

As Introduced

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H. B. No. 376

Representative Teska

**Cosponsors: Representatives Dean, Mullins, Lear, Gross, Ferguson, Fowler
Arthur, Barhorst, King, Daniels, Workman, Willis, Hiner**

To amend sections 4141.30, 4141.33, and 4141.53 of	1
the Revised Code to reduce the maximum weeks an	2
individual may receive unemployment benefits	3
from 26 to 20 weeks.	4

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

Section 1. That sections 4141.30, 4141.33, and 4141.53 of	5
the Revised Code be amended to read as follows:	6

Sec. 4141.30. (A) All benefits shall be paid through	7
public employment offices in accordance with such rules as the	8
director of job and family services prescribes.	9

(B) With the exceptions in division (B) (4) of this	10
section, benefits are payable to each eligible and qualified	11
individual on account of each week of involuntary total	12
unemployment after the specified waiting period at the weekly	13
benefit amount determined by:	14

(1) Computing the individual's average weekly wage as	15
defined in division (O) (2) of section 4141.01 of the Revised	16
Code;	17

(2) Determining the individual's dependency class under	18
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division (E) of this section; 19

(3) Computing the individual's weekly benefit amount to be 20
fifty per cent of the individual's average weekly wage except, 21
that the individual's weekly benefit amount shall not exceed the 22
maximum amount shown for the individual's dependency class in 23
the following table: 24
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	1	2
A	Dependency Class	Maximum Weekly Benefit Amount
B	A	\$147
C	B	223
D	C	233

Effective Sunday of the calendar week in which January 1, 26
1988, occurs and on each similar day of each year thereafter, 27
the current maximum weekly benefit amount for each dependency 28
class shall be adjusted based on the statewide average weekly 29
wage. Any percentage increase in such statewide average weekly 30
wage between the wage computed for the current year and the wage 31
computed for the preceding year shall be used to increase the 32
maximum amounts then in effect by the same percentage. Such 33
increased amounts will be effective with respect to applications 34
for benefit rights filed during the fifty-two consecutive 35
calendar weeks beginning with such Sunday date. 36

The director shall calculate the statewide average weekly 37
wage based on the average weekly earnings of all workers in 38
employment subject to this chapter during the preceding twelve- 39
month period ending the thirtieth day of June. The calculation 40

shall be made in the following manner: 41

(a) The sum of the total monthly employment reported for 42
the previous twelve-month period shall be divided by twelve to 43
determine the average monthly employment; 44

(b) The sum of the total wages reported for the previous 45
twelve-month period shall be divided by the average monthly 46
employment to determine the average annual wage; 47

(c) The average annual wage shall be divided by fifty-two 48
to determine the statewide average weekly wage. 49

In the computation of the weekly benefit amount, any 50
resulting amount not a multiple of one dollar shall be rounded 51
to the next lower multiple of one dollar. In the computation of 52
the adjusted maximum benefit amounts, based on the statewide 53
average weekly wage, any resulting amount not a multiple of one 54
dollar shall be rounded to the next lower multiple of one 55
dollar. 56

(4) Effective Sunday of the calendar week in which January 57
1, occurs for calendar years 1988 through 1993, the maximum 58
weekly benefit amount payable for an individual's dependency 59
class for those years shall be computed in accordance with this 60
division, with an additional increase added to the prior year's 61
increase equal to one-sixth of total percentage increase that 62
otherwise would have been available in calendar years 1983, 63
1984, 1985, 1986, and 1987, if in those years an adjustment in 64
the maximum weekly benefit amount would have been made pursuant 65
to this division. 66

(5) Effective Sunday of the calendar week in which January 67
1, 1991, occurs, the maximum weekly benefit amounts computed 68
under divisions (B) (3) and (4) of this section shall not exceed 69

the following amounts: 70

(a) For dependency class A, fifty per cent of the 71
statewide average weekly wage; 72

(b) For dependency class B, sixty per cent of the 73
statewide average weekly wage; 74

(c) For dependency class C, sixty-six and two-thirds per 75
cent of the statewide average weekly wage. 76

Division (B) (5) of this section applies to all new claims 77
filed on and after the Sunday of the calendar week in which 78
January 1, 1991, occurs, provided that the maximum weekly 79
benefit amounts established for the dependency classes prior to 80
such date apply to all claims until the maximum weekly benefit 81
amounts as determined pursuant to division (B) (5) of this 82
section equal or exceed the maximum weekly benefit amounts in 83
effect prior to such date. 84

(6) For the time period beginning on January 1, 2018, and 85
ending January 1, 2020, no individual's weekly benefit amount 86
shall exceed the maximum weekly benefit amounts in effect on ~~the~~ 87
~~effective date of this section~~ March 28, 2017. 88

(C) Benefits are payable to each partially unemployed 89
individual otherwise eligible on account of each week of 90
involuntary partial unemployment after the specified waiting 91
period in an amount equal to the individual's weekly benefit 92
amount less that part of the remuneration payable to the 93
individual with respect to such week which is in excess of 94
twenty per cent of the individual's weekly benefit amount, and 95
the resulting amount rounded to the next lower multiple of one 96
dollar. 97

~~(D) The~~ (D) (1) In any benefit year that begins before the 98

effective date of this amendment, the total benefits to which an 99
individual is entitled in any benefit year, whether for partial 100
or total unemployment, or both, shall not exceed the lesser of 101
the following two amounts: (1) an amount equal to twenty-six 102
times the individual's weekly benefit amount determined in 103
accordance with division (B) of this section and this division, 104
or (2) an amount computed by taking the sum of twenty times the 105
individual's weekly benefit amount for the first twenty base 106
period qualifying weeks plus one times the weekly benefit amount 107
for each additional qualifying week beyond the first twenty 108
qualifying weeks in the individual's base period. 109

(2) In any benefit year that begins on or after the 110
effective date of this amendment, the total benefits to which an 111
individual is entitled, whether for partial or total 112
unemployment, or both, shall not exceed an amount equal to 113
twenty times the individual's weekly benefit amount determined 114
in accordance with division (B) of this section. 115

(E) Each eligible and qualified individual shall be 116
assigned a dependency class in accordance with the following 117
schedule: 118

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A	Class	Description of Dependents
B	A	No dependents, or has insufficient wages to qualify for more than the maximum weekly benefit amount as provided under dependency class A
C	B	One or two dependents

D C Three or more dependents

As used in this division "dependent" means: 120

(1) Any natural child, stepchild, or adopted child of the 121
individual claiming benefits for whom such individual at the 122
beginning of the individual's current benefit year is supplying 123
and for at least ninety consecutive days, or for the duration of 124
the parental relationship if it existed less than ninety days, 125
immediately preceding the beginning of such benefit year, has 126
supplied more than one-half of the cost of support and if such 127
child on the beginning date of such benefit year was under 128
eighteen years of age, or if unable to work because of permanent 129
physical or mental disability; 130

(2) The legally married wife or husband of the individual 131
claiming benefits for whom more than one-half the cost of 132
support has been supplied by such individual for at least ninety 133
consecutive days, or for the duration of the marital 134
relationship if it has existed for less than ninety days, 135
immediately preceding the beginning of such individual's current 136
benefit year and such wife or husband was living with such 137
individual and had an average weekly income, in such period, not 138
in excess of twenty-five per cent of the claimant's average 139
weekly wage. 140

(3) If both the husband and wife qualify for benefit 141
rights with overlapping benefit years, only one of them may 142
qualify for a dependency class other than A. 143

Sec. 4141.33. (A) As used in this section: 144

(1) "Reasonable assurance" means a written, verbal, or 145
implied agreement that the individual will perform services in 146

the same or similar capacity during the ensuing sports season or 147
seasonal period. 148

(2) "Seasonal employment" means employment of individuals 149
hired primarily to perform services in an industry which because 150
of climatic conditions or because of the seasonal nature of such 151
industry it is customary to operate only during regularly 152
recurring periods of forty weeks or less in any consecutive 153
fifty-two weeks. 154

(3) "Seasonal employer" means an employer determined by 155
the director of job and family services to be an employer whose 156
operations and business, with the exception of certain 157
administrative and maintenance operations, are substantially all 158
in a seasonal industry. 159

(4) "Significantly" means forty per cent or more of an 160
individual's base period consists of services performed in 161
seasonal employment. 162

(B) Any employer who claims to have seasonal employment in 163
a seasonal industry may file with the director a written 164
application for classification of such employment as seasonal. 165
Whenever in any industry it is customary to operate because of 166
climatic conditions or because of the seasonal nature of such 167
industry only during regularly recurring periods of forty weeks 168
or less duration, benefits shall be payable only during the 169
longest seasonal periods which the best practice of such 170
industry will reasonably permit. The director shall determine, 171
after investigation, hearing, and due notice, whether the 172
industry is seasonal and, if seasonal, establish seasonal 173
periods for such seasonal employer. Until such determination by 174
the director, no industry or employment shall be deemed 175
seasonal. 176

(C) When the director has determined such seasonal 177
periods, the director shall also establish the proportionate 178
number of weeks of employment and earnings required to qualify 179
for seasonal benefit rights in place of the weeks of employment 180
and earnings requirement stipulated in division (R) of section 181
4141.01 and section 4141.30 of the Revised Code, and the 182
proportionate number of weeks for which seasonal benefits may be 183
paid. An individual whose base period employment consists of 184
only seasonal employment for a single seasonal employer and who 185
meets the employment and earnings requirements determined by the 186
director pursuant to this division will have benefit rights 187
determined in accordance with this division, except benefits 188
shall not be paid for any week between two successive seasonal 189
periods. Benefit charges for such seasonal employment shall be 190
computed and charged in accordance with division (D) of section 191
4141.24 of the Revised Code. The director may adopt rules for 192
implementation of this section. 193

(D) An individual whose base period employment consists of 194
either seasonal employment with two or more seasonal employers 195
or both seasonal employment and nonseasonal employment with 196
employers subject to this chapter, will have benefit rights 197
determined in accordance with division (R) of section 4141.01 198
and section 4141.30 of the Revised Code. Benefit charges for 199
both seasonal and nonseasonal employment shall be computed and 200
charged in accordance with division (D) of section 4141.24 of 201
the Revised Code. The total seasonal and nonseasonal benefits 202
during a benefit year cannot exceed ~~twenty-six times the weekly~~ 203
~~benefit amount~~ the maximum amount allowed under division (D) of 204
section 4141.30 of the Revised Code. Effective October 30, 2011, 205
an individual who performs services that significantly consist 206
of services performed in seasonal employment shall not be paid 207

benefits for those services for any week in the period between 208
two successive seasonal periods if the individual performed 209
those services in the first of the seasonal periods and there is 210
reasonable assurance that the individual will perform those 211
services in the later of the seasonal periods. The director 212
shall adopt rules for the implementation of this division. 213

(E) Benefits shall not be paid to any individual on the 214
basis of any services, substantially all of which consist of 215
participating in sports or athletic events or training or 216
preparing to so participate, for any week which commences during 217
the period between two successive sport seasons, or similar 218
periods, if the individual performed services in the first of 219
the seasons, or similar periods, and there is a reasonable 220
assurance that the individual will perform services in the later 221
of the seasons, or similar periods. 222

(F) The director shall adopt rules concerning the 223
eligibility for benefits of individuals under divisions (D) and 224
(E) of this section. 225

Sec. 4141.53. (A) An individual is eligible to receive 226
shared work compensation for a week in which the individual 227
satisfies all of the following: 228

(1) The individual is employed by a participating employer 229
and is subject to a shared work plan that was approved before 230
that week and is in effect for that week. 231

(2) The individual is available for work and is actively 232
seeking work by being available for the individual's normal 233
weekly hours of work. 234

(3) The individual's normal weekly hours of work with the 235
participating employer have been reduced by at least ten per 236

cent but not more than sixty per cent. 237

(4) The individual has been employed by an employer or 238
employers subject to this chapter in at least twenty qualifying 239
weeks within the individual's base period and has earned or been 240
paid remuneration at an average weekly wage of not less than 241
twenty-seven and one-half per cent of the statewide average 242
weekly wage for those weeks. 243

(5) The individual has been subject to a shared work plan 244
for at least one week prior to the week for which the 245
compensation is to be paid, or otherwise satisfies the waiting 246
period requirement of division (B) of section 4141.29 of the 247
Revised Code for the individual's benefit year. 248

(6) The individual otherwise satisfies the requirements of 249
this chapter and is not otherwise disqualified from receiving 250
unemployment compensation benefits. 251

(B) For purposes of division (A)(2) of this section, an 252
individual is available for the individual's normal weekly hours 253
of work with the participating employer if the individual does 254
any of the following: 255

(1) Works the number of weekly hours assigned to the 256
individual under an approved shared work plan; 257

(2) Works fewer hours than the number of weekly hours 258
assigned to the individual under an approved shared work plan 259
and either of the following apply: 260

(a) The individual takes approved time off during the week 261
with pay, and the combined work hours and paid leave hours equal 262
the number of hours the employee would have worked under the 263
plan; 264

(b) The individual does not take approved time off with 265
pay during that week and the reduction in hours was not the 266
fault of the individual and was not more than sixty per cent of 267
the individual's normal weekly hours of work. 268

(C) (1) Except as provided in division (C) (2) or (D) of 269
this section, the director of job and family services shall pay 270
a participating employee who is eligible for weekly shared work 271
compensation in an amount equal to the participating employee's 272
weekly benefit amount as described in division (B) of section 273
4141.30 of the Revised Code for a period of total unemployment, 274
multiplied by the reduction percentage specified in the approved 275
shared work plan applicable to the participating employee. 276

(2) The director shall pay a participating employee who is 277
eligible for weekly shared work compensation in an amount equal 278
to the participating employee's weekly benefit amount as 279
described in division (B) of section 4141.30 of the Revised Code 280
for a period of total unemployment, multiplied by the percentage 281
by which the participating employee's normal weekly hours of 282
work were actually reduced during the workweek, if all of the 283
following apply: 284

(a) The participating employee did not take approved paid 285
leave during the week. 286

(b) The participating employee's normal weekly hours of 287
work were actually reduced by not less than ten per cent and not 288
greater than sixty per cent. 289

(c) The increase or decrease in the participating 290
employee's hours above or below the number of hours assigned to 291
the employee in the approved shared work plan was not the fault 292
of the employee. 293

(3) The director shall determine fault for purposes of 294
divisions (B) (2) (b) and (C) (2) (c) of this section in the same 295
manner that the director makes determinations for benefit rights 296
and determines claims for unemployment compensation benefits 297
under sections 4141.28 and 4141.281 of the Revised Code. 298

(4) The director shall round the amount of a shared work 299
compensation payment that is not a multiple of one dollar to the 300
next lower multiple of one dollar. 301

(5) No shared work compensation shall be payable during 302
the one-week period described in division (A) (5) of this 303
section. 304

(D) If an individual works for a participating employer 305
and another employer during the weeks the individual is covered 306
by an approved shared work plan, eligibility for shared work 307
compensation is determined as follows: 308

(1) If the combined number of hours the individual works 309
for both the participating employer and the other employer in a 310
week exceeds the amount of the individual's normal weekly hours 311
of work reduced by ten per cent, the individual is not eligible 312
for shared work compensation. 313

(2) If the combined number of hours the individual works 314
in a week for both employers equals the amount of the 315
individual's normal weekly hours of work reduced between ten and 316
sixty per cent, the director shall pay the individual, if the 317
individual is otherwise eligible, shared work compensation in an 318
amount equal to the individual's weekly benefit amount as 319
described in division (B) of section 4141.30 of the Revised Code 320
for a period of total unemployment, multiplied by the percentage 321
by which the individual's normal weekly hours of work were 322

reduced during the week when factoring in both the amount of 323
hours worked for the other employer and the amount of hours 324
worked for the participating employer. 325

(E) A participating employee is not entitled to receive 326
shared work compensation and unemployment compensation benefits 327
that, when combined, exceed the maximum total benefits payable 328
to the participating employee in a benefit year under section 329
4141.30 of the Revised Code. No participating employee shall be 330
paid shared work compensation during the employee's benefit year 331
in an amount that exceeds ~~twenty-six times the amount of the~~ 332
~~employee's weekly benefit amount for a period of total~~ 333
~~unemployment~~ the maximum amount allowed under division (D) of 334
section 4141.30 of the Revised Code. 335

(F) An individual who has received all of the shared work 336
compensation and unemployment compensation benefits available in 337
a benefit year is an individual who has exhausted regular 338
benefits under section 4141.30 of the Revised Code and is 339
entitled to receive extended benefits under section 4141.301 of 340
the Revised Code if the individual is otherwise eligible to 341
receive benefits under that section. 342

(G) Except as provided in division (C) (2) of this section, 343
the director shall not pay shared work compensation to an 344
individual for a week during which the individual performs paid 345
work for the individual's participating employer that exceeds or 346
falls below the reduced hours established under an approved 347
shared work plan that covers the individual. 348

(H) (1) Except as provided in divisions (H) (2) and (3) of 349
this section, a participating employee is not eligible to 350
receive benefits for being partially unemployed for any week 351
during which the individual works as a participating employee. 352

(2) A participating employee who performs no services 353
during a week for the participating employer and who is 354
otherwise eligible may be paid benefits for being totally or 355
partially unemployed for that week. 356

(3) A participating employee whose normal weekly hours of 357
work are reduced by more than sixty per cent and who is 358
otherwise eligible may be paid benefits for partial unemployment 359
for that week. 360

(I) Any payment of total or partial unemployment 361
compensation benefits under this section is not a payment of 362
shared work compensation under an approved plan but shall be 363
calculated against the maximum total benefits payable to the 364
participating employee in a benefit year under section 4141.30 365
of the Revised Code. 366

(J) For purposes of this section and unless another 367
benefit year applies to the individual, notwithstanding division 368
(R) (1) of section 4141.01 of the Revised Code, a participating 369
employee's "benefit year" is the fifty-two week period beginning 370
with the first day of that week with respect to which the 371
employee's participating employer first files a claim on behalf 372
of the participating employee pursuant to division (B) of 373
section 4141.54 of the Revised Code. 374

Section 2. That existing sections 4141.30, 4141.33, and 375
4141.53 of the Revised Code are hereby repealed. 376