validity of the lien. Such lien shall not be valid as against 1403
the claim of any mortgagee, pledgee, purchaser, judgment 1404

creditor, or other lienholder of record at the time such notice 1405
is filed. 1406

If the employer acquires real or personal property after 1407
notice of lien is filed, such lien shall not be valid as against 1408
the claim of any mortgagee, pledgee, subsequent bona fide 1409
purchaser for value, judgment creditor, or other lienholder of 1410
record to such after-acquired property, unless the notice of 1411
lien is refiled after such property was acquired by the employer 1412
and before the competing lien attached to such after-acquired 1413
property or before the conveyance to such subsequent bona fide 1414
purchaser for value. 1415

Such a notice shall be recorded in the county recorder's 1416
official records and indexed in the direct and reverse indexes 1417
under the name of the employer. When such unpaid contributions, 1418
interest, forfeiture, or fines have been paid, the employer may 1419
record with the county recorder of the county in which such 1420
notice of lien has been filed and recorded, notice of such 1421
payment, and the notice of payment shall be recorded in the 1422
county recorder's official records and indexed in the direct and 1423
reverse indexes. For recording the notice of payment, the county 1424
recorder shall charge and receive from the employer a base fee 1425
of two dollars for services and a housing trust fund fee of two 1426
dollars pursuant to section 317.36 of the Revised Code. 1427

(E) Notwithstanding other provisions in this section, the 1428
director may reduce, in whole or in part, the amount of 1429
interest, forfeiture, or fines required to be paid under this 1430
chapter if the director determines that the reduction is in the 1431
best interest of the unemployment compensation fund. 1432

(F) Assessment of employer contributions and employee 1433
contributions shall not be made after four years from the date 1434

on which such contributions became payable, and no action in 1435
court for the collection of contributions without assessment of 1436
such contributions shall be begun after the expiration of five 1437
years from the date such contributions became payable. In case 1438
of a false or fraudulent report or of a willful attempt in any 1439
manner to evade contributions, such contributions may be 1440
assessed or a proceeding in court for the collection of such 1441
contributions may be begun without assessment at any time. When 1442
the assessment of employer contributions or employee 1443
contributions has been made within such four-year period 1444
provided, action in court to collect such contributions may be 1445
begun within, but not later than, six years after such 1446
assessment. 1447

(G) In the event of a distribution of an employer's 1448
assets, pursuant to an order of any court under the law of this 1449
state, including any receivership, assignment for benefit of 1450
creditors, adjudicated insolvency, or similar proceedings, 1451
employer contributions, employee contributions, interest, 1452
forfeiture, or fine then or thereafter due have the same 1453
priority as provided by law for the payment of taxes due the 1454
state and shall be paid out of the trust fund in the same manner 1455
as provided for other claims for unpaid taxes due the state. 1456

(H) If the attorney general finds after investigation that 1457
any claim for delinquent employer or employee contributions, 1458
interest, forfeitures, or fines owing to the director is 1459
uncollectible, in whole or in part, the attorney general shall 1460
recommend to the director the cancellation of such claim or any 1461
part thereof. The director may thereupon effect such 1462
cancellation. 1463

Sec. 4141.231. (A) If the director of job and family 1464

services determines that an employer is liable for ~~unemployment-~~ 1465
~~compensation-employer~~ contributions or payments in lieu of 1466
contributions, employee contributions, interest, forfeitures, or 1467
fines totaling an amount that exceeds one thousand dollars which 1468
remain due and unpaid for thirty days or more and no part of the 1469
amount due is the subject of an appeal under this chapter, the 1470
director may certify this determination to the director of 1471
budget and management. If the director of budget and management, 1472
upon receipt of the director of job and family services' 1473
determination, determines that the employer is a person who has 1474
provided goods or services to this state for which amounts are 1475
to be approved for payment pursuant to section 126.07 of the 1476
Revised Code, the director of budget and management shall, in 1477
approving payments to the person under that section, withhold 1478
from amounts otherwise payable to the person, the amount of 1479
~~unemployment compensation-employer~~ contributions ~~or~~, employee 1480
contributions, payments in lieu of contributions, interest, 1481
forfeitures, or fines due and unpaid as certified by the 1482
director of job and family services, and shall approve for 1483
payment to the director of job and family services, the amount 1484
withheld. 1485

(B) The director of job and family services shall deposit 1486
amounts received under division (A) of this section into the 1487
clearing account established pursuant to division (C) of section 1488
4141.09 of the Revised Code. 1489

Sec. 4141.24. (A) (1) The director of job and family 1490
services shall maintain a separate account for each employer 1491
and, except as otherwise provided in division (B) of section 1492
4141.25 of the Revised Code respecting mutualized contributions, 1493
shall credit such employer's account with all the contributions, 1494
or payments in lieu of contributions, which the employer has 1495

paid on the employer's own behalf. 1496

(2) If, as of the computation date, a contributory 1497
employer's account shows a negative balance computed as provided 1498
in division (A) (3) of section 4141.25 of the Revised Code, less 1499
any employer contributions due and unpaid on such date, which 1500
negative balance is in excess of the limitations imposed by 1501
divisions (A) (2) (a), (b), and (c) of this section and if the 1502
employer's account is otherwise eligible for the transfer, then 1503
before the employer's contribution rate is computed for the next 1504
succeeding contribution period, an amount equal to the amount of 1505
the excess eligible for transfer shall be permanently 1506
transferred from the account of such employer and charged to the 1507
mutualized account provided in division (B) of section 4141.25 1508
of the Revised Code. 1509

(a) If as of any computation date, a contributory 1510
employer's account shows a negative balance in excess of ten per 1511
cent of the employer's average annual payroll, then before the 1512
employer's contribution rate is computed for the next succeeding 1513
contribution period, an amount equal to the amount of the excess 1514
shall be transferred from the account as provided in this 1515
division. No contributory employer's account may have any excess 1516
transferred pursuant to division (A) (2) (a) of this section, 1517
unless the employer's account has shown a positive balance for 1518
at least two consecutive computation dates prior to the 1519
computation date with respect to which the transfer is proposed. 1520
Each time a transfer is made pursuant to division (A) (2) (a) of 1521
this section, the employer's account is ineligible for any 1522
additional transfers under that division, until the account 1523
shows a positive balance for at least two consecutive 1524
computation dates subsequent to the computation date of which 1525
the most recent transfer occurs pursuant to division (A) (2) (a), 1526

(b), or (c) of this section. 1527

(b) If at the next computation date after the computation 1528
date at which a transfer from the account occurs pursuant to 1529
division (A) (2) (a) of this section, a contributory employer's 1530
account shows a negative balance in excess of fifteen per cent 1531
of the employer's average annual payroll, then before the 1532
employer's contribution rate is computed for the next succeeding 1533
contribution period an amount equal to the amount of the excess 1534
shall be permanently transferred from the account as provided in 1535
this division. 1536

(c) If at the next computation date subsequent to the 1537
computation date at which a transfer from a contributory 1538
employer's account occurs pursuant to division (A) (2) (b) of this 1539
section, the employer's account shows a negative balance in 1540
excess of twenty per cent of the employer's average annual 1541
payroll, then before the employer's contribution rate is 1542
computed for the next succeeding contribution period, an amount 1543
equal to the amount of the excess shall be permanently 1544
transferred from the account as provided in this division. 1545

(d) If no transfer occurs pursuant to division (A) (2) (b) 1546
or (c) of this section, the employer's account is ineligible for 1547
any additional transfers under division (A) (2) of this section 1548
until the account requalifies for a transfer pursuant to 1549
division (A) (2) (a) of this section. 1550

(B) Any employer may make voluntary payments in addition 1551
to the contributions required under this chapter, in accordance 1552
with rules established by the director. Such payments shall be 1553
included in the employer's account as of the computation date, 1554
provided they are received by the director by the thirty-first 1555
day of December following such computation date. Such voluntary 1556

payment, when accepted from an employer, will not be refunded in 1557
whole or in part. In determining whether an employer's account 1558
has a positive balance on two consecutive computation dates and 1559
is eligible for transfers under division (A) (2) of this section, 1560
the director shall exclude any voluntary payments made 1561
subsequent to the last transfer made under division (A) (2) of 1562
this section. 1563

(C) All contributions to the fund shall be pooled and 1564
available to pay benefits to any individual entitled to benefits 1565
irrespective of the source of such contributions. 1566

(D) (1) For the purposes of this section and sections 1567
4141.241 and 4141.242 of the Revised Code, an employer's account 1568
shall be charged only for benefits based on remuneration paid by 1569
such employer. Benefits paid to an eligible individual shall be 1570
charged against the account of each employer within the 1571
claimant's base period in the proportion to which wages 1572
attributable to each employer of the claimant bears to the 1573
claimant's total base period wages. Charges to the account of a 1574
base period employer with whom the claimant is employed part- 1575
time at the time the claimant's application for a determination 1576
of benefits rights is filed shall be charged to the mutualized 1577
account when all of the following conditions are met: 1578

(a) The claimant also worked part-time for the employer 1579
during the base period of the claim. 1580

(b) The claimant is unemployed due to loss of other 1581
employment. 1582

(c) The employer is not a reimbursing employer under 1583
section 4141.241 or 4141.242 of the Revised Code. 1584

(2) Notwithstanding division (D) (1) of this section, 1585

charges to the account of any employer, including any 1586
reimbursing employer, shall be charged to the mutualized account 1587
if it finally is determined by a court on appeal that the 1588
employer's account is not chargeable for the benefits. 1589

(3) (a) Any benefits paid to a claimant under section 1590
4141.28 of the Revised Code prior to a final determination of 1591
the claimant's right to the benefits shall be charged to the 1592
employer's account as provided in division (D) (1) of this 1593
section, provided that if there is no final determination of the 1594
claim by the subsequent thirtieth day of June, the employer's 1595
account shall be credited with the total amount of benefits that 1596
has been paid prior to that date, based on the determination 1597
that has not become final. The total amount credited to the 1598
employer's account shall be charged to a suspense account, which 1599
shall be maintained as a separate bookkeeping account and 1600
administered as a part of this section, and shall not be used in 1601
determining the account balance of the employer for the purpose 1602
of computing the employer's contribution rate under section 1603
4141.25 of the Revised Code. 1604

(b) If it is finally determined that the claimant is 1605
entitled to all or a part of the benefits in dispute, the 1606
suspense account shall be credited and the appropriate 1607
employer's account charged with the benefits. If it is finally 1608
determined that the claimant is not entitled to all or any 1609
portion of the benefits in dispute, the benefits shall be 1610
credited to the suspense account and, except as provided in 1611
division (D) (3) (d) of this section, a corresponding charge made 1612
to the mutualized account established in division (B) of section 1613
4141.25 of the Revised Code, provided that, except as otherwise 1614
provided in this section, if benefits are chargeable to an 1615
employer or group of employers who is required or elects to make 1616

payments to the fund in lieu of contributions under section 1617
4141.241 of the Revised Code, the benefits shall be charged to 1618
the employer's account in the manner provided in division (D) (1) 1619
of this section and division (B) of section 4141.241 of the 1620
Revised Code, and no part of the benefits may be charged to the 1621
suspense account provided in this division. 1622

(c) Except as provided in division (D) (3) (d) of this 1623
section, to the extent that benefits that have been paid to a 1624
claimant and charged to the employer's account are found not to 1625
be due the claimant and are recovered by the director as 1626
provided in section 4141.35 of the Revised Code, they shall be 1627
credited to the employer's account. 1628

(d) (i) An employer's account shall not be credited for 1629
amounts recovered by the director pursuant to division (D) (3) (c) 1630
of this section, and the mutualized account established in 1631
division (B) of section 4141.25 of the Revised Code shall not be 1632
charged pursuant to division (D) (3) (b) of this section, for 1633
benefits that have been paid to a claimant and are subsequently 1634
found not to be due to the claimant, if it is determined by the 1635
director, on or after October 21, 2013, that both of the 1636
following have occurred: 1637

(I) The benefits were paid because the claimant's 1638
employer, or any employee, officer, or agent of that employer, 1639
failed to respond timely or adequately to a request for 1640
information regarding a determination of benefit rights or 1641
claims for benefits under section 4141.28 of the Revised Code. 1642

(II) The claimant's employer, or any employee, officer, or 1643
agent of that employer, on behalf of the employer, previously 1644
established a pattern of failing to respond timely or adequately 1645
within the same calendar year period pursuant to division (D) (3) 1646

(d) (ii) (III) of this section. 1647

(ii) For purposes of division (D) (3) (d) of this section: 1648

(I) A response is considered "timely" if the response is 1649
received by the director within the time provided under section 1650
4141.28 of the Revised Code. 1651

(II) A response is considered "adequate" if the employer 1652
or employee, officer, or agent of that employer provided answers 1653
to all questions raised by the director pursuant to section 1654
4141.28 of the Revised Code or participated in a fact-finding 1655
interview if requested by the director. 1656

(III) A "pattern of failing" is established after the 1657
third instance of benefits being paid because the claimant's 1658
employer, or any employee, officer, or agent of that employer, 1659
on behalf of the employer, failed to respond timely or 1660
adequately to a request for information regarding a 1661
determination of benefit rights or claims for benefits under 1662
section 4141.28 of the Revised Code within a calendar year 1663
period. 1664

(e) If the mutualized account established in division (B) 1665
of section 4141.25 of the Revised Code is not charged for 1666
benefits credited to a suspense account pursuant to division (D) 1667
(3) (d) of this section, a corresponding charge shall be made to 1668
the account of the employer whose failure to timely or 1669
adequately respond to a request for information caused the 1670
erroneous payment. 1671

(f) The appeal provisions of sections 4141.281 and 1672
4141.282 of the Revised Code shall apply to all determinations 1673
issued under division (D) (3) (d) of this section. 1674

(4) The director shall notify each employer at least once 1675

each month of the benefits charged to the employer's account 1676
since the last preceding notice; except that for the purposes of 1677
sections 4141.241 and 4141.242 of the Revised Code which 1678
provides the billing of employers on a payment in lieu of a 1679
contribution basis, the director may prescribe a quarterly or 1680
less frequent notice of benefits charged to the employer's 1681
account. Such notice will show a summary of the amount of 1682
benefits paid which were charged to the employer's account. This 1683
notice shall not be deemed a determination of the claimant's 1684
eligibility for benefits. Any employer so notified, however, may 1685
file within fifteen days after the mailing date of the notice, 1686
an exception to charges appearing on the notice on the grounds 1687
that such charges are not in accordance with this section. The 1688
director shall promptly examine the exception to such charges 1689
and shall notify the employer of the director's decision 1690
thereon, which decision shall become final unless appealed to 1691
the unemployment compensation review commission in the manner 1692
provided in section 4141.26 of the Revised Code. For the 1693
purposes of this division, an exception is considered timely 1694
filed when it has been received as provided in division (D) (1) 1695
of section 4141.281 of the Revised Code. 1696

(E) The director shall terminate and close the account of 1697
any contributory employer who has been subject to this chapter 1698
if the enterprise for which the account was established is no 1699
longer in operation and it has had no payroll and its account 1700
has not been chargeable with benefits for a period of five 1701
consecutive years. The amount of any positive balance, computed 1702
as provided in division (A) (3) of section 4141.25 of the Revised 1703
Code, in an account closed and terminated as provided in this 1704
section shall be credited to the mutualized account as provided 1705
in division (B) (2) (b) of section 4141.25 of the Revised Code. 1706

The amount of any negative balance, computed as provided in 1707
division (A) (3) of section 4141.25 of the Revised Code, in an 1708
account closed and terminated as provided in this section shall 1709
be charged to the mutualized account as provided in division (B) 1710
(1) (b) of section 4141.25 of the Revised Code. The amount of any 1711
positive balance or negative balance, credited or charged to the 1712
mutualized account after the termination and closing of an 1713
employer's account, shall not thereafter be considered in 1714
determining the contribution rate of such employer. The closing 1715
of an employer's account as provided in this division shall not 1716
relieve such employer from liability for any unpaid 1717
contributions or payment in lieu of contributions which are due 1718
for periods prior to such closing. 1719

If the director finds that a contributory employer's 1720
business is closed solely because of the entrance of one or more 1721
of the owners, officers, or partners, or the majority 1722
stockholder, into the armed forces of the United States, or any 1723
of its allies, or of the United Nations after July 1, 1950, such 1724
employer's account shall not be terminated and if the business 1725
is resumed within two years after the discharge or release of 1726
such persons from active duty in the armed forces, the 1727
employer's experience shall be deemed to have been continuous 1728
throughout such period. The reserve ratio of any such employer 1729
shall be the total employer contributions paid by such employer 1730
minus all benefits, including benefits paid to any individual 1731
during the period such employer was in the armed forces, based 1732
upon wages paid by the employer prior to the employer's entrance 1733
into the armed forces divided by the average of the employer's 1734
annual payrolls for the three most recent years during the whole 1735
of which the employer has been in business. 1736

(F) If an employer transfers all of its trade or business 1737

to another employer or person, the acquiring employer or person 1738
shall be the successor in interest to the transferring employer 1739
and shall assume the resources and liabilities of such 1740
transferring employer's account, and continue the payment of all 1741
contributions, or payments in lieu of contributions, due under 1742
this chapter. 1743

If an employer or person acquires substantially all, or a 1744
clearly segregable and identifiable portion of an employer's 1745
trade or business, then upon the director's approval of a 1746
properly completed application for successorship, the employer 1747
or person acquiring the trade or business, or portion thereof, 1748
shall be the successor in interest. The director by rule may 1749
prescribe procedures for effecting transfers of experience as 1750
provided for in this section. 1751

(G) Notwithstanding sections 4141.09, 4141.23, 4141.24, 1752
4141.241, 4141.242, 4141.25, 4141.26, and 4141.27 of the Revised 1753
Code, both of the following apply regarding assignment of rates 1754
and transfers of experience: 1755

(1) If an employer transfers its trade or business, or a 1756
portion thereof, to another employer and, at the time of the 1757
transfer, both employers are under substantially common 1758
ownership, management, or control, then the unemployment 1759
experience attributable to the transferred trade or business, or 1760
portion thereof, shall be transferred to the employer to whom 1761
the business is so transferred. The director shall recalculate 1762
the rates of both employers and those rates shall be effective 1763
immediately upon the date of the transfer of the trade or 1764
business. 1765

(2) Whenever a person is not an employer under this 1766
chapter at the time the person acquires the trade or business of 1767

an employer, the unemployment experience of the acquired trade 1768
or business shall not be transferred to the person if the 1769
director finds that the person acquired the trade or business 1770
solely or primarily for the purpose of obtaining a lower rate of 1771
contributions. Instead, that person shall be assigned the 1772
applicable new employer rate under division (A)(1) of section 1773
4141.25 of the Revised Code. 1774

(H) The director shall establish procedures to identify 1775
the transfer or acquisition of a trade or business for purposes 1776
of this section and shall adopt rules prescribing procedures for 1777
effecting transfers of experience as described in this section. 1778

(I) No rate of contribution less than two and seven-tenths 1779
per cent shall be permitted a contributory employer succeeding 1780
to the experience of another contributory employer pursuant to 1781
this section for any period subsequent to such succession, 1782
except in accordance with rules prescribed by the director, 1783
which rules shall be consistent with federal requirements for 1784
additional credit allowance in section 3303 of the "Internal 1785
Revenue Code of 1954" and consistent with this chapter, except 1786
that such rules may establish a computation date for any such 1787
period different from the computation date generally prescribed 1788
by this chapter, and may define "calendar year" as meaning a 1789
twelve-consecutive-month period ending on the same day of the 1790
year as that on which such computation date occurs. 1791

(J) The director may prescribe rules for the 1792
establishment, maintenance, and dissolution of common 1793
contribution rates for two or more contributory employers, and 1794
in accordance with such rules and upon application by two or 1795
more employers shall establish such common rate to be computed 1796
by merging the several contribution rate factors of such 1797

employers for the purpose of establishing a common contribution 1798
rate applicable to all such employers. 1799

(K) The director shall adopt rules applicable to 1800
professional employer organizations and professional employer 1801
organization reporting entities to address the method in which a 1802
professional employer organization or professional employer 1803
organization reporting entity reports quarterly wages and 1804
contributions to the director for shared employees. 1805

(1) The rules shall recognize a professional employer 1806
organization or professional employer organization reporting 1807
entity as the employer of record of the shared employees of the 1808
professional employer organization or professional employer 1809
organization reporting entity for reporting purposes; however, 1810
the rules shall require that each shared employee of a single 1811
client employer be reported under a separate and unique 1812
subaccount of the professional employer organization or 1813
professional employer organization reporting entity to reflect 1814
the experience of the shared employees of that client employer. 1815

(2) The director shall use a subaccount solely to 1816
determine experience rates for that individual subaccount on an 1817
annual basis and shall recognize a professional employer 1818
organization or professional employer organization reporting 1819
entity as the employer of record associated with each 1820
subaccount. The director shall combine the rate experience that 1821
existed on a client employer's account prior to entering into a 1822
professional employer organization agreement with the experience 1823
accumulated as a subaccount of the professional employer 1824
organization or professional employer organization reporting 1825
entity. The combined experience shall remain with the client 1826
account upon termination of the professional employer 1827

organization agreement. 1828

(3) A professional employer organization or professional 1829
employer organization reporting entity shall provide a power of 1830
attorney or other evidence, which evidence may be included as 1831
part of a professional employer organization agreement, 1832
completed by each client employer of the professional employer 1833
organization or professional employer organization reporting 1834
entity, authorizing the professional employer organization or 1835
professional employer organization reporting entity to act on 1836
behalf of the client employer in accordance with the 1837
requirements of this chapter. 1838

(4) Any rule adopted pursuant to division (K) of this 1839
section also shall include administrative requirements that 1840
permit a professional employer organization or a professional 1841
employer organization reporting entity to transmit any reporting 1842
and payment data required under division (K)(1) of this section 1843
collectively as a single filing with the director. 1844

(5) As used in division (K) of this section, "client 1845
employer," "professional employer organization," "professional 1846
employer organization agreement," "professional employer 1847
organization reporting entity," and "shared employee" have the 1848
same meanings as in section 4125.01 of the Revised Code. 1849

(L) The director shall adopt rules applicable to alternate 1850
employer organizations as defined in section 4133.01 of the 1851
Revised Code that are consistent with the requirements of and 1852
rules adopted under division (K) of this section. 1853

Sec. 4141.25. (A) The director of job and family services 1854
shall determine as of each computation date the contribution 1855
rate of each contributing employer subject to this chapter for 1856

the next succeeding contribution period. The director shall 1857
determine a standard rate of contribution or an experience rate 1858
for each contributing employer. Once a rate of contribution has 1859
been established under this section for a contribution period, 1860
except as provided in division (D) of section 4141.26 of the 1861
Revised Code, that rate shall remain effective throughout such 1862
contribution period. The rate of contribution shall be 1863
determined in accordance with the following requirements: 1864

(1) An employer whose experience does not meet the terms 1865
of division (A) (2) of this section shall be assigned a standard 1866
rate of contribution. Effective for contribution periods 1867
beginning on and after January 1, 1998, an employer's standard 1868
rate of contribution shall be a rate of two and seven-tenths per 1869
cent, except that the rate for employers engaged in the 1870
construction industry shall be the average contribution rate 1871
computed for the construction industry or a rate of two and 1872
seven-tenths per cent, whichever is greater. The standard rate 1873
set forth in this division shall be applicable to a nonprofit 1874
organization whose election to make payments in lieu of 1875
contributions is voluntarily terminated or canceled by the 1876
director under section 4141.241 of the Revised Code, and 1877
thereafter pays contributions as required by this section. If 1878
such nonprofit organization had been a contributory employer 1879
prior to its election to make payments in lieu of contributions, 1880
then any prior balance in the contributory account shall become 1881
part of the reactivated account. 1882

As used in division (A) of this section, "the average 1883
contribution rate computed for the construction industry" means 1884
the most recent annual average rate attributable to the 1885
construction industry as prescribed by the director. 1886

(2) A contributing employer subject to this chapter shall 1887
qualify for an experience rate only if there have been four 1888
consecutive quarters, ending on the thirtieth day of June 1889
immediately prior to the computation date, throughout which the 1890
employer's account was chargeable with benefits. Upon meeting 1891
the qualifying requirements provided in division (A) (2) of this 1892
section, the director shall calculate the total credits to each 1893
employer's account consisting of the contributions other than 1894
mutualized contributions including all contributions paid by the 1895
employer on the employer's own behalf prior to the computation 1896
date for all past periods plus: 1897

(a) The contributions ~~owing~~ owed by the employer on the 1898
computation date that are paid by the employer on the employer's 1899
own behalf within thirty days after the computation date, and 1900
credited to the employer's account; 1901

(b) All voluntary contributions paid by an employer 1902
pursuant to division (B) of section 4141.24 of the Revised Code. 1903

(3) The director also shall determine the benefits which 1904
are chargeable to each employer's account and which were paid 1905
prior to the computation date with respect to weeks of 1906
unemployment ending prior to the computation date. The director 1907
then shall determine the positive or negative balance of each 1908
employer's account by calculating the excess of such 1909
contributions and interest over the benefits chargeable, or the 1910
excess of such benefits over such contributions and interest. 1911
Any resulting negative balance then shall be subject to 1912
adjustment as provided in division (A) (2) of section 4141.24 of 1913
the Revised Code after which the positive or negative balance 1914
shall be expressed in terms of a percentage of the employer's 1915
average annual payroll. If the total standing to the credit of 1916

an employer's account exceeds the total charges, as provided in 1917
this division, the employer has a positive balance and if such 1918
charges exceed such credits the employer has a negative balance. 1919
Each employer's contribution rate shall then be determined in 1920
accordance with the following schedule: 1921

Contribution Rate Schedule 1922
1923

1	2	3
A	If, as of the computation date the contribution rate balance of an employer's account as a percentage of the employer's average annual payroll is	The employer's contribution rate for the next succeeding contribution period shall be
B	(a) A negative balance of:	
C	20.0% or more	6.5%
D	19.0% but less than 20.0%	6.4%
E	17.0% but less than 19.0%	6.3%
F	15.0% but less than 17.0%	6.2%
G	13.0% but less than 15.0%	6.1%
H	11.0% but less than 13.0%	6.0%
I	9.0% but less than 11.0%	5.9%
J	5.0% but less than 9.0%	5.7%

K	4.0% but less than 5.0%	5.5%
L	3.0% but less than 4.0%	5.3%
M	2.0% but less than 3.0%	5.1%
N	1.0% but less than 2.0%	4.9%
O	more than 0.0% but less than 1.0%	4.8%
P	(b) A 0.0% or a positive balance of less than 1.0%	4.7%
Q	(c) A positive balance of:	
R	1.0% or more, but less than 1.5%	4.6%
S	1.5% or more, but less than 2.0%	4.5%
T	2.0% or more, but less than 2.5%	4.3%
U	2.5% or more, but less than 3.0%	4.0%
V	3.0% or more, but less than 3.5%	3.8%
W	3.5% or more, but less than 4.0%	3.5%
X	4.0% or more, but less than 4.5%	3.3%
Y	4.5% or more, but less than 5.0%	3.0%
Z	5.0% or more, but less than 5.5%	2.8%
AA	5.5% or more, but less than 6.0%	2.5%
AB	6.0% or more, but less than 6.5%	2.2%

AC	6.5% or more, but less than 7.0%	2.0%
AD	7.0% or more, but less than 7.5%	1.8%
AE	7.5% or more, but less than 8.0%	1.6%
AF	8.0% or more, but less than 8.5%	1.4%
AG	8.5% or more, but less than 9.0%	1.3%
AH	9.0% or more, but less than 9.5%	1.1%
AI	9.5% or more, but less than 10.0%	1.0%
AJ	10.0% or more, but less than 10.5%	.9%
AK	10.5% or more, but less than 11.0%	.7%
AL	11.0% or more, but less than 11.5%	.6%
AM	11.5% or more, but less than 12.0%	.5%
AN	12.0% or more, but less than 12.5%	.4%
AO	12.5% or more, but less than 13.0%	.3%
AP	13.0% or more, but less than 14.0%	.2%
AQ	14.0% or more	.1%

(d) The contribution rates shall be as specified in	1924
divisions (a), (b), and (c) of the contribution rate schedule	1925
except that notwithstanding the amendments made to division (a)	1926
of the contribution rate schedule in this section, if, as of the	1927
computation date: for 1991, the negative balance is 5.0% or	1928

more, the contribution rate shall be 5.7%; for 1992, if the
negative balance is 11.0% or more, the contribution rate shall
be 6.0%; and for 1993, if the negative balance is 17.0% or more,
the contribution rate shall be 6.3%. Thereafter, the
contribution rates shall be as specified in the contribution
rate schedule.

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

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

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

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

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

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

(f) An amount equal to the sum of any repayments made to 1958
the federal government during the year immediately preceding 1959
such computation date of amounts which may have been advanced by 1960
it to the unemployment compensation fund under section 1201 of 1961
the "Social Security Act," 49 Stat. 648 (1935), 42 U.S.C. 301; 1962

(g) Any amounts appropriated by the general assembly out 1963
of funds paid by the federal government, under section 903 of 1964
the "Social Security Act," to the account of this state in the 1965
federal unemployment trust fund. 1966

(2) As of every computation date there shall be credited 1967
to the mutualized account provided for in this division: 1968

(a) The proceeds of the mutualized contributions as 1969
provided in this division; 1970

(b) Any positive balances remaining in employer accounts 1971
which are closed as provided in division (E) of section 4141.24 1972
of the Revised Code; 1973

(c) Any benefits improperly paid which are recovered but 1974
which cannot be credited to an employer's account; 1975

(d) All amounts which may be paid by the federal 1976
government under section 903 of the "Social Security Act" to the 1977
account of this state in the federal unemployment trust fund; 1978

(e) Amounts advanced by the federal government to the 1979
account of this state in the federal unemployment trust fund 1980
under section 1201 of the "Social Security Act" to the extent 1981
such advances have been repaid to or recovered by the federal 1982
government; 1983

(f) Interest credited to the Ohio unemployment trust fund 1984
as deposited with the secretary of the treasury of the United 1985

States;	1986
(g) Amounts deposited into the unemployment compensation	1987
fund for penalties collected pursuant to division (A) (4) of	1988
section 4141.35 of the Revised Code;	1989
<u>(h) Amounts deposited into the unemployment compensation</u>	1990
<u>fund as employee contributions collected pursuant to section</u>	1991
<u>4141.252 of the Revised Code.</u>	1992
(3) Annually, as of the computation date, the director	1993
shall determine the total credits and charges made to the	1994
mutualized account during the preceding twelve months and the	1995
overall condition of the account. The director shall issue an	1996
annual statement containing this information and such other	1997
information as the director deems pertinent, including a report	1998
that the sum of the balances in the mutualized account,	1999
employers' accounts, and any subsidiary accounts equal the	2000
balance in the state's unemployment trust fund maintained under	2001
section 904 of the "Social Security Act."	2002
(4) As used in this division:	2003
(a) "Fund as of the computation date" means as of any	2004
computation date, the aggregate amount of the unemployment	2005
compensation fund, including all contributions owing on the	2006
computation date that are paid within thirty days thereafter,	2007
all payments in lieu of contributions that are paid within sixty	2008
days after the computation date, all reimbursements of the	2009
federal share of extended benefits described in section 4141.301	2010
of the Revised Code that are owing on the computation date, and	2011
all interest earned by the fund and received on or before the	2012
computation date from the federal government.	2013
(b) "Minimum safe level" means an amount equal to two	2014

standard deviations above the average of the adjusted annual 2015
average unemployment compensation benefit payment from 1970 to 2016
the most recent calendar year prior to the computation date, as 2017
determined by the director pursuant to division (B) (4) (b) of 2018
this section. To determine the adjusted annual payment of 2019
unemployment compensation benefits, the director first shall 2020
multiply the number of weeks compensated during each calendar 2021
year beginning with 1970 by the most recent annual average 2022
weekly unemployment compensation benefit payment and then 2023
compute the average and standard deviation of the resultant 2024
products. 2025

(c) "Annual average weekly unemployment compensation 2026
benefit payment" means the amount resulting from dividing the 2027
unemployment compensation benefits paid from the benefit account 2028
maintained within the unemployment compensation fund pursuant to 2029
section 4141.09 of the Revised Code, by the number of weeks 2030
compensated during the same time period. 2031

(5) If, as of any computation date, the charges to the 2032
mutualized account during the entire period subsequent to the 2033
computation date, July 1, 1966, made in accordance with division 2034
(B) (1) of this section, exceed the credits to such account 2035
including mutualized contributions during such period, made in 2036
accordance with division (B) (2) of this section, the amount of 2037
such excess charges shall be recovered during the next 2038
contribution period. To recover such amount, the director shall 2039
compute the percentage ratio of such excess charges to the 2040
average annual payroll of all employers eligible for an 2041
experience rate under division (A) of this section. The 2042
percentage so determined shall be computed to the nearest tenth 2043
of one per cent and shall be an additional contribution rate to 2044
be applied to the wages paid by each employer whose rate is 2045

computed under the provisions of division (A) of this section in 2046
the contribution period next following such computation date, 2047
but such percentage shall not exceed five-tenths of one per 2048
cent; however, when there are any excess charges in the 2049
mutualized account, as computed in this division, then the 2050
mutualized contribution rate shall not be less than one-tenth of 2051
one per cent. 2052

(6) If the fund as of the computation date is above or 2053
below minimum safe level, the contribution rates provided for in 2054
each classification in division (A) (3) of this section for the 2055
next contribution period shall be adjusted as follows: 2056

(a) If the fund is thirty per cent or more above minimum 2057
safe level, the contribution rates provided in division (A) (3) 2058
of this section shall be decreased two-tenths of one per cent. 2059

(b) If the fund is more than fifteen per cent but less 2060
than thirty per cent above minimum safe level, the contribution 2061
rates provided in division (A) (3) of this section shall be 2062
decreased one-tenth of one per cent. 2063

(c) If the fund is more than fifteen per cent but less 2064
than thirty per cent below minimum safe level, the contribution 2065
rates of all employers shall be increased twenty-five one- 2066
thousandths of one per cent plus a per cent increase calculated 2067
and rounded pursuant to division (B) (6) (g) of this section. 2068

(d) If the fund is more than thirty per cent but less than 2069
forty-five per cent below minimum safe level, the contribution 2070
rates of all employers shall be increased seventy-five one- 2071
thousandths of one per cent plus a per cent increase calculated 2072
and rounded pursuant to division (B) (6) (g) of this section. 2073

(e) If the fund is more than forty-five per cent but less 2074

than sixty per cent below minimum safe level, the contribution 2075
rates of all employers shall be increased one-eighth of one per 2076
cent plus a per cent increase calculated and rounded pursuant to 2077
division (B) (6) (g) of this section. 2078

(f) If the fund is sixty per cent or more below minimum 2079
safe level, the contribution rates of all employers shall be 2080
increased two-tenths of one per cent plus a per cent increase 2081
calculated and rounded pursuant to division (B) (6) (g) of this 2082
section. 2083

(g) The additional per cent increase in contribution rates 2084
required by divisions (B) (6) (c), (d), (e), and (f) of this 2085
section that is payable by each individual employer shall be 2086
calculated in the following manner. The flat rate increase 2087
required by a particular division shall be multiplied by three 2088
and the product divided by the average experienced-rated 2089
contribution rate for all employers as determined by the 2090
director for the most recent calendar year. The resulting 2091
quotient shall be multiplied by an individual employer's 2092
contribution rate determined pursuant to division (A) (3) of this 2093
section. The resulting product shall be rounded to the nearest 2094
tenth of one per cent, added to the flat rate increase required 2095
by division (B) (6) (c), (d), (e), or (f) of this section, as 2096
appropriate, and the total shall be rounded to the nearest tenth 2097
of one per cent. As used in division (B) (6) (g) of this section, 2098
the "average experienced-rated contribution rate" means the most 2099
recent annual average contribution rate reported by the director 2100
contained in report RS 203.2 less the mutualized and minimum 2101
safe level contribution rates included in such rate. 2102

(h) If any of the increased contribution rates of division 2103
(B) (6) (c), (d), (e), or (f) of this section are imposed, the 2104

rate shall remain in effect for the calendar year in which it is 2105
imposed and for each calendar year thereafter until the director 2106
determines as of the computation date for calendar year 1991 and 2107
as of the computation date for any calendar year thereafter 2108
pursuant to this section, that the level of the unemployment 2109
compensation fund equals or exceeds the minimum safe level as 2110
defined in division (B) (4) (b) of this section. Nothing in 2111
division (B) (6) (h) of this section shall be construed as 2112
restricting the imposition of the increased contribution rates 2113
provided in divisions (B) (6) (c), (d), (e), and (f) of this 2114
section if the fund falls below the percentage of the minimum 2115
safe level as specified in those divisions. 2116

(7) The additional contributions required by division (B) 2117
(5) of this section shall be credited to the mutualized account. 2118
The additional contributions required by division (B) (6) of this 2119
section shall be credited fifty per cent to individual employer 2120
accounts and fifty per cent to the mutualized account. 2121

(C) If an employer makes a payment of contributions which 2122
is less than the full amount required by this section and 2123
sections 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 2124
4141.252, 4141.26, and 4141.27 of the Revised Code, such partial 2125
payment shall be applied first against the mutualized 2126
contributions required under this chapter, including employee 2127
contributions. Any remaining partial payment shall be credited 2128
to the employer's individual account. 2129

(D) Whenever there are any increases in contributions 2130
resulting from an increase in wages subject to contributions as 2131
defined in division (G) of section 4141.01 of the Revised Code, 2132
or from an increase in the mutualized rate of contributions 2133
provided in division (B) of this section, or from a revision of 2134

the contribution rate schedule provided in division (A) of this 2135
section, except for that portion of the increase attributable to 2136
a change in the positive or negative balance in an employer's 2137
account, which increases become effective after a contract for 2138
the construction of real property, as defined in section 5701.02 2139
of the Revised Code, has been entered into, the contractee upon 2140
written notice by a prime contractor shall reimburse the 2141
contractor for all increased contributions paid by the prime 2142
contractor or by subcontractors upon wages for services 2143
performed under the contract. Upon reimbursement by the 2144
contractee to the prime contractor, the prime contractor shall 2145
reimburse each subcontractor for the increased contributions. 2146

(E) Effective only for the contribution period beginning 2147
on January 1, 1996, and ending on December 31, 1996, mutualized 2148
contributions collected or received by the director pursuant to 2149
division (B) (5) of this section and amounts credited to the 2150
mutualized account pursuant to division (B) (7) of this section 2151
shall be deposited into or credited to the unemployment 2152
compensation benefit reserve fund that is created under division 2153
(F) of this section, except that amounts collected, received, or 2154
credited in excess of two hundred million dollars shall be 2155
deposited into or credited to the unemployment trust fund 2156
established pursuant to section 4141.09 of the Revised Code. 2157

(F) The state unemployment compensation benefit reserve 2158
fund is hereby created as a trust fund in the custody of the 2159
treasurer of state and shall not be part of the state treasury. 2160
The fund shall consist of all moneys collected or received as 2161
mutualized contributions pursuant to division (B) (5) of this 2162
section and amounts credited to the mutualized account pursuant 2163
to division (B) (7) of this section as provided by division (E) 2164
of this section. All moneys in the fund shall be used solely to 2165

pay unemployment compensation benefits in the event that funds 2166
are no longer available for that purpose from the unemployment 2167
trust fund established pursuant to section 4141.09 of the 2168
Revised Code. 2169

(G) The balance in the unemployment compensation benefit 2170
reserve fund remaining at the end of the contribution period 2171
beginning January 1, 2000, and any mutualized contribution 2172
amounts for the contribution period beginning on January 1, 2173
1996, that may be received after December 31, 2000, shall be 2174
deposited into the unemployment trust fund established pursuant 2175
to section 4141.09 of the Revised Code. Income earned on moneys 2176
in the state unemployment compensation benefit reserve fund 2177
shall be available for use by the director only for the purposes 2178
described in division (I) of this section, and shall not be used 2179
for any other purpose. 2180

(H) The unemployment compensation benefit reserve fund 2181
balance shall be added to the unemployment trust fund balance in 2182
determining the minimum safe level tax to be imposed pursuant to 2183
division (B) of this section and shall be included in the 2184
mutualized account balance for the purpose of determining the 2185
mutualized contribution rate pursuant to division (B) (5) of this 2186
section. 2187

(I) All income earned on moneys in the unemployment 2188
compensation benefit reserve fund from the investment of the 2189
fund by the treasurer of state shall accrue to the department of 2190
job and family services automation administration fund, which is 2191
hereby established in the state treasury. Moneys within the 2192
automation administration fund shall be used to meet the costs 2193
related to automation of the department and the administrative 2194
costs related to collecting and accounting for unemployment 2195

compensation benefit reserve fund revenue. Any funds remaining 2196
in the automation administration fund upon completion of the 2197
department's automation projects that are funded by that fund 2198
shall be deposited into the unemployment trust fund established 2199
pursuant to section 4141.09 of the Revised Code. 2200

(J) The director may approve funds for expenditure for 2201
purposes set forth in division (I) of this section only to the 2202
extent that federal or other funds are not available. 2203

Sec. 4141.252. (A) Contributions shall accrue and become 2204
payable by each employee employed by a contributory employer 2205
when the contributory employer's account shows a negative 2206
balance computed as provided in division (A) (3) of section 2207
4141.25 of the Revised Code. Employee contributions required by 2208
this section shall be paid at a rate of fourteen hundredths of 2209
one per cent of gross remuneration paid to an employee by the 2210
employee's employer with respect to employment during a calendar 2211
year. 2212

(B) A contributory employer with a negative account 2213
balance shall deduct fourteen hundredths of one per cent cent of 2214
the gross remuneration paid to an employee each payroll period, 2215
and the employer shall hold that amount in trust as a portion of 2216
the employee contribution required under division (A) of this 2217
section. If an employee is employed by more than one employer, a 2218
contributory employer with a negative account balance shall 2219
collect the amount required under this section based only on the 2220
amount of gross remuneration that employer pays to the employee. 2221
The director of job and family services shall prescribe the 2222
dates on which these contributions are due from employers with a 2223
negative account balance and the manner in which employers shall 2224
pay them to the director. The employer shall pay these 2225

contributions to the director in accordance with the director's 2226
rules. An employer with a negative account balance shall be 2227
liable for employee contributions to the extent that those 2228
contributions are not deducted and paid to the director of job 2229
and family services. 2230

(C) The director shall deposit employee contributions 2231
required under this section into the unemployment compensation 2232
fund created in section 4141.09 of the Revised Code, to the 2233
credit of the mutualized account created in division (B) of 2234
section 4141.25 of the Revised Code. 2235

Sec. 4141.26. (A) As soon as practicable after the first 2236
day of September but not later than the first day of December of 2237
each year, the director of job and family services shall notify 2238
each employer of the employer's contribution rate as determined 2239
for the next ensuing contribution period pursuant to section 2240
4141.25 of the Revised Code provided the employer has furnished 2241
the director, by the first day of September following the 2242
computation date, with the wage information for all past periods 2243
necessary for the computation of the contribution rate. 2244

(B) If an employer has not timely furnished the necessary 2245
wage information as required by division (A) of this section, 2246
the employer's contribution rate for such contribution period 2247
shall not be computed as provided in section 4141.25 of the 2248
Revised Code, but instead the employer shall be assigned a 2249
contribution rate equal to one hundred twenty-five per cent of 2250
the maximum rate provided in that section, with the following 2251
exceptions: 2252

(1) If the employer files the necessary wage information 2253
by the thirty-first day of December of the year immediately 2254
preceding the contribution period for which the rate is to be 2255

effective, the employer's rate shall be computed as provided in 2256
division (A) of section 4141.25 of the Revised Code. 2257

(2) The director shall revise the contribution rate of an 2258
employer who has not timely furnished the necessary wage 2259
information as required by division (A) of this section, who has 2260
been assigned a contribution rate pursuant to division (B) of 2261
this section, and who does not meet the requirements of division 2262
(B) (1) of this section, if the employer furnishes the necessary 2263
wage information to the director within eighteen months 2264
following the thirty-first day of December of the year 2265
immediately preceding the contribution period for which the rate 2266
is to be effective. The revised rate under division (B) (2) of 2267
this section shall be equal to one hundred twenty per cent of 2268
the contribution rate that would have resulted if the employer 2269
had timely furnished the necessary wage information under 2270
division (A) of this section. 2271

The director shall deny an employer's request for a 2272
revision of the employer's rate as provided in division (B) (2) 2273
of this section if the director finds that the employer's 2274
failure to timely file the necessary wage information was due to 2275
an attempt to evade payment. 2276

The director shall round the contribution rates the 2277
director determines under division (B) of this section to the 2278
nearest tenth of one per cent. 2279

(C) If, as a result of the computation pursuant to 2280
division (B) of this section, the employer's account shows a 2281
negative balance in excess of the applicable limitations, in 2282
that computation, the excess above applicable limitations shall 2283
not be transferred from the account as provided in division (A) 2284
(2) of section 4141.24 of the Revised Code. 2285

(D) The rate determined pursuant to this section and 2286
section 4141.25 of the Revised Code shall become binding upon 2287
the employer unless: 2288

(1) The employer makes a voluntary contribution as 2289
provided in division (B) of section 4141.24 of the Revised Code, 2290
whereupon the director shall issue the employer a revised 2291
contribution rate notice if the contribution changes the 2292
employer's rate; or 2293

(2) Within thirty days after the mailing of notice of the 2294
employer's rate or a revision of it to the employer's last known 2295
address or, in the absence of mailing of such notice, within 2296
thirty days after the delivery of such notice, the employer 2297
files an application with the director for reconsideration of 2298
the director's determination of such rate setting forth reasons 2299
for such request. The director shall promptly examine the 2300
application for reconsideration and shall notify the employer of 2301
the director's reconsidered decision, which shall become final 2302
unless, within thirty days after the mailing of such notice by 2303
certified mail, return receipt requested, the employer files an 2304
application for review of such decision with the unemployment 2305
compensation review commission. The commission shall promptly 2306
examine the application for review of the director's decision 2307
and shall grant such employer an opportunity for a fair hearing. 2308
The proceeding at the hearing before the commission shall be 2309
recorded in the means and manner prescribed by the commission. 2310
For the purposes of this division, the review is considered 2311
timely filed when it has been received as provided in division 2312
(D) (1) of section 4141.281 of the Revised Code. The appeal of an 2313
appealing party who fails to appear at a hearing under this 2314
division shall be dismissed in accordance with division (D) of 2315
section 4141.281 of the Revised Code. 2316

The employer and the director shall be promptly notified 2317
of the commission's decision, which shall become final unless, 2318
within thirty days after the mailing of notice of it to the 2319
employer's last known address by certified mail, return receipt 2320
requested, or, in the absence of mailing, within thirty days 2321
after delivery of such notice, an appeal is taken by the 2322
employer or the director to the court of common pleas of 2323
Franklin county. Such appeal shall be taken by the employer or 2324
the director by filing a notice of appeal with the clerk of such 2325
court and with the commission. Such notice of appeal shall set 2326
forth the decision appealed and the errors in it complained of. 2327
Proof of the filing of such notice with the commission shall be 2328
filed with the clerk of such court. 2329

The commission, upon written demand filed by the appellant 2330
and within thirty days after the filing of such demand, shall 2331
file with the clerk a certified transcript of the record of the 2332
proceedings before the commission pertaining to the 2333
determination or order complained of, and the appeal shall be 2334
heard upon such record certified to the commission. In such 2335
appeal, no additional evidence shall be received by the court, 2336
but the court may order additional evidence to be taken before 2337
the commission, and the commission, after hearing such 2338
additional evidence, shall certify such additional evidence to 2339
the court or it may modify its determination and file such 2340
modified determination, together with the transcript of the 2341
additional record, with the court. After an appeal has been 2342
filed in the court, the commission, by petition, may be made a 2343
party to such appeal. Such appeal shall be given precedence over 2344
other civil cases. The court may affirm the determination or 2345
order complained of in the appeal if it finds, upon 2346
consideration of the entire record, that the determination or 2347

order is supported by reliable, probative, and substantial 2348
evidence and is in accordance with law. In the absence of such a 2349
finding, it may reverse, vacate, or modify the determination or 2350
order or make such other ruling as is supported by reliable, 2351
probative, and substantial evidence and is in accordance with 2352
law. The judgment of the court shall be final and conclusive 2353
unless reversed, vacated, or modified on appeal. An appeal may 2354
be taken from the decision of the court of common pleas of 2355
Franklin county. 2356

(E) The appeal provisions of division (D) of this section 2357
apply to all other determinations and orders of the director 2358
affecting the liability of an employer to pay contributions or 2359
the amount of such contributions, determinations respecting 2360
application for refunds of contributions, determinations 2361
respecting applications for classification of employment as 2362
seasonal under section 4141.33 of the Revised Code, and 2363
exceptions to charges of benefits to an employer's account as 2364
provided in division (D) of section 4141.24 of the Revised Code. 2365

(F) The validity of any general order or rule of the 2366
director adopted pursuant to this chapter or of any final order 2367
or action of the unemployment compensation review commission 2368
respecting any such general order or rule may be determined by 2369
the court of common pleas of Franklin county, and such general 2370
order, rule, or action may be sustained or set aside by the 2371
court on an appeal to it which may be taken by any person 2372
affected by the order, rule, or action in the manner provided by 2373
law. Such appeal to the court of common pleas of Franklin county 2374
shall be filed within thirty days after the date such general 2375
order, rule, or action was publicly released by the director or 2376
the commission. Either party to such action may appeal from the 2377
court of common pleas of Franklin county as in ordinary civil 2378

cases. 2379

(G) Notwithstanding any determination made in pursuance of 2380
sections 4141.23 to 4141.26 of the Revised Code, no individual 2381
who files a claim for benefits shall be denied the right to a 2382
fair hearing as provided in section 4141.281 of the Revised 2383
Code, or the right to have a claim determined on the merits of 2384
it. 2385

(H) (1) Notwithstanding division (D) of this section, if 2386
the director finds that an omission or error in the director's 2387
records or employer reporting caused the director to issue an 2388
erroneous determination or order affecting contribution rates, 2389
the liability of an employer to pay contributions or the amount 2390
of such contributions, determinations respecting applications 2391
for refunds of contributions, determinations respecting 2392
applications for classification of seasonal status under section 2393
4141.33 of the Revised Code, or exceptions to charges of 2394
benefits to an employer's account as provided in division (D) of 2395
section 4141.24 of the Revised Code, the director may issue a 2396
corrected determination or order correcting the erroneous 2397
determination or order, except as provided in division (H) (2) of 2398
this section. 2399

(2) The director may not issue a corrected determination 2400
or order correcting an erroneous determination or order if both 2401
of the following apply: 2402

(a) The erroneous determination or order was caused solely 2403
by an omission or error of the director; 2404

(b) A correction of the erroneous determination or order 2405
would adversely affect the employer or any of the employers that 2406
were parties in interest to the erroneous determination or 2407

order. 2408

A corrected determination or order issued under this 2409
division takes precedence over and renders void the erroneous 2410
determination or order and is appealable as provided in division 2411
(D) of this section. 2412

(I) The director, in a contribution rate notice or revised 2413
contribution rate notice issued under this section, shall inform 2414
an employer whether the employer is required to withhold 2415
employee contributions in accordance with section 4141.252 of 2416
the Revised Code during the contribution period to which the 2417
notice or revised notice applies. 2418

Sec. 4141.27. If the director of job and family services 2419
finds that any person, firm, corporation, or association is, or 2420
has been, an employer subject to this chapter, which 2421
determination of liability has become final pursuant to the 2422
provisions of section 4141.26 of the Revised Code, and has 2423
failed to comply with such sections, the director shall 2424
determine the period during which the person, firm, corporation 2425
or association was such an employer, which finding and 2426
determination is for all purposes of such sections prima-facie 2427
evidence thereof. The director shall forthwith give notice of 2428
said action to the employer who shall immediately thereafter 2429
furnish the director with a payroll covering the period included 2430
in said finding, and shall forthwith pay the amount of employer 2431
contribution determined and fixed by the director pursuant to 2432
this chapter and any amount of employee contributions due 2433
pursuant to section 4141.252 of the Revised Code. 2434

If said employer fails to furnish such payroll and pay the 2435
~~contribution~~ contributions for such period within ten days after 2436
receiving such notice, the director shall then determine the 2437

amount of ~~contribution~~contributions due from said employer for 2438
the period the director found the employer to be subject to this 2439
chapter, including interest, and shall notify said employer of 2440
the amount thereof and shall order it to be paid. If said amount 2441
is not paid within ten days after receiving notice, the director 2442
shall certify that finding relative to such employer to the 2443
attorney general, who shall forthwith institute a civil action 2444
against such employer in the name of the state for the 2445
collection of such ~~contribution~~contributions and interest. In 2446
such action it is sufficient for the plaintiff to set forth a 2447
copy of such finding as certified by the director to the 2448
attorney general and to state that there is due to plaintiff on 2449
account of such finding a specified sum which plaintiff claims 2450
with interest. A certified copy of such finding of the amount of 2451
~~contribution~~contributions due shall be attached to the petition 2452
and is prima-facie evidence of the truth of the facts therein 2453
contained. The answer or demurrer to such petition shall be 2454
filed within ten days, the reply or demurrer to the answer 2455
within twenty days, and the demurrer to the reply within thirty 2456
days after the return day of the summons or service by 2457
publication. All motions and demurrers shall be submitted to the 2458
court within ten days after they are filed. As soon as the 2459
issues are made up in any such case, it shall be placed at the 2460
head of the trial docket and shall be first in order of trial. 2461

Unless said employer before the filing of the petition 2462
executes a bond to the state, in double the amount so found and 2463
ordered paid by the director, with sureties to the approval of 2464
the director, conditioned that the employer shall pay any 2465
judgment and costs rendered against the employer for said 2466
~~contribution~~contributions, the court at the time of the filing 2467
of the petition, without notice, may at the request of the 2468

director appoint a receiver for the property and business of 2469
such employer in this state, with all the powers of receivers in 2470
other cases, who shall take charge of all said property and 2471
assets of the defendant and administer them under the orders of 2472
the court. 2473

If upon the final hearing of said cause it is determined 2474
that the defendant previously has been held liable as an 2475
employer to pay contributions pursuant to the provisions of 2476
~~section~~ sections 4141.252 or 4141.26 of the Revised Code, which 2477
determination has become final in accordance with the provisions 2478
of such ~~section~~ sections and is subject to this chapter, the 2479
court shall render judgment against said defendant for the 2480
amount of ~~contribution~~ contributions provided to be paid by such 2481
employer for such period, with interest and costs, which 2482
judgment shall be given the same preference as is allowed by law 2483
to judgments rendered for claims for taxes. 2484

If any employer who has complied with this chapter 2485
defaults in any payment required to be made by the employer for 2486
a period of ten days after notice that such payment is due, the 2487
same proceedings may be had as in the case of an employer 2488
against whom the director has made a finding as provided in this 2489
section. 2490

If the defendant is a nonresident of this state or a 2491
foreign corporation doing business in this state, service of 2492
summons may be made upon any agent, representative, or 2493
foreperson of said defendant, wherever found in the state, or 2494
service may be made in any other manner authorized by statute. 2495

The director, for good cause shown, may waive a default in 2496
the payment of contributions when said default is less than 2497
sixty days' duration. 2498

Sec. 4141.36. (A) No agreement by an employee to pay any 2499
portion of the employer contribution or other payment required 2500
to be made ~~by his~~ on behalf of the employee's employer under 2501
sections 4141.01 to 4141.46, ~~inclusive~~, of the Revised Code, is 2502
valid. No employer shall make a deduction for such purposes from 2503
the remuneration or salary of any individual in ~~this~~ the 2504
employer's employ. Such sections do not affect the validity of 2505
~~private~~ any of the following: 2506

(1) Employee contributions required pursuant to section 2507
4141.252 of the Revised Code; 2508

(2) Private voluntary arrangements or plans by which 2509
employees individually or collectively agree to make payments 2510
for the purpose of securing private unemployment benefits in 2511
addition to the benefits provided by sections 4141.01 to 2512
4141.46, ~~inclusive~~, of the Revised Code, ~~or the validity of~~ 2513
~~private~~; 2514

(3) Private arrangements or plans under which employers 2515
make payments for such purpose. ~~Private~~ 2516

(B) Private unemployment benefits paid under such 2517
arrangements or plans are not compensation for personal services 2518
under sections 4141.01 to 4141.46, ~~inclusive~~, of the Revised 2519
Code, and benefits otherwise payable under such sections shall 2520
not be denied or reduced because of the receipt of private 2521
unemployment benefits under such arrangements or plans. The 2522
provisions in sections 4141.35 and 4141.36 of the Revised Code 2523
pertaining to private arrangements or plans under which 2524
employers or employees contribute for the purpose of providing 2525
private unemployment benefits in addition to the benefits 2526
provided by sections 4141.01 to 4141.46, ~~inclusive~~, of the 2527
Revised Code, apply to all applications and proceedings, 2528

including those pending on June 19, 1959 or thereafter 2529
instituted. 2530

Sec. 4141.39. (A) Any interested party may enjoin the 2531
further operation of an employer who has failed to pay ~~the~~ 2532
employer contributions ~~or,~~ to make payments in lieu of 2533
contributions, or to pay employee contributions as required 2534
under this chapter. The procedure to obtain an injunction is 2535
governed by Chapter 2727. of the Revised Code and the right to 2536
such relief is in addition to the rights described in section 2537
2727.02 of the Revised Code. 2538

(B) (1) No construction contractor or subcontractor who, on 2539
the date of entering into a construction contract has failed to 2540
pay employer contributions ~~or,~~ to make payments in lieu of 2541
contributions, or to pay employee contributions as required 2542
under this chapter for a minimum of nine consecutive months, may 2543
bring an action to enforce rights arising from that construction 2544
contract. 2545

(2) Nothing in this section shall require the surety of a 2546
contractor or subcontractor described in division (B) (1) of this 2547
section to make payment of any contributions or payments in lieu 2548
of contributions as required under this chapter for that 2549
contractor or subcontractor, or affect the surety's rights in 2550
the event that the contractor or subcontractor is in default or 2551
is declared by an obligee to be in default of its contractual 2552
obligations. 2553

(C) As used in this section: 2554

(1) "Interested party" means either of the following: 2555

(a) The attorney general; 2556

(b) The director of job and family services. 2557

(2) "Construction contract" means any oral or written 2558
agreement involving any activity in connection with the 2559
erection, alteration, repair, replacement, renovation, 2560
installation, or demolition of any building, structure, highway, 2561
or bridge. 2562

Sec. 5726.31. As used in this section, "debt to this 2563
state" means unpaid taxes due the state, unpaid workers' 2564
compensation premiums due under section 4123.35 of the Revised 2565
Code, unpaid unemployment compensation employer contributions 2566
due under section 4141.25 of the Revised Code, unpaid 2567
unemployment compensation payments in lieu of contributions due 2568
under section 4141.241 of the Revised Code, unpaid unemployment 2569
compensation employee contributions due under section 4141.252 2570
of the Revised Code, unpaid claims certified under section 2571
131.02 or 131.021 of the Revised Code, unpaid fees payable to 2572
the state or to the clerk of courts pursuant to section 4505.06 2573
of the Revised Code or any unpaid charge, penalty, or interest 2574
arising from any of the foregoing. 2575

If a person entitled to a refund under section 5726.30 of 2576
the Revised Code owes any debt to this state, the amount 2577
refundable may be applied in satisfaction of the debt. If the 2578
amount refundable is less than the amount of the debt, it may be 2579
applied in partial satisfaction of the debt. If the amount 2580
refundable is greater than the amount of the debt, the amount 2581
remaining after satisfaction of the debt shall be refunded. If 2582
the taxpayer has more than one such debt, any debt subject to 2583
section 5739.33 or division (G) of section 5747.07 of the 2584
Revised Code shall be satisfied first. 2585

Except as provided in section 131.021 of the Revised Code, 2586
this section applies only to debts that have become final. For 2587

the purposes of this section, a debt becomes final when, under 2588
the applicable law, any time provided for petition for 2589
reassessment, request for reconsideration, or other appeal of 2590
the legality or validity of the amount giving rise to the debt 2591
expires without an appeal having been filed in the manner 2592
provided by law. 2593

The tax commissioner may charge each respective agency of 2594
the state for the commissioner's cost in applying refunds to 2595
debts due to the state and may charge the attorney general for 2596
the commissioner's cost in applying refunds to certified claims. 2597
The commissioner may promulgate rules to implement this section. 2598

The commissioner may, with the consent of the reporting 2599
person for a taxpayer, provide for the crediting of the amount 2600
of any refund due to the taxpayer under this chapter for a tax 2601
year against the tax due for any succeeding tax year. 2602

Sec. 5733.121. If a corporation entitled to a refund under 2603
section 5733.11 or 5733.12 of the Revised Code is indebted to 2604
this state for any tax, workers' compensation premium due under 2605
section 4123.35 of the Revised Code, unemployment compensation_ 2606
employer contribution due under section 4141.25 of the Revised 2607
Code, unemployment compensation payment in lieu of contribution 2608
under section 4141.241 of the Revised Code, unemployment 2609
compensation employee contribution due under section 4141.252 of 2610
the Revised Code, certified claim under section 131.02 or 2611
131.021 of the Revised Code, or fee that is paid to the state or 2612
to the clerk of courts pursuant to section 4505.06 of the 2613
Revised Code, or any charge, penalty, or interest arising from 2614
such a tax, workers' compensation premium, unemployment 2615
compensation employer contribution, unemployment compensation 2616
payment in lieu of contribution under section 4141.241 of the 2617

Revised Code, unemployment compensation employee contribution 2618
due under section 4141.252 of the Revised Code, certified claim, 2619
or fee, the amount refundable may be applied in satisfaction of 2620
the debt. If the amount refundable is less than the amount of 2621
the debt, it may be applied in partial satisfaction of the debt. 2622
If the amount refundable is greater than the amount of the debt, 2623
the amount remaining after satisfaction of the debt shall be 2624
refunded. If the corporation has more than one such debt, any 2625
debt subject to section 5739.33 or division (G) of section 2626
5747.07 of the Revised Code shall be satisfied first. Except as 2627
provided in section 131.021 of the Revised Code, this section 2628
applies only to debts that have become final. 2629

The tax commissioner may charge each respective agency of 2630
the state for the commissioner's cost in applying refunds to 2631
debts due to the state and may charge the attorney general for 2632
the commissioner's cost in applying refunds to certified claims. 2633
The commissioner may promulgate rules to implement this section. 2634

The tax commissioner may, with the consent of the 2635
taxpayer, provide for the crediting, against tax due for any tax 2636
year, of the amount of any refund due the taxpayer under this 2637
chapter for a preceding tax year. 2638

Sec. 5736.081. As used in this section, "debt to this 2639
state" means unpaid taxes due the state, unpaid workers' 2640
compensation premiums due under section 4123.35 of the Revised 2641
Code, unpaid unemployment compensation employer contributions 2642
due under section 4141.25 of the Revised Code, unpaid 2643
unemployment compensation payment in lieu of contribution under 2644
section 4141.241 of the Revised Code, unpaid unemployment 2645
compensation employee contributions due under section 4141.252 2646
of the Revised Code, unpaid fees payable to the state or to the 2647

clerk of courts pursuant to section 4505.06 of the Revised Code, 2648
incorrect payments for medicaid services under the medicaid 2649
program, or any unpaid charge, penalty, or interest arising from 2650
any of the foregoing. 2651

If a taxpayer entitled to a refund under section 5736.08 2652
of the Revised Code owes any debt to this state, the amount 2653
refundable may be applied in satisfaction of the debt. If the 2654
amount refundable is less than the amount of the debt, it may be 2655
applied in partial satisfaction of the debt. If the amount 2656
refundable is greater than the amount of the debt, the amount 2657
remaining after satisfaction of the debt shall be refunded. This 2658
section applies only to debts that have become final. For the 2659
purposes of this section, a debt becomes final when, under the 2660
applicable law, any time provided for petition for reassessment, 2661
request for reconsideration, or other appeal of the legality or 2662
validity of the amount giving rise to the debt expires without 2663
an appeal having been filed in the manner provided by law. 2664

Sec. 5747.12. (A) If a person entitled to a refund under 2665
section 5747.11 or 5747.13 of the Revised Code is indebted for 2666
any of the following, the amount refundable may be applied in 2667
satisfaction of the debt: 2668

(1) To this state for any tax, workers' compensation 2669
premium due under section 4123.35 of the Revised Code, ~~or~~ 2670
unemployment compensation employer contribution due under 2671
section 4141.25 of the Revised Code, or unemployment 2672
compensation employee contribution due under section 4141.252 of 2673
the Revised Code; 2674

(2) To the state or a political subdivision for a 2675
certified claim under section 131.02 or 131.021 of the Revised 2676
Code or a finding for recovery included in a certified report 2677

that has been filed with the attorney general pursuant to 2678
sections 117.28 and 117.30 of the Revised Code; 2679

(3) For a fee that is paid to the state or to the clerk of 2680
courts pursuant to section 4505.06 of the Revised Code; 2681

(4) For any charge, penalty, collection cost, or interest 2682
arising from a debt listed in divisions (A) (1) to (3) of this 2683
section. 2684

(B) If the amount refundable is less than the amount of 2685
the debt owed under division (A) of this section, it may be 2686
applied in partial satisfaction of the debt. If the amount 2687
refundable is greater than the amount of that debt, the amount 2688
remaining after satisfaction of the debt shall be refunded. If 2689
the person has more than one debt listed in division (A) of this 2690
section, any debt subject to section 5739.33 or division (G) of 2691
section 5747.07 of the Revised Code or arising under section 2692
5747.063 or 5747.064 of the Revised Code shall be satisfied 2693
first. 2694

(C) Except as provided in section 131.021 of the Revised 2695
Code, this section applies only to debts that have become final. 2696

(D) The tax commissioner may charge each respective agency 2697
of the state for the commissioner's cost in applying refunds to 2698
debts due to the state and may charge the attorney general for 2699
the commissioner's cost in applying refunds to certified claims. 2700

(E) The commissioner may promulgate rules to implement 2701
this section. The rules may address, among other things, 2702
situations such as those where persons may jointly be entitled 2703
to a refund but do not jointly owe a debt or certified claim. 2704

(F) The commissioner may, with the consent of the 2705
taxpayer, provide for the crediting, against tax imposed under 2706

this chapter or Chapter 5748. of the Revised Code and due for 2707
any taxable year, of the amount of any refund due the taxpayer 2708
under this chapter or Chapter 5748. of the Revised Code, as 2709
appropriate, for a preceding taxable year. 2710

Sec. 5751.081. As used in this section, "debt to this 2711
state" means unpaid taxes due the state, unpaid workers' 2712
compensation premiums due under section 4123.35 of the Revised 2713
Code, unpaid unemployment compensation employer contributions 2714
due under section 4141.25 of the Revised Code, unpaid 2715
unemployment compensation payment in lieu of contribution under 2716
section 4141.241 of the Revised Code, unpaid unemployment 2717
compensation employee contributions due under section 4141.252 2718
of the Revised Code, unpaid fees payable to the state or to the 2719
clerk of courts pursuant to section 4505.06 of the Revised Code, 2720
incorrect payments for medicaid services under the medicaid 2721
program, or any unpaid charge, penalty, or interest arising from 2722
any of the foregoing. 2723

If a taxpayer entitled to a refund under section 5751.08 2724
of the Revised Code owes any debt to this state, the amount 2725
refundable may be applied in satisfaction of the debt. If the 2726
amount refundable is less than the amount of the debt, it may be 2727
applied in partial satisfaction of the debt. If the amount 2728
refundable is greater than the amount of the debt, the amount 2729
remaining after satisfaction of the debt shall be refunded. This 2730
section applies only to debts that have become final. For the 2731
purposes of this section, a debt becomes final when, under the 2732
applicable law, any time provided for petition for reassessment, 2733
request for reconsideration, or other appeal of the legality or 2734
validity of the amount giving rise to the debt expires without 2735
an appeal having been filed in the manner provided by law. 2736

Section 2. That existing sections 4141.01, 4141.09,	2737
4141.13, 4141.23, 4141.231, 4141.24, 4141.25, 4141.26, 4141.27,	2738
4141.36, 4141.39, 5726.31, 5733.121, 5736.081, 5747.12, and	2739
5751.081 of the Revised Code are hereby repealed.	2740