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Senators LaRose, Williams

Cosponsors: Senators Terhar, Eklund, Hackett, Schiavoni, Hite, Hoagland, Beagle, Sykes, Yuko, Skindell, Tavares, Lehner, Coley, Brown, Dolan, Gardner, Hottinger, Huffman, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Thomas, Uecker, Wilson

A BILL

То	amend section 4141.29 of the Revised Code to	1
	permit persons who quit work to accompany the	2
	person's spouse on a military transfer to be	3
	eligible for unemployment compensation benefits.	4

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

Section 1. That section 4141.29 of the Revised Code be	5
amended to read as follows:	6
Sec. 4141.29. Each eligible individual shall receive	7
benefits as compensation for loss of remuneration due to	8
involuntary total or partial unemployment in the amounts and	9
subject to the conditions stipulated in this chapter.	10
(A) No individual is entitled to a waiting period or	11
benefits for any week unless the individual:	12
(1) Has filed a valid application for determination of	13
benefit rights in accordance with section 4141.28 of the Revised	14
Code;	15

(2) Has made a claim for benefits in accordance with	16	
section 4141.28 of the Revised Code;	17	
(3)(a) Has registered for work and thereafter continues to	18	
report to an employment office or other registration place	19	
maintained or designated by the director of job and family	20	
services. Registration shall be made in accordance with the time	21	
limits, frequency, and manner prescribed by the director.	22	
(b) For purposes of division (A)(3) of this section, an	23	
individual has "registered" upon doing any of the following:	24	
(i) Filing an application for benefit rights;	25	
(ii) Making a weekly claim for benefits;	26	
(iii) Reopening an existing claim following a period of	27	
employment or nonreporting.	28	
(c) After an applicant is registered, that registration	29	
continues for a period of three calendar weeks, including the	30	
week during which the applicant registered. However, an	31	
individual is not registered for purposes of division (A)(3) of	32	
this section during any period in which the individual fails to	33	
report, as instructed by the director, or fails to reopen an	34	
existing claim following a period of employment.	35	
(d) The director may, for good cause, extend the period of	36	
registration.	37	
(e) For purposes of this section, "report" means contact	38	
by phone, access electronically, or be present for an in-person		
appointment, as designated by the director.	40	
(4)(a)(i) Is able to work and available for suitable work	41	
and, except as provided in division (A)(4)(a)(ii) or (iii) of	42	
this section, is actively seeking suitable work either in a	43	

respect to that layoff.

locality in which the individual has earned wages subject to this chapter during the individual's base period, or if the individual leaves that locality, then in a locality where suitable work normally is performed.

(ii) The director may waive the requirement that a claimant be actively seeking work when the director finds that the individual has been laid off and the employer who laid the individual off has notified the director within ten days after the layoff, that work is expected to be available for the individual within a specified number of days not to exceed forty-five calendar days following the last day the individual worked. In the event the individual is not recalled within the

(iii) The director may waive the requirement that a claimant be actively seeking work if the director determines that the individual has been laid off and the employer who laid the individual off has notified the director in accordance with division (C) of section 4141.28 of the Revised Code that the employer has closed the employer's entire plant or part of the employer's plant for a purpose other than inventory or vacation that will cause unemployment for a definite period not exceeding twenty-six weeks beginning on the date the employer notifies the director, for the period of the specific shutdown, if all of the following apply:

specified period, this waiver shall cease to be operative with

- (I) The employer and the individuals affected by the layoff who are claiming benefits under this chapter jointly request the exemption.
- (II) The employer provides that the affected individuals shall return to work for the employer within twenty-six weeks

after the date the employer notifies the director.	74
(III) The director determines that the waiver of the	75
active search for work requirement will promote productivity and	76
economic stability within the state.	77
(iv) Division (A)(4)(a)(iii) of this section does not	78
exempt an individual from meeting the other requirements	79
specified in division (A)(4)(a)(i) of this section to be able to	80
work and otherwise fully be available for work. An exemption	81
granted under division (A)(4)(a)(iii) of this section may be	82
granted only with respect to a specific plant closing.	83
(b)(i) The individual shall be instructed as to the	84
efforts that the individual must make in the search for suitable	85
work, including that, within six months after October 11, 2013,	86
the individual shall register with OhioMeansJobs, except in any	87
of the following circumstances:	88
(I) The individual is an individual described in division	89
(A)(4)(b)(iii) of this section;	90
(II) Where the active search for work requirement has been	91
waived under division (A)(4)(a) of this section;	92
(III) Where the active search for work requirement is	93
considered to be met under division (A)(4)(c), (d), or (e) of	94
this section.	95
(ii) An individual who is registered with OhioMeansJobs	96
shall receive a weekly listing of available jobs based on	97
information provided by the individual at the time of	98
registration. For each week that the individual claims benefits,	99
the individual shall keep a record of the individual's work	100
search efforts and shall produce that record in the manner and	101
means prescribed by the director.	102

(iii) No individual shall be required to register with	103
OhioMeansJobs if the individual is legally prohibited from using	104
a computer, has a physical or visual impairment that makes the	105
individual unable to use a computer, or has a limited ability to	106
read, write, speak, or understand a language in which	107
OhioMeansJobs is available.	108
(iv) As used in division (A)(4)(b) of this section:	109
(I) "OhioMeansJobs" means the electronic job placement	110
system operated by the state.	111
(II) "Registration" includes the creation, electronic	112
posting, and maintenance of an active, searchable resume.	113
(c) An individual who is attending a training course	114
approved by the director meets the requirement of this division,	115
if attendance was recommended by the director and the individual	116
is regularly attending the course and is making satisfactory	117
progress. An individual also meets the requirements of this	118
division if the individual is participating and advancing in a	119
training program, as defined in division (P) of section 5709.61	120
of the Revised Code, and if an enterprise, defined in division	121
(B) of section 5709.61 of the Revised Code, is paying all or	122
part of the cost of the individual's participation in the	123
training program with the intention of hiring the individual for	124
employment as a new employee, as defined in division (L) of	125
section 5709.61 of the Revised Code, for at least ninety days	126
after the individual's completion of the training program.	127
(d) An individual who becomes unemployed while attending a	128
regularly established school and whose base period qualifying	129
weeks were earned in whole or in part while attending that	130

school, meets the availability and active search for work

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requirements of division (A)(4)(a) of this section if the	132
individual regularly attends the school during weeks with	133
respect to which the individual claims unemployment benefits and	134
makes self available on any shift of hours for suitable	135
employment with the individual's most recent employer or any	136
other employer in the individual's base period, or for any other	137
suitable employment to which the individual is directed, under	138
this chapter.	139

- (e) An individual who is a member in good standing with a labor organization that refers individuals to jobs meets the active search for work requirement specified in division (A)(4)

 (a) of this section if the individual provides documentation that the individual is eligible for a referral or placement upon request and in a manner prescribed by the director.
- (f) Notwithstanding any other provisions of this section, 146 no otherwise eligible individual shall be denied benefits for 147 any week because the individual is in training approved under 148 section 236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 149 U.S.C.A. 2296, nor shall that individual be denied benefits by 150 reason of leaving work to enter such training, provided the work 151 left is not suitable employment, or because of the application 152 to any week in training of provisions in this chapter, or any 153 applicable federal unemployment compensation law, relating to 154 availability for work, active search for work, or refusal to 155 accept work. 156

For the purposes of division (A)(4)(f) of this section,

"suitable employment" means with respect to an individual, work

of a substantially equal or higher skill level than the

individual's past adversely affected employment, as defined for

the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19

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U.S.C.A. 2101, and wages for such work at not less than eighty	162
per cent of the individual's average weekly wage as determined	163
for the purposes of that federal act.	164
(5) Is unable to obtain suitable work. An individual who	165
is provided temporary work assignments by the individual's	166
employer under agreed terms and conditions of employment, and	167
who is required pursuant to those terms and conditions to	168
inquire with the individual's employer for available work	169
assignments upon the conclusion of each work assignment, is not	170
considered unable to obtain suitable employment if suitable work	171
assignments are available with the employer but the individual	172
fails to contact the employer to inquire about work assignments.	173
(6) Participates in reemployment services, such as job	174
search assistance services, if the individual has been	175
determined to be likely to exhaust benefits under this chapter,	176
including compensation payable pursuant to 5 U.S.C.A. Chapter	177
85, other than extended compensation, and needs reemployment	178
services pursuant to the profiling system established by the	179
director under division (K) of this section, unless the director	180
determines that:	181
(a) The individual has completed such services; or	182
(b) There is justifiable cause for the claimant's failure	183
to participate in such services.	184
Ineligibility for failure to participate in reemployment	185
services as described in division (A)(6) of this section shall	186
be for the week or weeks in which the claimant was scheduled and	187

failed to participate without justifiable cause.

(7) Participates in the reemployment and eligibility

assessment program, or other reemployment services, as required

by the director. As used in division (A) (7) of this section,	191
"reemployment services" includes job search assistance	192
activities, skills assessments, and the provision of labor	193
market statistics or analysis.	194
(a) For purposes of division (A)(7) of this section,	195
participation is required unless the director determines that	196
either of the following circumstances applies to the individual:	197
(i) The individual has completed similar services.	198
(ii) Justifiable cause exists for the failure of the	199
individual to participate in those services.	200
(b) Within six months after October 11, 2013,	201
notwithstanding any earlier contact an individual may have had	202
with a local one-stop county office, including as described in	203
section 6301.08 of the Revised Code, beginning with the eighth	204
week after the week during which an individual first files a	205
valid application for determination of benefit rights in the	206
individual's benefit year, the individual shall report to a	207
local one-stop county office for reemployment services in the	208
manner prescribed by the director.	209
(c) An individual whose active search for work requirement	210
has been waived under division (A)(4)(a) of this section or is	211
considered to be satisfied under division (A)(4)(c), (d), or (e)	212
of this section is exempt from the requirements of division (A)	213
(7) of this section.	214
(B) An individual suffering total or partial unemployment	215
is eligible for benefits for unemployment occurring subsequent	216
to a waiting period of one week and no benefits shall be payable	217
during this required waiting period. Not more than one week of	218

waiting period shall be required of any individual in any

benefit year in order to establish the individual's eligibility	220
for total or partial unemployment benefits.	221
(C) The waiting period for total or partial unemployment	222
shall commence on the first day of the first week with respect	223
to which the individual first files a claim for benefits at an	224
employment office or other place of registration maintained or	225
designated by the director or on the first day of the first week	226
with respect to which the individual has otherwise filed a claim	227
for benefits in accordance with the rules of the department of	228
job and family services, provided such claim is allowed by the	229
director.	230
(D) Notwithstanding division (A) of this section, no	231
individual may serve a waiting period or be paid benefits under	232
the following conditions:	233
(1) For any week with respect to which the director finds	234
that:	235
(a) The individual's unemployment was due to a labor	236
dispute other than a lockout at any factory, establishment, or	237
other premises located in this or any other state and owned or	238
operated by the employer by which the individual is or was last	239
employed; and for so long as the individual's unemployment is	240
due to such labor dispute. No individual shall be disqualified	241
under this provision if either of the following applies:	242
(i) The individual's employment was with such employer at	243
any factory, establishment, or premises located in this state,	244
owned or operated by such employer, other than the factory,	245
establishment, or premises at which the labor dispute exists, if	246
it is shown that the individual is not financing, participating	247

in, or directly interested in such labor dispute;

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(ii) The individual's employment was with an employer not	249
involved in the labor dispute but whose place of business was	250
located within the same premises as the employer engaged in the	251
dispute, unless the individual's employer is a wholly owned	252
subsidiary of the employer engaged in the dispute, or unless the	253
individual actively participates in or voluntarily stops work	254
because of such dispute. If it is established that the claimant	255
was laid off for an indefinite period and not recalled to work	256
prior to the dispute, or was separated by the employer prior to	257
the dispute for reasons other than the labor dispute, or that	258
the individual obtained a bona fide job with another employer	259
while the dispute was still in progress, such labor dispute	260
shall not render the employee ineligible for benefits.	261
(b) The individual has been given a disciplinary layoff	262
for misconduct in connection with the individual's work.	263
ior misconduct in connection with the individual 5 work.	200
(2) For the duration of the individual's unemployment if	264
the director finds that:	265
(a) The individual quit work without just cause or has	266
been discharged for just cause in connection with the	267
individual's work, provided division (D)(2) of this section does	268
not apply to the separation of a person under any of the	269
following circumstances:	270
(i) Separation from employment for the purpose of entering	271
the armed forces of the United States if the individual is	272
inducted into the armed forces within one of the following	273
periods:	274
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(I) Thirty days after separation;	275

(II) One hundred eighty days after separation if the

individual's date of induction is delayed solely at the

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(ii) Separation from employment pursuant to a labor-	279
management contract or agreement, or pursuant to an established	280
employer plan, program, or policy, which permits the employee,	281
because of lack of work, to accept a separation from employment;	282
(iii) The individual has left employment to accept a	283
recall from a prior employer or, except as provided in division	284
(D)(2)(a)(iv) of this section, to accept other employment as	285
provided under section 4141.291 of the Revised Code, or left or	286
was separated from employment that was concurrent employment at	287
the time of the most recent separation or within six weeks prior	288
to the most recent separation where the remuneration, hours, or	289
other conditions of such concurrent employment were	290
substantially less favorable than the individual's most recent	291
employment and where such employment, if offered as new work,	292
would be considered not suitable under the provisions of	293
divisions (E) and (F) of this section. Any benefits that would	294
otherwise be chargeable to the account of the employer from whom	295
an individual has left employment or was separated from	296
employment that was concurrent employment under conditions	297
described in division (D)(2)(a)(iii) of this section, shall	298
instead be charged to the mutualized account created by division	299

(iv) When an individual has been issued a definite layoff date by the individual's employer and before the layoff date,

(B) of section 4141.25 of the Revised Code, except that any

benefits chargeable to the account of a reimbursing employer

mutualized account, except as provided in division (D)(2) of

to the account of the reimbursing employer and not to the

section 4141.24 of the Revised Code.

under division (D)(2)(a)(iii) of this section shall be charged

the individual quits to accept other employment, the provisions	308
of division (D)(2)(a)(iii) of this section apply and no	309
disqualification shall be imposed under division (D) of this	310
section. However, if the individual fails to meet the employment	311
and earnings requirements of division (A)(2) of section 4141.291	312
of the Revised Code, then the individual, pursuant to division	313
(A)(5) of this section, shall be ineligible for benefits for any	314
week of unemployment that occurs prior to the layoff date.	315
(v) The individual's spouse is a member of the armed	316
forces of the United States who is on active duty as defined in	317
10 U.S.C. 101(d)(1), the spouse is the subject of a military	318
transfer, the individual left employment to accompany the	319
individual's spouse to a location from which it is impractical	320
to commute to the individual's place of employment, and upon	321
arrival at the new place of residence, the individual is in all	322
respects able and available for suitable work.	323
(b) The individual has refused without good cause to	324
accept an offer of suitable work when made by an employer either	325
in person or to the individual's last known address, or has	326
refused or failed to investigate a referral to suitable work	327
when directed to do so by a local employment office of this	328
state or another state, provided that this division shall not	329
cause a disqualification for a waiting week or benefits under	330
the following circumstances:	331
(i) When work is offered by the individual's employer and	332
the individual is not required to accept the offer pursuant to	333
the terms of the labor-management contract or agreement; or	334
(ii) When the individual is attending a training course	335
pursuant to division (A)(4) of this section except, in the event	336

of a refusal to accept an offer of suitable work or a refusal or

failure to investigate a referral, benefits thereafter paid to	338
such individual shall not be charged to the account of any	339
employer and, except as provided in division (B)(1)(b) of	340
section 4141.241 of the Revised Code, shall be charged to the	341
mutualized account as provided in division (B) of section	342
4141.25 of the Revised Code.	343

- (c) Such individual quit work to marry or because of 344 marital, parental, filial, or other domestic obligations. 345
- (d) The individual became unemployed by reason of 346 commitment to any correctional institution. 347
- (e) The individual became unemployed because of dishonesty 348 in connection with the individual's most recent or any base 349 period work. Remuneration earned in such work shall be excluded 350 from the individual's total base period remuneration and 351 qualifying weeks that otherwise would be credited to the 352 individual for such work in the individual's base period shall 353 not be credited for the purpose of determining the total 354 benefits to which the individual is eligible and the weekly 355 356 benefit amount to be paid under section 4141.30 of the Revised Code. Such excluded remuneration and noncredited qualifying 357 weeks shall be excluded from the calculation of the maximum 358 amount to be charged, under division (D) of section 4141.24 and 359 section 4141.33 of the Revised Code, against the accounts of the 360 individual's base period employers. In addition, no benefits 361 shall thereafter be paid to the individual based upon such 362 excluded remuneration or noncredited qualifying weeks. 363

For purposes of division (D)(2)(e) of this section, 364
"dishonesty" means the commission of substantive theft, fraud, 365
or deceitful acts. 366

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(E) No individual otherwise qualified to receive benefits	367
shall lose the right to benefits by reason of a refusal to	368
accept new work if:	369
(1) As a condition of being so employed the individual	370
would be required to join a company union, or to resign from or	371
refrain from joining any bona fide labor organization, or would	372
be denied the right to retain membership in and observe the	373
lawful rules of any such organization.	374
(2) The position offered is vacant due directly to a	375
strike, lockout, or other labor dispute.	376
(3) The work is at an unreasonable distance from the	377
individual's residence, having regard to the character of the	378
work the individual has been accustomed to do, and travel to the	379
place of work involves expenses substantially greater than that	380
required for the individual's former work, unless the expense is	381
provided for.	382
(4) The remuneration, hours, or other conditions of the	383
work offered are substantially less favorable to the individual	384
than those prevailing for similar work in the locality.	385
(F) Subject to the special exceptions contained in	386
division (A)(4)(f) of this section and section 4141.301 of the	387
Revised Code, in determining whether any work is suitable for a	388
claimant in the administration of this chapter, the director, in	389
addition to the determination required under division (E) of	390
this section, shall consider the degree of risk to the	391
claimant's health, safety, and morals, the individual's physical	392
fitness for the work, the individual's prior training and	393

experience, the length of the individual's unemployment, the

distance of the available work from the individual's residence,

and the individual's prospects for obtaining local work.

(G) The "duration of unemployment" as used in this section 397 means the full period of unemployment next ensuing after a 398 separation from any base period or subsequent work and until an 399 individual has become reemployed in employment subject to this 400 chapter, or the unemployment compensation act of another state, 401 or of the United States, and until such individual has worked 402 six weeks and for those weeks has earned or been paid 403 remuneration equal to six times an average weekly wage of not 404 less than: eighty-five dollars and ten cents per week beginning 405 on June 26, 1990; and beginning on and after January 1, 1992, 406 twenty-seven and one-half per cent of the statewide average 407 weekly wage as computed each first day of January under division 408 (B)(3) of section 4141.30 of the Revised Code, rounded down to 409 the nearest dollar, except for purposes of division (D)(2)(c) of 410 this section, such term means the full period of unemployment 411 next ensuing after a separation from such work and until such 412 individual has become reemployed subject to the terms set forth 413 above, and has earned wages equal to one-half of the 414 individual's average weekly wage or sixty dollars, whichever is 415 less. 416

(H) If a claimant is disqualified under division (D)(2) 417 (a), (c), or (d) of this section or found to be qualified under 418 the exceptions provided in division (D)(2)(a)(i), (iii), or-419 (iv), or (v) of this section or division (A)(2) of section 420 4141.291 of the Revised Code, then benefits that may become 421 payable to such claimant, which are chargeable to the account of 422 the employer from whom the individual was separated under such 423 conditions, shall be charged to the mutualized account provided 424 in section 4141.25 of the Revised Code, provided that no charge 425 shall be made to the mutualized account for benefits chargeable 426

to a reimbursing employer, except as provided in division (D)(2)	427
of section 4141.24 of the Revised Code. In the case of a	428
reimbursing employer, the director shall refund or credit to the	429
account of the reimbursing employer any over-paid benefits that	430
are recovered under division (B) of section 4141.35 of the	431
Revised Code. Amounts chargeable to other states, the United	432
States, or Canada that are subject to agreements and	433
arrangements that are established pursuant to section 4141.43 of	434
the Revised Code shall be credited or reimbursed according to	435
the agreements and arrangements to which the chargeable amounts	436
are subject.	437

- (I) (1) Benefits based on service in employment as provided 438 in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 439 Code shall be payable in the same amount, on the same terms, and 440 subject to the same conditions as benefits payable on the basis 441 of other service subject to this chapter; except that after 442 December 31, 1977:
- (a) Benefits based on service in an instructional, 444 research, or principal administrative capacity in an institution 445 of higher education, as defined in division (Y) of section 446 4141.01 of the Revised Code; or for an educational institution 447 as defined in division (CC) of section 4141.01 of the Revised 448 Code, shall not be paid to any individual for any week of 449 unemployment that begins during the period between two 450 successive academic years or terms, or during a similar period 451 between two regular but not successive terms or during a period 452 of paid sabbatical leave provided for in the individual's 453 contract, if the individual performs such services in the first 454 of those academic years or terms and has a contract or a 455 reasonable assurance that the individual will perform services 456 in any such capacity for any such institution in the second of 457

those academic years or terms.

(b) Benefits based on service for an educational 459 institution or an institution of higher education in other than 460 an instructional, research, or principal administrative 461 capacity, shall not be paid to any individual for any week of 462 unemployment which begins during the period between two 463 successive academic years or terms of the employing educational 464 institution or institution of higher education, provided the 465 individual performed those services for the educational 466 institution or institution of higher education during the first 467 such academic year or term and, there is a reasonable assurance 468 that such individual will perform those services for any 469 educational institution or institution of higher education in 470 the second of such academic years or terms. 471

If compensation is denied to any individual for any week 472 under division (I)(1)(b) of this section and the individual was 473 not offered an opportunity to perform those services for an 474 institution of higher education or for an educational 475 institution for the second of such academic years or terms, the 476 individual is entitled to a retroactive payment of compensation 477 for each week for which the individual timely filed a claim for 478 compensation and for which compensation was denied solely by 479 reason of division (I)(1)(b) of this section. An application for 480 retroactive benefits shall be timely filed if received by the 481 director or the director's deputy within or prior to the end of 482 the fourth full calendar week after the end of the period for 483 which benefits were denied because of reasonable assurance of 484 employment. The provision for the payment of retroactive 485 benefits under division (I)(1)(b) of this section is applicable 486 to weeks of unemployment beginning on and after November 18, 487 1983. The provisions under division (I)(1)(b) of this section 488

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shall be retroactive to September 5, 1982, only if, as a	489
condition for full tax credit against the tax imposed by the	490
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A.	491
3301 to 3311, the United States secretary of labor determines	492
that retroactivity is required by federal law.	493
(c) With respect to weeks of unemployment beginning after	494

- (c) With respect to weeks of unemployment beginning after December 31, 1977, benefits shall be denied to any individual 495 for any week which commences during an established and customary 496 vacation period or holiday recess, if the individual performs 497 any services described in divisions (I)(1)(a) and (b) of this 498 section in the period immediately before the vacation period or 499 holiday recess, and there is a reasonable assurance that the 500 individual will perform any such services in the period 501 immediately following the vacation period or holiday recess. 502
- (d) With respect to any services described in division (I) 503 (1)(a), (b), or (c) of this section, benefits payable on the 504 basis of services in any such capacity shall be denied as 505 specified in division (I)(1)(a), (b), or (c) of this section to 506 any individual who performs such services in an educational 507 institution or institution of higher education while in the 508 employ of an educational service agency. For this purpose, the 509 term "educational service agency" means a governmental agency or 510 governmental entity that is established and operated exclusively 511 for the purpose of providing services to one or more educational 512 institutions or one or more institutions of higher education. 513
- (e) Any individual employed by a county board of developmental disabilities shall be notified by the thirtieth day of April each year if the individual is not to be reemployed the following academic year.
 - (f) Any individual employed by a school district, other

than a municipal school district as defined in section 3311.71	519
of the Revised Code, shall be notified by the first day of June	520
each year if the individual is not to be reemployed the	521
following academic year.	522

- (2) No disqualification will be imposed, between academic 523
 years or terms or during a vacation period or holiday recess 524
 under this division, unless the director or the director's 525
 deputy has received a statement in writing from the educational 526
 institution or institution of higher education that the claimant 527
 has a contract for, or a reasonable assurance of, reemployment 528
 for the ensuing academic year or term. 529
- (3) If an individual has employment with an educational 530 institution or an institution of higher education and employment 531 with a noneducational employer, during the base period of the 532 individual's benefit year, then the individual may become 533 eligible for benefits during the between-term, or vacation or 534 holiday recess, disqualification period, based on employment 535 performed for the noneducational employer, provided that the 536 employment is sufficient to qualify the individual for benefit 537 rights separately from the benefit rights based on school 538 employment. The weekly benefit amount and maximum benefits 539 payable during a disqualification period shall be computed based 540 solely on the nonschool employment. 541
- (J) Benefits shall not be paid on the basis of employment 542 performed by an alien, unless the alien had been lawfully 543 admitted to the United States for permanent residence at the 544 time the services were performed, was lawfully present for 545 purposes of performing the services, or was otherwise 546 permanently residing in the United States under color of law at 547 the time the services were performed, under section 212(d)(5) of 548

the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A.	549
1101:	550
(1) Any data or information required of individuals	551
applying for benefits to determine whether benefits are not	552
payable to them because of their alien status shall be uniformly	553
required from all applicants for benefits.	554
(2) In the case of an individual whose application for	555
benefits would otherwise be approved, no determination that	556
benefits to the individual are not payable because of the	557
individual's alien status shall be made except upon a	558
preponderance of the evidence that the individual had not, in	559
fact, been lawfully admitted to the United States.	560
(K) The director shall establish and utilize a system of	561
profiling all new claimants under this chapter that:	562
(1) Identifies which claimants will be likely to exhaust	563
regular compensation and will need job search assistance	564
services to make a successful transition to new employment;	565
(2) Refers claimants identified pursuant to division (K)	566
(1) of this section to reemployment services, such as job search	567
assistance services, available under any state or federal law;	568
(3) Collects follow-up information relating to the	569
services received by such claimants and the employment outcomes	570
for such claimant's subsequent to receiving such services and	571
utilizes such information in making identifications pursuant to	572
division (K)(1) of this section; and	573
(4) Meets such other requirements as the United States	574
secretary of labor determines are appropriate.	575
(L) Except as otherwise provided in division (A)(6) of	576

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this section, ineligibility pursuant to division (A) of this	577
section shall begin on the first day of the week in which the	578
claimant becomes ineligible for benefits and shall end on the	579
last day of the week preceding the week in which the claimant	580
satisfies the eligibility requirements.	581
(M) The director may adopt rules that the director	582
considers necessary for the administration of division (A) of	583
this section.	584
Section 2. That existing section 4141.29 of the Revised	585
Code is hereby repealed.	586