

**As Introduced**

**135th General Assembly**

**Regular Session**

**2023-2024**

**S. B. No. 116**

**Senators Lang, Romanchuk**

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**A BILL**

To amend sections 4141.01, 4141.29, 4141.30, 1  
4141.43, and 4141.53 and to enact section 2  
4141.02 of the Revised Code to make changes to 3  
Ohio's Unemployment Compensation Law. 4

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

**Section 1.** That sections 4141.01, 4141.29, 4141.30, 5  
4141.43, and 4141.53 be amended and section 4141.02 of the 6  
Revised Code be enacted to read as follows: 7

**Sec. 4141.01.** As used in this chapter, unless the context 8  
otherwise requires: 9

(A) (1) "Employer" means the state, its instrumentalities, 10  
its political subdivisions and their instrumentalities, Indian 11  
tribes, and any individual or type of organization including any 12  
partnership, limited liability company, association, trust, 13  
estate, joint-stock company, insurance company, or corporation, 14  
whether domestic or foreign, or the receiver, trustee in 15  
bankruptcy, trustee, or the successor thereof, or the legal 16  
representative of a deceased person who subsequent to December 17  
31, 1971, or in the case of political subdivisions or their 18  
instrumentalities, subsequent to December 31, 1973: 19

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

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

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

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

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

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural

labor; and 49

(i) During any calendar quarter in the current calendar 50  
year or the preceding calendar year, paid cash remuneration of 51  
twenty thousand dollars or more for the agricultural labor; or 52

(ii) Had at least ten individuals in employment in 53  
agricultural labor, not including agricultural workers who are 54  
aliens admitted to the United States to perform agricultural 55  
labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the 56  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 57  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in 58  
each of the twenty different calendar weeks, in either the 59  
current or preceding calendar year whether or not the same 60  
individual was in employment in each day; or 61

(e) Is not otherwise an employer as defined under division 62  
(A)(1)(a) or (b) of this section; and 63

(i) For which, within either the current or preceding 64  
calendar year, service, except for domestic service in a private 65  
home not covered under division (A)(1)(c) of this section, is or 66  
was performed with respect to which such employer is liable for 67  
any federal tax against which credit may be taken for 68  
contributions required to be paid into a state unemployment 69  
fund; 70

(ii) Which, as a condition for approval of this chapter 71  
for full tax credit against the tax imposed by the "Federal 72  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 73  
is required, pursuant to such act to be an employer under this 74  
chapter; or 75

(iii) Who became an employer by election under division 76  
(A)(4) or (5) of this section and for the duration of such 77

election; or 78

(f) In the case of the state, its instrumentalities, its 79  
political subdivisions, and their instrumentalities, and Indian 80  
tribes, had in employment, as defined in divisions (B) (2) (a) and 81  
(B) (2) (1) of this section, at least one individual; 82

(g) For the purposes of division (A) (1) (a) of this 83  
section, if any week includes both the thirty-first day of 84  
December and the first day of January, the days of that week 85  
before the first day of January shall be considered one calendar 86  
week and the days beginning the first day of January another 87  
week. 88

(2) Each individual employed to perform or to assist in 89  
performing the work of any agent or employee of an employer is 90  
employed by such employer for all the purposes of this chapter, 91  
whether such individual was hired or paid directly by such 92  
employer or by such agent or employee, provided the employer had 93  
actual or constructive knowledge of the work. All individuals 94  
performing services for an employer of any person in this state 95  
who maintains two or more establishments within this state are 96  
employed by a single employer for the purposes of this chapter. 97

(3) An employer subject to this chapter within any 98  
calendar year is subject to this chapter during the whole of 99  
such year and during the next succeeding calendar year. 100

(4) An employer not otherwise subject to this chapter who 101  
files with the director of job and family services a written 102  
election to become an employer subject to this chapter for not 103  
less than two calendar years shall, with the written approval of 104  
such election by the director, become an employer subject to 105  
this chapter to the same extent as all other employers as of the 106

date stated in such approval, and shall cease to be subject to 107  
this chapter as of the first day of January of any calendar year 108  
subsequent to such two calendar years only if at least thirty 109  
days prior to such first day of January the employer has filed 110  
with the director a written notice to that effect. 111

(5) Any employer for whom services that do not constitute 112  
employment are performed may file with the director a written 113  
election that all such services performed by individuals in the 114  
employer's employ in one or more distinct establishments or 115  
places of business shall be deemed to constitute employment for 116  
all the purposes of this chapter, for not less than two calendar 117  
years. Upon written approval of the election by the director, 118  
such services shall be deemed to constitute employment subject 119  
to this chapter from and after the date stated in such approval. 120  
Such services shall cease to be employment subject to this 121  
chapter as of the first day of January of any calendar year 122  
subsequent to such two calendar years only if at least thirty 123  
days prior to such first day of January such employer has filed 124  
with the director a written notice to that effect. 125

(6) "Employer" does not include a franchisor with respect 126  
to the franchisor's relationship with a franchisee or an 127  
employee of a franchisee, unless the franchisor agrees to assume 128  
that role in writing or a court of competent jurisdiction 129  
determines that the franchisor exercises a type or degree of 130  
control over the franchisee or the franchisee's employees that 131  
is not customarily exercised by a franchisor for the purpose of 132  
protecting the franchisor's trademark, brand, or both. For 133  
purposes of this division, "franchisor" and "franchisee" have 134  
the same meanings as in 16 C.F.R. 436.1. 135

(B) (1) "Employment" means service performed by an 136

individual for remuneration under any contract of hire, written 137  
or oral, express or implied, including service performed in 138  
interstate commerce and service performed by an officer of a 139  
corporation, without regard to whether such service is 140  
executive, managerial, or manual in nature, and without regard 141  
to whether such officer is a stockholder or a member of the 142  
board of directors of the corporation, unless it is shown to the 143  
satisfaction of the director that such individual has been and 144  
will continue to be free from direction or control over the 145  
performance of such service, both under a contract of service 146  
and in fact. The director shall adopt rules to define "direction 147  
or control." 148

(2) "Employment" includes: 149

(a) Service performed after December 31, 1977, by an 150  
individual in the employ of the state or any of its 151  
instrumentalities, or any political subdivision thereof or any 152  
of its instrumentalities or any instrumentality of more than one 153  
of the foregoing or any instrumentality of any of the foregoing 154  
and one or more other states or political subdivisions and 155  
without regard to divisions (A) (1) (a) and (b) of this section, 156  
provided that such service is excluded from employment as 157  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 158  
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 159  
(3) of this section; or the services of employees covered by 160  
voluntary election, as provided under divisions (A) (4) and (5) 161  
of this section; 162

(b) Service performed after December 31, 1971, by an 163  
individual in the employ of a religious, charitable, 164  
educational, or other organization which is excluded from the 165  
term "employment" as defined in the "Federal Unemployment Tax 166

Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 167  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 168  
excluded under division (B) (3) of this section; 169

(c) Domestic service performed after December 31, 1977, 170  
for an employer, as provided in division (A) (1) (c) of this 171  
section; 172

(d) Agricultural labor performed after December 31, 1977, 173  
for a farm operator or a crew leader, as provided in division 174  
(A) (1) (d) of this section; 175

(e) Subject to division (B) (2) (m) of this section, service 176  
not covered under division (B) (1) of this section which is 177  
performed after December 31, 1971: 178

(i) As an agent-driver or commission-driver engaged in 179  
distributing meat products, vegetable products, fruit products, 180  
bakery products, beverages other than milk, laundry, or dry- 181  
cleaning services, for the individual's employer or principal; 182

(ii) As a traveling or city salesperson, other than as an 183  
agent-driver or commission-driver, engaged on a full-time basis 184  
in the solicitation on behalf of and in the transmission to the 185  
salesperson's employer or principal except for sideline sales 186  
activities on behalf of some other person of orders from 187  
wholesalers, retailers, contractors, or operators of hotels, 188  
restaurants, or other similar establishments for merchandise for 189  
resale, or supplies for use in their business operations, 190  
provided that for the purposes of division (B) (2) (e) (ii) of this 191  
section, the services shall be deemed employment if the contract 192  
of service contemplates that substantially all of the services 193  
are to be performed personally by the individual and that the 194  
individual does not have a substantial investment in facilities 195

used in connection with the performance of the services other 196  
than in facilities for transportation, and the services are not 197  
in the nature of a single transaction that is not a part of a 198  
continuing relationship with the person for whom the services 199  
are performed. 200

(f) An individual's entire service performed within or 201  
both within and without the state if: 202

(i) The service is localized in this state. 203

(ii) The service is not localized in any state, but some 204  
of the service is performed in this state and either the base of 205  
operations, or if there is no base of operations then the place 206  
from which such service is directed or controlled, is in this 207  
state or the base of operations or place from which such service 208  
is directed or controlled is not in any state in which some part 209  
of the service is performed but the individual's residence is in 210  
this state. 211

(g) Service not covered under division (B) (2) (f) (ii) of 212  
this section and performed entirely without this state, with 213  
respect to no part of which contributions are required and paid 214  
under an unemployment compensation law of any other state, the 215  
Virgin Islands, Canada, or of the United States, if the 216  
individual performing such service is a resident of this state 217  
and the director approves the election of the employer for whom 218  
such services are performed; or, if the individual is not a 219  
resident of this state but the place from which the service is 220  
directed or controlled is in this state, the entire services of 221  
such individual shall be deemed to be employment subject to this 222  
chapter, provided service is deemed to be localized within this 223  
state if the service is performed entirely within this state or 224  
if the service is performed both within and without this state 225



but the service performed without this state is incidental to 226  
the individual's service within the state, for example, is 227  
temporary or transitory in nature or consists of isolated 228  
transactions; 229

(h) Service of an individual who is a citizen of the 230  
United States, performed outside the United States except in 231  
Canada after December 31, 1971, or the Virgin Islands, after 232  
December 31, 1971, and before the first day of January of the 233  
year following that in which the United States secretary of 234  
labor approves the Virgin Islands law for the first time, in the 235  
employ of an American employer, other than service which is 236  
"employment" under divisions (B) (2) (f) and (g) of this section 237  
or similar provisions of another state's law, if: 238

(i) The employer's principal place of business in the 239  
United States is located in this state; 240

(ii) The employer has no place of business in the United 241  
States, but the employer is an individual who is a resident of 242  
this state; or the employer is a corporation which is organized 243  
under the laws of this state, or the employer is a partnership 244  
or a trust and the number of partners or trustees who are 245  
residents of this state is greater than the number who are 246  
residents of any other state; or 247

(iii) None of the criteria of divisions (B) (2) (f) (i) and 248  
(ii) of this section is met but the employer has elected 249  
coverage in this state or the employer having failed to elect 250  
coverage in any state, the individual has filed a claim for 251  
benefits, based on such service, under this chapter. 252

(i) For the purposes of division (B) (2) (h) of this 253  
section, the term "American employer" means an employer who is 254

an individual who is a resident of the United States; or a 255  
partnership, if two-thirds or more of the partners are residents 256  
of the United States; or a trust, if all of the trustees are 257  
residents of the United States; or a corporation organized under 258  
the laws of the United States or of any state, provided the term 259  
"United States" includes the states, the District of Columbia, 260  
the Commonwealth of Puerto Rico, and the Virgin Islands. 261

(j) Notwithstanding any other provisions of divisions (B) 262  
(1) and (2) of this section, service, except for domestic 263  
service in a private home not covered under division (A) (1) (c) 264  
of this section, with respect to which a tax is required to be 265  
paid under any federal law imposing a tax against which credit 266  
may be taken for contributions required to be paid into a state 267  
unemployment fund, or service, except for domestic service in a 268  
private home not covered under division (A) (1) (c) of this 269  
section, which, as a condition for full tax credit against the 270  
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 271  
26 U.S.C.A. 3301 to 3311, is required to be covered under this 272  
chapter. 273

(k) Construction services performed by any individual 274  
under a construction contract, as defined in section 4141.39 of 275  
the Revised Code, if the director determines that the employer 276  
for whom services are performed has the right to direct or 277  
control the performance of the services and that the individuals 278  
who perform the services receive remuneration for the services 279  
performed. The director shall presume that the employer for whom 280  
services are performed has the right to direct or control the 281  
performance of the services if ten or more of the following 282  
criteria apply: 283

(i) The employer directs or controls the manner or method 284

by which instructions are given to the individual performing	285
services;	286
(ii) The employer requires particular training for the	287
individual performing services;	288
(iii) Services performed by the individual are integrated	289
into the regular functioning of the employer;	290
(iv) The employer requires that services be provided by a	291
particular individual;	292
(v) The employer hires, supervises, or pays the wages of	293
the individual performing services;	294
(vi) A continuing relationship between the employer and	295
the individual performing services exists which contemplates	296
continuing or recurring work, even if not full-time work;	297
(vii) The employer requires the individual to perform	298
services during established hours;	299
(viii) The employer requires that the individual	300
performing services be devoted on a full-time basis to the	301
business of the employer;	302
(ix) The employer requires the individual to perform	303
services on the employer's premises;	304
(x) The employer requires the individual performing	305
services to follow the order of work established by the	306
employer;	307
(xi) The employer requires the individual performing	308
services to make oral or written reports of progress;	309
(xii) The employer makes payment to the individual for	310
services on a regular basis, such as hourly, weekly, or monthly;	311

(xiii) The employer pays expenses for the individual performing services; 312  
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(xiv) The employer furnishes the tools and materials for use by the individual to perform services; 314  
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(xv) The individual performing services has not invested in the facilities used to perform services; 316  
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(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services; 318  
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(xvii) The individual performing services is not performing services for more than two employers simultaneously; 321  
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(xviii) The individual performing services does not make the services available to the general public; 323  
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(xix) The employer has a right to discharge the individual performing services; 325  
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(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement. 327  
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(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section. 331  
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(m) Service performed by an individual for or on behalf of 340  
a motor carrier transporting property as an operator of a 341  
vehicle or vessel, unless all of the following factors apply to 342  
the individual and the motor carrier has not elected to consider 343  
the individual's service as employment: 344

(i) The individual owns the vehicle or vessel that is used 345  
in performing the services for or on behalf of the carrier, or 346  
the individual leases the vehicle or vessel under a bona fide 347  
lease agreement that is not a temporary replacement lease 348  
agreement. For purposes of this division, a bona fide lease 349  
agreement does not include an agreement between the individual 350  
and the motor carrier transporting property for which, or on 351  
whose behalf, the individual provides services. 352

(ii) The individual is responsible for supplying the 353  
necessary personal services to operate the vehicle or vessel 354  
used to provide the service. 355

(iii) The compensation paid to the individual is based on 356  
factors related to work performed, including on a mileage-based 357  
rate or a percentage of any schedule of rates, and not solely on 358  
the basis of the hours or time expended. 359

(iv) The individual substantially controls the means and 360  
manner of performing the services, in conformance with 361  
regulatory requirements and specifications of the shipper. 362

(v) The individual enters into a written contract with the 363  
carrier for whom the individual is performing the services that 364  
describes the relationship between the individual and the 365  
carrier to be that of an independent contractor and not that of 366  
an employee. 367

(vi) The individual is responsible for substantially all 368

of the principal operating costs of the vehicle or vessel and 369  
equipment used to provide the services, including maintenance, 370  
fuel, repairs, supplies, vehicle or vessel insurance, and 371  
personal expenses, except that the individual may be paid by the 372  
carrier the carrier's fuel surcharge and incidental costs, 373  
including tolls, permits, and lump sum fees. 374

(vii) The individual is responsible for any economic loss 375  
or economic gain from the arrangement with the carrier. 376

(viii) The individual is not performing services described 377  
in 26 U.S.C. 3306(c) (7) or (8). 378

(3) "Employment" does not include the following services 379  
if they are found not subject to the "Federal Unemployment Tax 380  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 381  
services are not required to be included under division (B) (2) 382  
(j) of this section: 383

(a) Service performed after December 31, 1977, in 384  
agricultural labor, except as provided in division (A) (1) (d) of 385  
this section; 386

(b) Domestic service performed after December 31, 1977, in 387  
a private home, local college club, or local chapter of a 388  
college fraternity or sorority except as provided in division 389  
(A) (1) (c) of this section; 390

(c) Service performed after December 31, 1977, for this 391  
state or a political subdivision as described in division (B) (2) 392  
(a) of this section when performed: 393

(i) As a publicly elected official; 394

(ii) As a member of a legislative body, or a member of the 395  
judiciary; 396

(iii) As a military member of the Ohio national guard;	397
(iv) As an employee, not in the classified service as	398
defined in section 124.11 of the Revised Code, serving on a	399
temporary basis in case of fire, storm, snow, earthquake, flood,	400
or similar emergency;	401
(v) In a position which, under or pursuant to law, is	402
designated as a major nontenured policymaking or advisory	403
position, not in the classified service of the state, or a	404
policymaking or advisory position the performance of the duties	405
of which ordinarily does not require more than eight hours per	406
week.	407
(d) In the employ of any governmental unit or	408
instrumentality of the United States;	409
(e) Service performed after December 31, 1971:	410
(i) Service in the employ of an educational institution or	411
institution of higher education, including those operated by the	412
state or a political subdivision, if such service is performed	413
by a student who is enrolled and is regularly attending classes	414
at the educational institution or institution of higher	415
education; or	416
(ii) By an individual who is enrolled at a nonprofit or	417
public educational institution which normally maintains a	418
regular faculty and curriculum and normally has a regularly	419
organized body of students in attendance at the place where its	420
educational activities are carried on as a student in a full-	421
time program, taken for credit at the institution, which	422
combines academic instruction with work experience, if the	423
service is an integral part of the program, and the institution	424
has so certified to the employer, provided that this subdivision	425

shall not apply to service performed in a program established 426  
for or on behalf of an employer or group of employers. 427

(f) Service performed by an individual in the employ of 428  
the individual's son, daughter, or spouse and service performed 429  
by a child under the age of eighteen in the employ of the 430  
child's father or mother; 431

(g) Service performed for one or more principals by an 432  
individual who is compensated on a commission basis, who in the 433  
performance of the work is master of the individual's own time 434  
and efforts, and whose remuneration is wholly dependent on the 435  
amount of effort the individual chooses to expend, and which 436  
service is not subject to the "Federal Unemployment Tax Act," 53 437  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 438  
after December 31, 1971: 439

(i) By an individual for an employer as an insurance agent 440  
or as an insurance solicitor, if all this service is performed 441  
for remuneration solely by way of commission; 442

(ii) As a home worker performing work, according to 443  
specifications furnished by the employer for whom the services 444  
are performed, on materials or goods furnished by such employer 445  
which are required to be returned to the employer or to a person 446  
designated for that purpose. 447

(h) Service performed after December 31, 1971: 448

(i) In the employ of a church or convention or association 449  
of churches, or in an organization which is operated primarily 450  
for religious purposes and which is operated, supervised, 451  
controlled, or principally supported by a church or convention 452  
or association of churches; 453

(ii) By a duly ordained, commissioned, or licensed 454



minister of a church in the exercise of the individual's 455  
ministry or by a member of a religious order in the exercise of 456  
duties required by such order; or 457

(iii) In a facility conducted for the purpose of carrying 458  
out a program of rehabilitation for individuals whose earning 459  
capacity is impaired by age or physical or mental disability or 460  
injury, or providing remunerative work for individuals who 461  
because of their impaired physical or mental capacity cannot be 462  
readily absorbed in the competitive labor market, by an 463  
individual receiving such rehabilitation or remunerative work. 464

(i) Service performed after June 30, 1939, with respect to 465  
which unemployment compensation is payable under the "Railroad 466  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 467  
351; 468

(j) Service performed by an individual in the employ of 469  
any organization exempt from income tax under section 501 of the 470  
"Internal Revenue Code of 1954," if the remuneration for such 471  
service does not exceed fifty dollars in any calendar quarter, 472  
or if such service is in connection with the collection of dues 473  
or premiums for a fraternal beneficial society, order, or 474  
association and is performed away from the home office or is 475  
ritualistic service in connection with any such society, order, 476  
or association; 477

(k) Casual labor not in the course of an employer's trade 478  
or business; incidental service performed by an officer, 479  
appraiser, or member of a finance committee of a bank, building 480  
and loan association, savings and loan association, or savings 481  
association when the remuneration for such incidental service 482  
exclusive of the amount paid or allotted for directors' fees 483  
does not exceed sixty dollars per calendar quarter is casual 484

labor; 485

(l) Service performed in the employ of a voluntary 486  
employees' beneficial association providing for the payment of 487  
life, sickness, accident, or other benefits to the members of 488  
such association or their dependents or their designated 489  
beneficiaries, if admission to a membership in such association 490  
is limited to individuals who are officers or employees of a 491  
municipal or public corporation, of a political subdivision of 492  
the state, or of the United States and no part of the net 493  
earnings of such association inures, other than through such 494  
payments, to the benefit of any private shareholder or 495  
individual; 496

(m) Service performed by an individual in the employ of a 497  
foreign government, including service as a consular or other 498  
officer or employee or of a nondiplomatic representative; 499

(n) Service performed in the employ of an instrumentality 500  
wholly owned by a foreign government if the service is of a 501  
character similar to that performed in foreign countries by 502  
employees of the United States or of an instrumentality thereof 503  
and if the director finds that the secretary of state of the 504  
United States has certified to the secretary of the treasury of 505  
the United States that the foreign government, with respect to 506  
whose instrumentality exemption is claimed, grants an equivalent 507  
exemption with respect to similar service performed in the 508  
foreign country by employees of the United States and of 509  
instrumentalities thereof; 510

(o) Service with respect to which unemployment 511  
compensation is payable under an unemployment compensation 512  
system established by an act of congress; 513

(p) Service performed as a student nurse in the employ of 514  
a hospital or a nurses' training school by an individual who is 515  
enrolled and is regularly attending classes in a nurses' 516  
training school chartered or approved pursuant to state law, and 517  
service performed as an intern in the employ of a hospital by an 518  
individual who has completed a four years' course in a medical 519  
school chartered or approved pursuant to state law; 520

(q) Service performed by an individual under the age of 521  
eighteen in the delivery or distribution of newspapers or 522  
shopping news, not including delivery or distribution to any 523  
point for subsequent delivery or distribution; 524

(r) Service performed in the employ of the United States 525  
or an instrumentality of the United States immune under the 526  
Constitution of the United States from the contributions imposed 527  
by this chapter, except that to the extent that congress permits 528  
states to require any instrumentalities of the United States to 529  
make payments into an unemployment fund under a state 530  
unemployment compensation act, this chapter shall be applicable 531  
to such instrumentalities and to services performed for such 532  
instrumentalities in the same manner, to the same extent, and on 533  
the same terms as to all other employers, individuals, and 534  
services, provided that if this state is not certified for any 535  
year by the proper agency of the United States under section 536  
3304 of the "Internal Revenue Code of 1954," the payments 537  
required of such instrumentalities with respect to such year 538  
shall be refunded by the director from the fund in the same 539  
manner and within the same period as is provided in division (E) 540  
of section 4141.09 of the Revised Code with respect to 541  
contributions erroneously collected; 542

(s) Service performed by an individual as a member of a 543

band or orchestra, provided such service does not represent the 544  
principal occupation of such individual, and which service is 545  
not subject to or required to be covered for full tax credit 546  
against the tax imposed by the "Federal Unemployment Tax Act," 547  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 548

(t) Service performed in the employ of a day camp whose 549  
camping season does not exceed twelve weeks in any calendar 550  
year, and which service is not subject to the "Federal 551  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 552  
3311. Service performed after December 31, 1971: 553

(i) In the employ of a hospital, if the service is 554  
performed by a patient of the hospital, as defined in division 555  
(W) of this section; 556

(ii) For a prison or other correctional institution by an 557  
inmate of the prison or correctional institution; 558

(iii) Service performed after December 31, 1977, by an 559  
inmate of a custodial institution operated by the state, a 560  
political subdivision, or a nonprofit organization. 561

(u) Service that is performed by a nonresident alien 562  
individual for the period the individual temporarily is present 563  
in the United States as a nonimmigrant under division (F), (J), 564  
(M), or (Q) of section 101(a)(15) of the "Immigration and 565  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 566  
that is excluded under section 3306(c)(19) of the "Federal 567  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 568  
3311. 569

(v) Notwithstanding any other provisions of division (B) 570  
(3) of this section, services that are excluded under divisions 571  
(B)(3)(g), (j), (k), and (l) of this section shall not be 572

excluded from employment when performed for a nonprofit 573  
organization, as defined in division (X) of this section, or for 574  
this state or its instrumentalities, or for a political 575  
subdivision or its instrumentalities or for Indian tribes; 576

(w) Service that is performed by an individual working as 577  
an election official or election worker if the amount of 578  
remuneration received by the individual during the calendar year 579  
for services as an election official or election worker is less 580  
than one thousand dollars; 581

(x) Service performed for an elementary or secondary 582  
school that is operated primarily for religious purposes, that 583  
is described in subsection 501(c)(3) and exempt from federal 584  
income taxation under subsection 501(a) of the Internal Revenue 585  
Code, 26 U.S.C.A. 501; 586

(y) Service performed by a person committed to a penal 587  
institution. 588

(z) Service performed for an Indian tribe as described in 589  
division (B)(2)(1) of this section when performed in any of the 590  
following manners: 591

(i) As a publicly elected official; 592

(ii) As a member of an Indian tribal council; 593

(iii) As a member of a legislative or judiciary body; 594

(iv) In a position which, pursuant to Indian tribal law, 595  
is designated as a major nontenured policymaking or advisory 596  
position, or a policymaking or advisory position where the 597  
performance of the duties ordinarily does not require more than 598  
eight hours of time per week; 599

(v) As an employee serving on a temporary basis in the 600

case of a fire, storm, snow, earthquake, flood, or similar 601  
emergency. 602

(aa) Service performed after December 31, 1971, for a 603  
nonprofit organization, this state or its instrumentalities, a 604  
political subdivision or its instrumentalities, or an Indian 605  
tribe as part of an unemployment work-relief or work-training 606  
program assisted or financed in whole or in part by any federal 607  
agency or an agency of a state or political subdivision, 608  
thereof, by an individual receiving the work-relief or work- 609  
training. 610

(bb) Participation in a learn to earn program as defined 611  
in section 4141.293 of the Revised Code. 612

(4) If the services performed during one half or more of 613  
any pay period by an employee for the person employing that 614  
employee constitute employment, all the services of such 615  
employee for such period shall be deemed to be employment; but 616  
if the services performed during more than one half of any such 617  
pay period by an employee for the person employing that employee 618  
do not constitute employment, then none of the services of such 619  
employee for such period shall be deemed to be employment. As 620  
used in division (B) (4) of this section, "pay period" means a 621  
period, of not more than thirty-one consecutive days, for which 622  
payment of remuneration is ordinarily made to the employee by 623  
the person employing that employee. Division (B) (4) of this 624  
section does not apply to services performed in a pay period by 625  
an employee for the person employing that employee, if any of 626  
such service is excepted by division (B) (3) (o) of this section. 627

(C) "Benefits" means money payments payable to an 628  
individual who has established benefit rights, as provided in 629  
this chapter, for loss of remuneration due to the individual's 630

unemployment. 631

(D) "Benefit rights" means the weekly benefit amount and 632  
the maximum benefit amount that may become payable to an 633  
individual within the individual's benefit year as determined by 634  
the director. 635

(E) "Claim for benefits" means a claim for waiting period 636  
or benefits for a designated week. 637

(F) "Additional claim" means the first claim for benefits 638  
filed following any separation from employment during a benefit 639  
year; "continued claim" means any claim other than the first 640  
claim for benefits and other than an additional claim. 641

(G) "Wages" means remuneration paid to an employee by each 642  
of the employee's employers with respect to employment; except 643  
that wages shall not include that part of remuneration paid 644  
during any calendar year to an individual by an employer or such 645  
employer's predecessor in interest in the same business or 646  
enterprise, which in any calendar year is in excess of nine 647  
thousand dollars on and after January 1, 1995; nine thousand 648  
five hundred dollars on and after January 1, 2018; ~~and nine~~ 649  
thousand dollars on and after January 1, 2020; and nine thousand 650  
five hundred dollars on and after January 1, 2024. Remuneration 651  
in excess of such amounts shall be deemed wages subject to 652  
contribution to the same extent that such remuneration is 653  
defined as wages under the "Federal Unemployment Tax Act," 84 654  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 655  
remuneration paid an employee by an employer with respect to 656  
employment in another state, upon which contributions were 657  
required and paid by such employer under the unemployment 658  
compensation act of such other state, shall be included as a 659  
part of remuneration in computing the amount specified in this 660

division. 661

(H) (1) "Remuneration" means all compensation for personal 662  
services, including commissions and bonuses and the cash value 663  
of all compensation in any medium other than cash, except that 664  
in the case of agricultural or domestic service, "remuneration" 665  
includes only cash remuneration. Gratuities customarily received 666  
by an individual in the course of the individual's employment 667  
from persons other than the individual's employer and which are 668  
accounted for by such individual to the individual's employer 669  
are taxable wages. 670

The reasonable cash value of compensation paid in any 671  
medium other than cash shall be estimated and determined in 672  
accordance with rules prescribed by the director, provided that 673  
"remuneration" does not include: 674

(a) Payments as provided in divisions (b) (2) to (b) (20) of 675  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 676  
713, 26 U.S.C.A. 3301 to 3311, as amended; 677

(b) The payment by an employer, without deduction from the 678  
remuneration of the individual in the employer's employ, of the 679  
tax imposed upon an individual in the employer's employ under 680  
section 3101 of the "Internal Revenue Code of 1954," with 681  
respect to services performed after October 1, 1941. 682

(2) "Cash remuneration" means all remuneration paid in 683  
cash, including commissions and bonuses, but not including the 684  
cash value of all compensation in any medium other than cash. 685

(I) "Interested party" means the director and any party to 686  
whom notice of a determination of an application for benefit 687  
rights or a claim for benefits is required to be given under 688  
section 4141.28 of the Revised Code. 689



(J) "Annual payroll" means the total amount of wages 690  
subject to contributions during a twelve-month period ending 691  
with the last day of the second calendar quarter of any calendar 692  
year. 693

(K) "Average annual payroll" means the average of the last 694  
three annual payrolls of an employer, provided that if, as of 695  
any computation date, the employer has had less than three 696  
annual payrolls in such three-year period, such average shall be 697  
based on the annual payrolls which the employer has had as of 698  
such date. 699

(L) (1) "Contributions" means the money payments to the 700  
state unemployment compensation fund required of employers by 701  
section 4141.25 of the Revised Code and of the state and any of 702  
its political subdivisions electing to pay contributions under 703  
section 4141.242 of the Revised Code. Employers paying 704  
contributions shall be described as "contributory employers." 705

(2) "Payments in lieu of contributions" means the money 706  
payments to the state unemployment compensation fund required of 707  
reimbursing employers under sections 4141.241 and 4141.242 of 708  
the Revised Code. 709

(M) An individual is "totally unemployed" in any week 710  
during which the individual performs no services and with 711  
respect to such week no remuneration is payable to the 712  
individual. 713

(N) An individual is "partially unemployed" in any week 714  
if, due to involuntary loss of work, the total remuneration 715  
payable to the individual for such week is less than the 716  
individual's weekly benefit amount. 717

(O) "Week" means the calendar week ending at midnight 718

Saturday unless an equivalent week of seven consecutive calendar 719  
days is prescribed by the director. 720

(1) "Qualifying week" means any calendar week in an 721  
individual's base period with respect to which the individual 722  
earns or is paid remuneration in employment subject to this 723  
chapter. A calendar week with respect to which an individual 724  
earns remuneration but for which payment was not made within the 725  
base period, when necessary to qualify for benefit rights, may 726  
be considered to be a qualifying week. The number of qualifying 727  
weeks which may be established in a calendar quarter shall not 728  
exceed the number of calendar weeks in the quarter. 729

(2) "Average weekly wage" means the amount obtained by 730  
dividing an individual's total remuneration for all qualifying 731  
weeks during the base period by the number of such qualifying 732  
weeks, provided that if the computation results in an amount 733  
that is not a multiple of one dollar, such amount shall be 734  
rounded to the next lower multiple of one dollar. 735

(P) "Weekly benefit amount" means the amount of benefits 736  
an individual would be entitled to receive for one week of total 737  
unemployment. 738

(Q) (1) "Base period" means the first four of the last five 739  
completed calendar quarters immediately preceding the first day 740  
of an individual's benefit year, except as provided in division 741  
(Q) (2) of this section. 742

(2) If an individual does not have sufficient qualifying 743  
weeks and wages in the base period to qualify for benefit 744  
rights, the individual's base period shall be the four most 745  
recently completed calendar quarters preceding the first day of 746  
the individual's benefit year. Such base period shall be known 747

as the "alternate base period." If information as to weeks and 748  
wages for the most recent quarter of the alternate base period 749  
is not available to the director from the regular quarterly 750  
reports of wage information, which are systematically 751  
accessible, the director may, consistent with the provisions of 752  
section 4141.28 of the Revised Code, base the determination of 753  
eligibility for benefits on the affidavit of the claimant with 754  
respect to weeks and wages for that calendar quarter. The 755  
claimant shall furnish payroll documentation, where available, 756  
in support of the affidavit. The determination based upon the 757  
alternate base period as it relates to the claimant's benefit 758  
rights, shall be amended when the quarterly report of wage 759  
information from the employer is timely received and that 760  
information causes a change in the determination. As provided in 761  
division (B) of section 4141.28 of the Revised Code, any 762  
benefits paid and charged to an employer's account, based upon a 763  
claimant's affidavit, shall be adjusted effective as of the 764  
beginning of the claimant's benefit year. No calendar quarter in 765  
a base period or alternate base period shall be used to 766  
establish a subsequent benefit year. 767

(3) The "base period" of a combined wage claim, as 768  
described in division (H) of section 4141.43 of the Revised 769  
Code, shall be the base period prescribed by the law of the 770  
state in which the claim is allowed. 771

(4) For purposes of determining the weeks that comprise a 772  
completed calendar quarter under this division, only those weeks 773  
ending at midnight Saturday within the calendar quarter shall be 774  
utilized. 775

(R) (1) "Benefit year" with respect to an individual means 776  
the fifty-two week period beginning with the first day of that 777

week with respect to which the individual first files a valid 778  
application for determination of benefit rights, and thereafter 779  
the fifty-two week period beginning with the first day of that 780  
week with respect to which the individual next files a valid 781  
application for determination of benefit rights after the 782  
termination of the individual's last preceding benefit year, 783  
except that the application shall not be considered valid unless 784  
the individual has had employment in six weeks that is subject 785  
to this chapter or the unemployment compensation act of another 786  
state, or the United States, and has, since the beginning of the 787  
individual's previous benefit year, in the employment earned 788  
three times the average weekly wage determined for the previous 789  
benefit year. The "benefit year" of a combined wage claim, as 790  
described in division (H) of section 4141.43 of the Revised 791  
Code, shall be the benefit year prescribed by the law of the 792  
state in which the claim is allowed. Any application for 793  
determination of benefit rights made in accordance with section 794  
4141.28 of the Revised Code is valid if the individual filing 795  
such application is unemployed, has been employed by an employer 796  
or employers subject to this chapter in at least twenty 797  
qualifying weeks within the individual's base period, and has 798  
earned or been paid remuneration at an average weekly wage of 799  
not less than twenty-seven and one-half per cent of the 800  
statewide average weekly wage for such weeks. For purposes of 801  
determining whether an individual has had sufficient employment 802  
since the beginning of the individual's previous benefit year to 803  
file a valid application, "employment" means the performance of 804  
services for which remuneration is payable. 805

(2) Effective for benefit years beginning on and after 806  
December 26, 2004, but before July 1, 2022, any application for 807  
determination of benefit rights made in accordance with section 808

4141.28 of the Revised Code is valid if the individual satisfies 809  
the criteria described in division (R)(1) of this section, and 810  
if the reason for the individual's separation from employment is 811  
not disqualifying pursuant to division (D)(2) of section 4141.29 812  
or section 4141.291 of the Revised Code. A disqualification 813  
imposed pursuant to division (D)(2) of section 4141.29 or 814  
section 4141.291 of the Revised Code must be removed as provided 815  
in those sections as a requirement of establishing a valid 816  
application for benefit years beginning on and after December 817  
26, 2004, but before July 1, 2022. Effective for benefit years 818  
beginning on and after July 1, 2022, any application for 819  
determination of benefit rights made in accordance with section 820  
4141.28 of the Revised Code is valid if the individual satisfies 821  
the criteria described in division (R)(1) of this section. A 822  
disqualification imposed pursuant to division (D)(2) of section 823  
4141.29 or section 4141.291 of the Revised Code does not affect 824  
the validity of an application. 825

(3) The statewide average weekly wage shall be calculated 826  
by the director once a year based on the twelve-month period 827  
ending the thirtieth day of June, as set forth in ~~division (B)~~ 828  
~~(3) of section 4141.30~~ 4141.02 of the Revised Code, rounded down 829  
to the nearest dollar. Increases or decreases in the amount of 830  
remuneration required to have been earned or paid in order for 831  
individuals to have filed valid applications shall become 832  
effective on Sunday of the calendar week in which the first day 833  
of January occurs that follows the twelve-month period ending 834  
the thirtieth day of June upon which the calculation of the 835  
statewide average weekly wage was based. 836

(4) As used in this division, an individual is 837  
"unemployed" if, with respect to the calendar week in which such 838  
application is filed, the individual is "partially unemployed" 839

or "totally unemployed" as defined in this section or if, prior 840  
to filing the application, the individual was separated from the 841  
individual's most recent work for any reason which terminated 842  
the individual's employee-employer relationship, or was laid off 843  
indefinitely or for a definite period of seven or more days. 844

(S) "Calendar quarter" means the period of three 845  
consecutive calendar months ending on the thirty-first day of 846  
March, the thirtieth day of June, the thirtieth day of 847  
September, and the thirty-first day of December, or the 848  
equivalent thereof as the director prescribes by rule. 849

(T) "Computation date" means the first day of the third 850  
calendar quarter of any calendar year. 851

(U) "Contribution period" means the calendar year 852  
beginning on the first day of January of any year. 853

(V) "Agricultural labor," for the purpose of this 854  
division, means any service performed prior to January 1, 1972, 855  
which was agricultural labor as defined in this division prior 856  
to that date, and service performed after December 31, 1971: 857

(1) On a farm, in the employ of any person, in connection 858  
with cultivating the soil, or in connection with raising or 859  
harvesting any agricultural or horticultural commodity, 860  
including the raising, shearing, feeding, caring for, training, 861  
and management of livestock, bees, poultry, and fur-bearing 862  
animals and wildlife; 863

(2) In the employ of the owner or tenant or other operator 864  
of a farm in connection with the operation, management, 865  
conservation, improvement, or maintenance of such farm and its 866  
tools and equipment, or in salvaging timber or clearing land of 867  
brush and other debris left by hurricane, if the major part of 868

such service is performed on a farm; 869

(3) In connection with the production or harvesting of any 870  
commodity defined as an agricultural commodity in section 15 (g) 871  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 872  
U.S.C. 1141j, as amended, or in connection with the ginning of 873  
cotton, or in connection with the operation or maintenance of 874  
ditches, canals, reservoirs, or waterways, not owned or operated 875  
for profit, used exclusively for supplying and storing water for 876  
farming purposes; 877

(4) In the employ of the operator of a farm in handling, 878  
planting, drying, packing, packaging, processing, freezing, 879  
grading, storing, or delivering to storage or to market or to a 880  
carrier for transportation to market, in its unmanufactured 881  
state, any agricultural or horticultural commodity, but only if 882  
the operator produced more than one half of the commodity with 883  
respect to which such service is performed; 884

(5) In the employ of a group of operators of farms, or a 885  
cooperative organization of which the operators are members, in 886  
the performance of service described in division (V) (4) of this 887  
section, but only if the operators produced more than one-half 888  
of the commodity with respect to which the service is performed; 889

(6) Divisions (V) (4) and (5) of this section shall not be 890  
deemed to be applicable with respect to service performed: 891

(a) In connection with commercial canning or commercial 892  
freezing or in connection with any agricultural or horticultural 893  
commodity after its delivery to a terminal market for 894  
distribution for consumption; or 895

(b) On a farm operated for profit if the service is not in 896  
the course of the employer's trade or business. 897

As used in division (V) of this section, "farm" includes 898  
stock, dairy, poultry, fruit, fur-bearing animal, and truck 899  
farms, plantations, ranches, nurseries, ranges, greenhouses, or 900  
other similar structures used primarily for the raising of 901  
agricultural or horticultural commodities and orchards. 902

(W) "Hospital" means an institution which has been 903  
registered or licensed by the Ohio department of health as a 904  
hospital. 905

(X) "Nonprofit organization" means an organization, or 906  
group of organizations, described in section 501(c)(3) of the 907  
"Internal Revenue Code of 1954," and exempt from income tax 908  
under section 501(a) of that code. 909

(Y) "Institution of higher education" means a public or 910  
nonprofit educational institution, including an educational 911  
institution operated by an Indian tribe, which: 912

(1) Admits as regular students only individuals having a 913  
certificate of graduation from a high school, or the recognized 914  
equivalent; 915

(2) Is legally authorized in this state or by the Indian 916  
tribe to provide a program of education beyond high school; and 917

(3) Provides an educational program for which it awards a 918  
bachelor's or higher degree, or provides a program which is 919  
acceptable for full credit toward such a degree, a program of 920  
post-graduate or post-doctoral studies, or a program of training 921  
to prepare students for gainful employment in a recognized 922  
occupation. 923

For the purposes of this division, all colleges and 924  
universities in this state are institutions of higher education. 925



(Z) For the purposes of this chapter, "states" includes 926  
the District of Columbia, the Commonwealth of Puerto Rico, and 927  
the Virgin Islands. 928

(AA) "Alien" means, for the purposes of division (A) (1) (d) 929  
of this section, an individual who is an alien admitted to the 930  
United States to perform service in agricultural labor pursuant 931  
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 932  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 933

(BB) (1) "Crew leader" means an individual who furnishes 934  
individuals to perform agricultural labor for any other employer 935  
or farm operator, and: 936

(a) Pays, either on the individual's own behalf or on 937  
behalf of the other employer or farm operator, the individuals 938  
so furnished by the individual for the service in agricultural 939  
labor performed by them; 940

(b) Has not entered into a written agreement with the 941  
other employer or farm operator under which the agricultural 942  
worker is designated as in the employ of the other employer or 943  
farm operator. 944

(2) For the purposes of this chapter, any individual who 945  
is a member of a crew furnished by a crew leader to perform 946  
service in agricultural labor for any other employer or farm 947  
operator shall be treated as an employee of the crew leader if: 948

(a) The crew leader holds a valid certificate of 949  
registration under the "Farm Labor Contractor Registration Act 950  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 951

(b) Substantially all the members of the crew operate or 952  
maintain tractors, mechanized harvesting or crop-dusting 953  
equipment, or any other mechanized equipment, which is provided 954

by the crew leader; and 955

(c) If the individual is not in the employment of the 956  
other employer or farm operator within the meaning of division 957  
(B) (1) of this section. 958

(3) For the purposes of this division, any individual who 959  
is furnished by a crew leader to perform service in agricultural 960  
labor for any other employer or farm operator and who is not 961  
treated as in the employment of the crew leader under division 962  
(BB) (2) of this section shall be treated as the employee of the 963  
other employer or farm operator and not of the crew leader. The 964  
other employer or farm operator shall be treated as having paid 965  
cash remuneration to the individual in an amount equal to the 966  
amount of cash remuneration paid to the individual by the crew 967  
leader, either on the crew leader's own behalf or on behalf of 968  
the other employer or farm operator, for the service in 969  
agricultural labor performed for the other employer or farm 970  
operator. 971

(CC) "Educational institution" means an institution other 972  
than an institution of higher education as defined in division 973  
(Y) of this section, including an educational institution 974  
operated by an Indian tribe, which: 975

(1) Offers participants, trainees, or students an 976  
organized course of study or training designed to transfer to 977  
them knowledge, skills, information, doctrines, attitudes, or 978  
abilities from, by, or under the guidance of an instructor or 979  
teacher; and 980

(2) Is approved, chartered, or issued a permit to operate 981  
as a school by the state board of education, other government 982  
agency, or Indian tribe that is authorized within the state to 983

approve, charter, or issue a permit for the operation of a 984  
school. 985

For the purposes of this division, the courses of study or 986  
training which the institution offers may be academic, 987  
technical, trade, or preparation for gainful employment in a 988  
recognized occupation. 989

(DD) "Cost savings day" means any unpaid day off from work 990  
in which employees continue to accrue employee benefits which 991  
have a determinable value including, but not limited to, 992  
vacation, pension contribution, sick time, and life and health 993  
insurance. 994

(EE) "Motor carrier" has the same meaning as in section 995  
4923.01 of the Revised Code. 996

**Sec. 4141.02.** The director of job and family services 997  
shall calculate the statewide average weekly wage based on the 998  
average weekly earnings of all workers in employment subject to 999  
this chapter during the preceding twelve-month period ending the 1000  
thirtieth day of June. The calculation shall be made in the 1001  
following manner: 1002

(A) The sum of the total monthly employment reported for 1003  
the previous twelve-month period shall be divided by twelve to 1004  
determine the average monthly employment. 1005

(B) The sum of the total wages reported for the previous 1006  
twelve-month period shall be divided by the average monthly 1007  
employment to determine the average annual wage. 1008

(C) The average annual wage shall be divided by fifty-two 1009  
to determine the statewide average weekly wage. 1010

**Sec. 4141.29.** Each eligible individual shall receive 1011

benefits as compensation for loss of remuneration due to 1012  
involuntary total or partial unemployment in the amounts and 1013  
subject to the conditions stipulated in this chapter. 1014

(A) No individual is entitled to a waiting period or 1015  
benefits for any week unless the individual: 1016

(1) Has filed a valid application for determination of 1017  
benefit rights in accordance with section 4141.28 of the Revised 1018  
Code; 1019

(2) Has made a claim for benefits in accordance with 1020  
section 4141.28 of the Revised Code; 1021

(3) (a) Has registered for work and thereafter continues to 1022  
report to an employment office or other registration place 1023  
maintained or designated by the director of job and family 1024  
services. Registration shall be made in accordance with the time 1025  
limits, frequency, and manner prescribed by the director. 1026

(b) For purposes of division (A) (3) of this section, an 1027  
individual has "registered" upon doing any of the following: 1028

(i) Filing an application for benefit rights; 1029

(ii) Making a weekly claim for benefits; 1030

(iii) Reopening an existing claim following a period of 1031  
employment or nonreporting. 1032

(c) After an applicant is registered, that registration 1033  
continues for a period of three calendar weeks, including the 1034  
week during which the applicant registered. However, an 1035  
individual is not registered for purposes of division (A) (3) of 1036  
this section during any period in which the individual fails to 1037  
report, as instructed by the director, or fails to reopen an 1038  
existing claim following a period of employment. 1039

(d) The director may, for good cause, extend the period of registration. 1040  
1041

(e) For purposes of this section, "report" means contact 1042  
by phone, access electronically, or be present for an in-person 1043  
appointment, as designated by the director. 1044

(4) (a) (i) Is able to work and available for suitable work 1045  
and, except as provided in division (A) (4) (a) (ii) or (iii) of 1046  
this section, is actively seeking suitable work either in a 1047  
locality in which the individual has earned wages subject to 1048  
this chapter during the individual's base period, or if the 1049  
individual leaves that locality, then in a locality where 1050  
suitable work normally is performed. 1051

(ii) The director may waive the requirement that a 1052  
claimant be actively seeking work when the director finds that 1053  
the individual has been laid off and the employer who laid the 1054  
individual off has notified the director within ten days after 1055  
the layoff, that work is expected to be available for the 1056  
individual within a specified number of days not to exceed 1057  
forty-five calendar days following the last day the individual 1058  
worked. In the event the individual is not recalled within the 1059  
specified period, this waiver shall cease to be operative with 1060  
respect to that layoff. 1061

(iii) The director may waive the requirement that a 1062  
claimant be actively seeking work if the director determines 1063  
that the individual has been laid off and the employer who laid 1064  
the individual off has notified the director in accordance with 1065  
division (C) of section 4141.28 of the Revised Code that the 1066  
employer has closed the employer's entire plant or part of the 1067  
employer's plant for a purpose other than inventory or vacation 1068  
that will cause unemployment for a definite period not exceeding 1069

twenty-six weeks beginning on the date the employer notifies the 1070  
director, for the period of the specific shutdown, if all of the 1071  
following apply: 1072

(I) The employer and the individuals affected by the 1073  
layoff who are claiming benefits under this chapter jointly 1074  
request the exemption. 1075

(II) The employer provides that the affected individuals 1076  
shall return to work for the employer within twenty-six weeks 1077  
after the date the employer notifies the director. 1078

(III) The director determines that the waiver of the 1079  
active search for work requirement will promote productivity and 1080  
economic stability within the state. 1081

(iv) Division (A) (4) (a) (iii) of this section does not 1082  
exempt an individual from meeting the other requirements 1083  
specified in division (A) (4) (a) (i) of this section to be able to 1084  
work and otherwise fully be available for work. An exemption 1085  
granted under division (A) (4) (a) (iii) of this section may be 1086  
granted only with respect to a specific plant closing. 1087

(b) (i) The individual shall be instructed as to the 1088  
efforts that the individual must make in the search for suitable 1089  
work, including that, within six months after October 11, 2013, 1090  
the individual shall register with the OhioMeansJobs web site, 1091  
except in any of the following circumstances: 1092

(I) The individual is an individual described in division 1093  
(A) (4) (b) (iii) of this section; 1094

(II) Where the active search for work requirement has been 1095  
waived under division (A) (4) (a) of this section; 1096

(III) Where the active search for work requirement is 1097

considered to be met under division (A) (4) (c), (d), or (e) of 1098  
this section. 1099

(ii) An individual who is registered with the 1100  
OhioMeansJobs web site shall receive a weekly listing of 1101  
available jobs based on information provided by the individual 1102  
at the time of registration. For each week that the individual 1103  
claims benefits, the individual shall keep a record of the 1104  
individual's work search efforts and shall produce that record 1105  
in the manner and means prescribed by the director. 1106

(iii) No individual shall be required to register with the 1107  
OhioMeansJobs web site if the individual is legally prohibited 1108  
from using a computer, has a physical or visual impairment that 1109  
makes the individual unable to use a computer, or has a limited 1110  
ability to read, write, speak, or understand a language in which 1111  
the OhioMeansJobs web site is available. 1112

(iv) As used in division (A) (4) (b) of this section: 1113

(I) "OhioMeansJobs web site" has the same meaning as in 1114  
section 6301.01 of the Revised Code. 1115

(II) "Registration" includes the creation, electronic 1116  
posting, and maintenance of an active, searchable resume. 1117

(c) An individual who is attending a training course 1118  
approved by the director meets the requirement of this division, 1119  
if attendance was recommended by the director and the individual 1120  
is regularly attending the course and is making satisfactory 1121  
progress. An individual also meets the requirements of this 1122  
division if the individual is participating and advancing in a 1123  
training program, as defined in division (P) of section 5709.61 1124  
of the Revised Code, and if an enterprise, defined in division 1125  
(B) of section 5709.61 of the Revised Code, is paying all or 1126

part of the cost of the individual's participation in the 1127  
training program with the intention of hiring the individual for 1128  
employment as a new employee, as defined in division (L) of 1129  
section 5709.61 of the Revised Code, for at least ninety days 1130  
after the individual's completion of the training program. 1131

(d) An individual who becomes unemployed while attending a 1132  
regularly established school and whose base period qualifying 1133  
weeks were earned in whole or in part while attending that 1134  
school, meets the availability and active search for work 1135  
requirements of division (A) (4) (a) of this section if the 1136  
individual regularly attends the school during weeks with 1137  
respect to which the individual claims unemployment benefits and 1138  
makes self available on any shift of hours for suitable 1139  
employment with the individual's most recent employer or any 1140  
other employer in the individual's base period, or for any other 1141  
suitable employment to which the individual is directed, under 1142  
this chapter. 1143

(e) An individual who is a member in good standing with a 1144  
labor organization that refers individuals to jobs meets the 1145  
active search for work requirement specified in division (A) (4) 1146  
(a) of this section if the individual provides documentation 1147  
that the individual is eligible for a referral or placement upon 1148  
request and in a manner prescribed by the director. 1149

(f) Notwithstanding any other provisions of this section, 1150  
no otherwise eligible individual shall be denied benefits for 1151  
any week because the individual is in training approved under 1152  
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 1153  
U.S.C.A. 2296, nor shall that individual be denied benefits by 1154  
reason of leaving work to enter such training, provided the work 1155  
left is not suitable employment, or because of the application 1156



to any week in training of provisions in this chapter, or any 1157  
applicable federal unemployment compensation law, relating to 1158  
availability for work, active search for work, or refusal to 1159  
accept work. 1160

For the purposes of division (A)(4)(f) of this section, 1161  
"suitable employment" means with respect to an individual, work 1162  
of a substantially equal or higher skill level than the 1163  
individual's past adversely affected employment, as defined for 1164  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 1165  
U.S.C.A. 2101, and wages for such work at not less than eighty 1166  
per cent of the individual's average weekly wage as determined 1167  
for the purposes of that federal act. 1168

(5) Is unable to obtain suitable work. An individual who 1169  
is provided temporary work assignments by the individual's 1170  
employer under agreed terms and conditions of employment, and 1171  
who is required pursuant to those terms and conditions to 1172  
inquire with the individual's employer for available work 1173  
assignments upon the conclusion of each work assignment, is not 1174  
considered unable to obtain suitable employment if suitable work 1175  
assignments are available with the employer but the individual 1176  
fails to contact the employer to inquire about work assignments. 1177

(6) Participates in reemployment services, such as job 1178  
search assistance services, if the individual has been 1179  
determined to be likely to exhaust benefits under this chapter, 1180  
including compensation payable pursuant to 5 U.S.C.A. Chapter 1181  
85, other than extended compensation, and needs reemployment 1182  
services pursuant to the profiling system established by the 1183  
director under division (K) of this section, unless the director 1184  
determines that: 1185

(a) The individual has completed such services; or 1186

(b) There is justifiable cause for the claimant's failure 1187  
to participate in such services. 1188

Ineligibility for failure to participate in reemployment 1189  
services as described in division (A) (6) of this section shall 1190  
be for the week or weeks in which the claimant was scheduled and 1191  
failed to participate without justifiable cause. 1192

(7) Participates in the reemployment and eligibility 1193  
assessment program, or other reemployment services, as required 1194  
by the director. As used in division (A) (7) of this section, 1195  
"reemployment services" includes job search assistance 1196  
activities, skills assessments, and the provision of labor 1197  
market statistics or analysis. 1198

(a) For purposes of division (A) (7) of this section, 1199  
participation is required unless the director determines that 1200  
either of the following circumstances applies to the individual: 1201

(i) The individual has completed similar services. 1202

(ii) Justifiable cause exists for the failure of the 1203  
individual to participate in those services. 1204

(b) Within six months after October 11, 2013, 1205  
notwithstanding any earlier contact an individual may have had 1206  
with a local OhioMeansJobs center, as defined in section 6301.01 1207  
of the Revised Code, beginning with the eighth week after the 1208  
week during which an individual first files a valid application 1209  
for determination of benefit rights in the individual's benefit 1210  
year, the individual shall report to a local OhioMeansJobs 1211  
center for reemployment services in the manner prescribed by the 1212  
director. 1213

(c) An individual whose active search for work requirement 1214  
has been waived under division (A) (4) (a) of this section or is 1215

considered to be satisfied under division (A) (4) (c), (d), or (e) 1216  
of this section is exempt from the requirements of division (A) 1217  
(7) of this section. 1218

(B) An individual suffering total or partial unemployment 1219  
is eligible for benefits for unemployment occurring subsequent 1220  
to a waiting period of one week and no benefits shall be payable 1221  
during this required waiting period. Not more than one week of 1222  
waiting period shall be required of any individual in any 1223  
benefit year in order to establish the individual's eligibility 1224  
for total or partial unemployment benefits. 1225

(C) The waiting period for total or partial unemployment 1226  
shall commence on the first day of the first week with respect 1227  
to which the individual first files a claim for benefits at an 1228  
employment office or other place of registration maintained or 1229  
designated by the director or on the first day of the first week 1230  
with respect to which the individual has otherwise filed a claim 1231  
for benefits in accordance with the rules of the department of 1232  
job and family services, provided such claim is allowed by the 1233  
director. 1234

(D) Notwithstanding division (A) of this section, no 1235  
individual may serve a waiting period or be paid benefits under 1236  
the following conditions: 1237

(1) For any week with respect to which the director finds 1238  
that: 1239

(a) The individual's unemployment was due to a labor 1240  
dispute other than a lockout at any factory, establishment, or 1241  
other premises located in this or any other state and owned or 1242  
operated by the employer by which the individual is or was last 1243  
employed; and for so long as the individual's unemployment is 1244

due to such labor dispute. No individual shall be disqualified 1245  
under this provision if either of the following applies: 1246

(i) The individual's employment was with such employer at 1247  
any factory, establishment, or premises located in this state, 1248  
owned or operated by such employer, other than the factory, 1249  
establishment, or premises at which the labor dispute exists, if 1250  
it is shown that the individual is not financing, participating 1251  
in, or directly interested in such labor dispute; 1252

(ii) The individual's employment was with an employer not 1253  
involved in the labor dispute but whose place of business was 1254  
located within the same premises as the employer engaged in the 1255  
dispute, unless the individual's employer is a wholly owned 1256  
subsidiary of the employer engaged in the dispute, or unless the 1257  
individual actively participates in or voluntarily stops work 1258  
because of such dispute. If it is established that the claimant 1259  
was laid off for an indefinite period and not recalled to work 1260  
prior to the dispute, or was separated by the employer prior to 1261  
the dispute for reasons other than the labor dispute, or that 1262  
the individual obtained a bona fide job with another employer 1263  
while the dispute was still in progress, such labor dispute 1264  
shall not render the employee ineligible for benefits. 1265

(b) The individual has been given a disciplinary layoff 1266  
for misconduct in connection with the individual's work. 1267

(2) For the duration of the individual's unemployment if 1268  
the director finds that: 1269

(a) The individual quit work without just cause or has 1270  
been discharged for just cause in connection with the 1271  
individual's work, provided division (D)(2) of this section does 1272  
not apply to the separation of a person under any of the 1273

following circumstances: 1274

(i) Separation from employment for the purpose of entering 1275  
the armed forces of the United States if the individual is 1276  
inducted into the armed forces within one of the following 1277  
periods: 1278

(I) Thirty days after separation; 1279

(II) One hundred eighty days after separation if the 1280  
individual's date of induction is delayed solely at the 1281  
discretion of the armed forces. 1282

(ii) Separation from employment pursuant to a labor- 1283  
management contract or agreement, or pursuant to an established 1284  
employer plan, program, or policy, which permits the employee, 1285  
because of lack of work, to accept a separation from employment; 1286

(iii) The individual has left employment to accept a 1287  
recall from a prior employer or, except as provided in division 1288  
(D) (2) (a) (iv) of this section, to accept other employment as 1289  
provided under section 4141.291 of the Revised Code, or left or 1290  
was separated from employment that was concurrent employment at 1291  
the time of the most recent separation or within six weeks prior 1292  
to the most recent separation where the remuneration, hours, or 1293  
other conditions of such concurrent employment were 1294  
substantially less favorable than the individual's most recent 1295  
employment and where such employment, if offered as new work, 1296  
would be considered not suitable under the provisions of 1297  
divisions (E) and (F) of this section. Any benefits that would 1298  
otherwise be chargeable to the account of the employer from whom 1299  
an individual has left employment or was separated from 1300  
employment that was concurrent employment under conditions 1301  
described in division (D) (2) (a) (iii) of this section, shall 1302

instead be charged to the mutualized account created by division 1303  
(B) of section 4141.25 of the Revised Code, except that any 1304  
benefits chargeable to the account of a reimbursing employer 1305  
under division (D) (2) (a) (iii) of this section shall be charged 1306  
to the account of the reimbursing employer and not to the 1307  
mutualized account, except as provided in division (D) (2) of 1308  
section 4141.24 of the Revised Code. 1309

(iv) When an individual has been issued a definite layoff 1310  
date by the individual's employer and before the layoff date, 1311  
the individual quits to accept other employment, the provisions 1312  
of division (D) (2) (a) (iii) of this section apply and no 1313  
disqualification shall be imposed under division (D) of this 1314  
section. However, if the individual fails to meet the employment 1315  
and earnings requirements of division (A) (2) of section 4141.291 1316  
of the Revised Code, then the individual, pursuant to division 1317  
(A) (5) of this section, shall be ineligible for benefits for any 1318  
week of unemployment that occurs prior to the layoff date. 1319

(v) The individual's spouse is a member of the armed 1320  
forces of the United States who is on active duty or a member of 1321  
the commissioned corps of the national oceanic and atmospheric 1322  
administration or public health service, the spouse is the 1323  
subject of a transfer, the individual left employment to 1324  
accompany the individual's spouse to a location from which it is 1325  
impractical to commute to the individual's place of employment, 1326  
and upon arrival at the new place of residence, the individual 1327  
is in all respects able and available for suitable work. For 1328  
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 1329  
"active duty" and "armed forces" have the same meanings as in 10 1330  
U.S.C. 101. 1331

(b) The individual has refused without good cause to 1332

accept an offer of suitable work when made by an employer either 1333  
in person or to the individual's last known address, or has 1334  
refused or failed to investigate a referral to suitable work 1335  
when directed to do so by a local employment office of this 1336  
state or another state, provided that this division shall not 1337  
cause a disqualification for a waiting week or benefits under 1338  
the following circumstances: 1339

(i) When work is offered by the individual's employer and 1340  
the individual is not required to accept the offer pursuant to 1341  
the terms of the labor-management contract or agreement; or 1342

(ii) When the individual is attending a training course 1343  
pursuant to division (A) (4) of this section except, in the event 1344  
of a refusal to accept an offer of suitable work or a refusal or 1345  
failure to investigate a referral, benefits thereafter paid to 1346  
such individual shall not be charged to the account of any 1347  
employer and, except as provided in division (B) (1) (b) of 1348  
section 4141.241 of the Revised Code, shall be charged to the 1349  
mutualized account as provided in division (B) of section 1350  
4141.25 of the Revised Code. 1351

(c) Such individual quit work to marry or because of 1352  
marital, parental, filial, or other domestic obligations. 1353

(d) The individual became unemployed by reason of 1354  
commitment to any correctional institution. 1355

(e) The individual became unemployed because of dishonesty 1356  
in connection with the individual's most recent or any base 1357  
period work. Remuneration earned in such work shall be excluded 1358  
from the individual's total base period remuneration and 1359  
qualifying weeks that otherwise would be credited to the 1360  
individual for such work in the individual's base period shall 1361

not be credited for the purpose of determining the total 1362  
benefits to which the individual is eligible and the weekly 1363  
benefit amount to be paid under section 4141.30 of the Revised 1364  
Code. Such excluded remuneration and noncredited qualifying 1365  
weeks shall be excluded from the calculation of the maximum 1366  
amount to be charged, under division (D) of section 4141.24 and 1367  
section 4141.33 of the Revised Code, against the accounts of the 1368  
individual's base period employers. In addition, no benefits 1369  
shall thereafter be paid to the individual based upon such 1370  
excluded remuneration or noncredited qualifying weeks. 1371

For purposes of division (D) (2) (e) of this section, 1372  
"dishonesty" means the commission of substantive theft, fraud, 1373  
or deceitful acts. 1374

(E) No individual otherwise qualified to receive benefits 1375  
shall lose the right to benefits by reason of a refusal to 1376  
accept new work if: 1377

(1) As a condition of being so employed the individual 1378  
would be required to join a company union, or to resign from or 1379  
refrain from joining any bona fide labor organization, or would 1380  
be denied the right to retain membership in and observe the 1381  
lawful rules of any such organization. 1382

(2) The position offered is vacant due directly to a 1383  
strike, lockout, or other labor dispute. 1384

(3) The work is at an unreasonable distance from the 1385  
individual's residence, having regard to the character of the 1386  
work the individual has been accustomed to do, and travel to the 1387  
place of work involves expenses substantially greater than that 1388  
required for the individual's former work, unless the expense is 1389  
provided for. 1390



(4) The remuneration, hours, or other conditions of the 1391  
work offered are substantially less favorable to the individual 1392  
than those prevailing for similar work in the locality. 1393

(F) Subject to the special exceptions contained in 1394  
division (A) (4) (f) of this section and section 4141.301 of the 1395  
Revised Code, in determining whether any work is suitable for a 1396  
claimant in the administration of this chapter, the director, in 1397  
addition to the determination required under division (E) of 1398  
this section, shall consider the degree of risk to the 1399  
claimant's health, safety, and morals, the individual's physical 1400  
fitness for the work, the individual's prior training and 1401  
experience, the length of the individual's unemployment, the 1402  
distance of the available work from the individual's residence, 1403  
and the individual's prospects for obtaining local work. 1404

(G) The "duration of unemployment" as used in this section 1405  
means the full period of unemployment next ensuing after a 1406  
separation from any base period or subsequent work and until an 1407  
individual has become reemployed in employment subject to this 1408  
chapter, or the unemployment compensation act of another state, 1409  
or of the United States, and until such individual has worked 1410  
six weeks and for those weeks has earned or been paid 1411  
remuneration equal to six times an average weekly wage of not 1412  
less than: eighty-five dollars and ten cents per week beginning 1413  
on June 26, 1990; and beginning on and after January 1, 1992, 1414  
twenty-seven and one-half per cent of the statewide average 1415  
weekly wage as computed each first day of January under ~~division~~ 1416  
~~(B) (3) of section 4141.30~~ 4141.02 of the Revised Code, rounded 1417  
down to the nearest dollar, except for purposes of division (D) 1418  
(2) (c) of this section, such term means the full period of 1419  
unemployment next ensuing after a separation from such work and 1420  
until such individual has become reemployed subject to the terms 1421

set forth above, and has earned wages equal to one-half of the 1422  
individual's average weekly wage or sixty dollars, whichever is 1423  
less. 1424

(H) If a claimant is disqualified under division (D) (2) 1425  
(a), (c), or (d) of this section or found to be qualified under 1426  
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), 1427  
or (v) of this section or division (A) (2) of section 4141.291 of 1428  
the Revised Code, then benefits that may become payable to such 1429  
claimant, which are chargeable to the account of the employer 1430  
from whom the individual was separated under such conditions, 1431  
shall be charged to the mutualized account provided in section 1432  
4141.25 of the Revised Code, provided that no charge shall be 1433  
made to the mutualized account for benefits chargeable to a 1434  
reimbursing employer, except as provided in division (D) (2) of 1435  
section 4141.24 of the Revised Code. In the case of a 1436  
reimbursing employer, the director shall refund or credit to the 1437  
account of the reimbursing employer any over-paid benefits that 1438  
are recovered under division (B) of section 4141.35 of the 1439  
Revised Code. Amounts chargeable to other states, the United 1440  
States, or Canada that are subject to agreements and 1441  
arrangements that are established pursuant to section 4141.43 of 1442  
the Revised Code shall be credited or reimbursed according to 1443  
the agreements and arrangements to which the chargeable amounts 1444  
are subject. 1445

(I) (1) Benefits based on service in employment as provided 1446  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 1447  
Code shall be payable in the same amount, on the same terms, and 1448  
subject to the same conditions as benefits payable on the basis 1449  
of other service subject to this chapter; except that after 1450  
December 31, 1977: 1451

(a) Benefits based on service in an instructional, 1452  
research, or principal administrative capacity in an institution 1453  
of higher education, as defined in division (Y) of section 1454  
4141.01 of the Revised Code; or for an educational institution 1455  
as defined in division (CC) of section 4141.01 of the Revised 1456  
Code, shall not be paid to any individual for any week of 1457  
unemployment that begins during the period between two 1458  
successive academic years or terms, or during a similar period 1459  
between two regular but not successive terms or during a period 1460  
of paid sabbatical leave provided for in the individual's 1461  
contract, if the individual performs such services in the first 1462  
of those academic years or terms and has a contract or a 1463  
reasonable assurance that the individual will perform services 1464  
in any such capacity for any such institution in the second of 1465  
those academic years or terms. 1466

(b) Benefits based on service for an educational 1467  
institution or an institution of higher education in other than 1468  
an instructional, research, or principal administrative 1469  
capacity, shall not be paid to any individual for any week of 1470  
unemployment which begins during the period between two 1471  
successive academic years or terms of the employing educational 1472  
institution or institution of higher education, provided the 1473  
individual performed those services for the educational 1474  
institution or institution of higher education during the first 1475  
such academic year or term and, there is a reasonable assurance 1476  
that such individual will perform those services for any 1477  
educational institution or institution of higher education in 1478  
the second of such academic years or terms. 1479

If compensation is denied to any individual for any week 1480  
under division (I) (1) (b) of this section and the individual was 1481  
not offered an opportunity to perform those services for an 1482

institution of higher education or for an educational 1483  
institution for the second of such academic years or terms, the 1484  
individual is entitled to a retroactive payment of compensation 1485  
for each week for which the individual timely filed a claim for 1486  
compensation and for which compensation was denied solely by 1487  
reason of division (I)(1)(b) of this section. An application for 1488  
retroactive benefits shall be timely filed if received by the 1489  
director or the director's deputy within or prior to the end of 1490  
the fourth full calendar week after the end of the period for 1491  
which benefits were denied because of reasonable assurance of 1492  
employment. The provision for the payment of retroactive 1493  
benefits under division (I)(1)(b) of this section is applicable 1494  
to weeks of unemployment beginning on and after November 18, 1495  
1983. The provisions under division (I)(1)(b) of this section 1496  
shall be retroactive to September 5, 1982, only if, as a 1497  
condition for full tax credit against the tax imposed by the 1498  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 1499  
3301 to 3311, the United States secretary of labor determines 1500  
that retroactivity is required by federal law. 1501

(c) With respect to weeks of unemployment beginning after 1502  
December 31, 1977, benefits shall be denied to any individual 1503  
for any week which commences during an established and customary 1504  
vacation period or holiday recess, if the individual performs 1505  
any services described in divisions (I)(1)(a) and (b) of this 1506  
section in the period immediately before the vacation period or 1507  
holiday recess, and there is a reasonable assurance that the 1508  
individual will perform any such services in the period 1509  
immediately following the vacation period or holiday recess. 1510

(d) With respect to any services described in division (I) 1511  
(1)(a), (b), or (c) of this section, benefits payable on the 1512  
basis of services in any such capacity shall be denied as 1513

specified in division (I) (1) (a), (b), or (c) of this section to 1514  
any individual who performs such services in an educational 1515  
institution or institution of higher education while in the 1516  
employ of an educational service agency. For this purpose, the 1517  
term "educational service agency" means a governmental agency or 1518  
governmental entity that is established and operated exclusively 1519  
for the purpose of providing services to one or more educational 1520  
institutions or one or more institutions of higher education. 1521

(e) Any individual employed by a county board of 1522  
developmental disabilities shall be notified by the thirtieth 1523  
day of April each year if the individual is not to be reemployed 1524  
the following academic year. 1525

(f) Any individual employed by a school district, other 1526  
than a municipal school district as defined in section 3311.71 1527  
of the Revised Code, shall be notified by the first day of June 1528  
each year if the individual is not to be reemployed the 1529  
following academic year. 1530

(2) No disqualification will be imposed, between academic 1531  
years or terms or during a vacation period or holiday recess 1532  
under this division, unless the director or the director's 1533  
deputy has received a statement in writing from the educational 1534  
institution or institution of higher education that the claimant 1535  
has a contract for, or a reasonable assurance of, reemployment 1536  
for the ensuing academic year or term. 1537

(3) If an individual has employment with an educational 1538  
institution or an institution of higher education and employment 1539  
with a noneducational employer, during the base period of the 1540  
individual's benefit year, then the individual may become 1541  
eligible for benefits during the between-term, or vacation or 1542  
holiday recess, disqualification period, based on employment 1543

performed for the noneducational employer, provided that the 1544  
employment is sufficient to qualify the individual for benefit 1545  
rights separately from the benefit rights based on school 1546  
employment. The weekly benefit amount and maximum benefits 1547  
payable during a disqualification period shall be computed based 1548  
solely on the nonschool employment. 1549

(J) Benefits shall not be paid on the basis of employment 1550  
performed by an alien, unless the alien had been lawfully 1551  
admitted to the United States for permanent residence at the 1552  
time the services were performed, was lawfully present for 1553  
purposes of performing the services, or was otherwise 1554  
permanently residing in the United States under color of law at 1555  
the time the services were performed, under section 212(d) (5) of 1556  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1557  
1101: 1558

(1) Any data or information required of individuals 1559  
applying for benefits to determine whether benefits are not 1560  
payable to them because of their alien status shall be uniformly 1561  
required from all applicants for benefits. 1562

(2) In the case of an individual whose application for 1563  
benefits would otherwise be approved, no determination that 1564  
benefits to the individual are not payable because of the 1565  
individual's alien status shall be made except upon a 1566  
preponderance of the evidence that the individual had not, in 1567  
fact, been lawfully admitted to the United States. 1568

(K) The director shall establish and utilize a system of 1569  
profiling all new claimants under this chapter that: 1570

(1) Identifies which claimants will be likely to exhaust 1571  
regular compensation and will need job search assistance 1572

services to make a successful transition to new employment; 1573

(2) Refers claimants identified pursuant to division (K) 1574  
(1) of this section to reemployment services, such as job search 1575  
assistance services, available under any state or federal law; 1576

(3) Collects follow-up information relating to the 1577  
services received by such claimants and the employment outcomes 1578  
for such claimant's subsequent to receiving such services and 1579  
utilizes such information in making identifications pursuant to 1580  
division (K) (1) of this section; and 1581

(4) Meets such other requirements as the United States 1582  
secretary of labor determines are appropriate. 1583

(L) Except as otherwise provided in division (A) (6) of 1584  
this section, ineligibility pursuant to division (A) of this 1585  
section shall begin on the first day of the week in which the 1586  
claimant becomes ineligible for benefits and shall end on the 1587  
last day of the week preceding the week in which the claimant 1588  
satisfies the eligibility requirements. 1589

(M) The director may adopt rules that the director 1590  
considers necessary for the administration of division (A) of 1591  
this section. 1592

**Sec. 4141.30.** (A) As used in this section, "statewide 1593  
average weekly wage" means the amount calculated by the director 1594  
of job and family services pursuant to section 4141.02 of the 1595  
Revised Code. 1596

(B) All benefits shall be paid through public employment 1597  
offices in accordance with such rules as the director of job and 1598  
family services prescribes. 1599

~~(B) With the exceptions in division (B) (4) of this~~ 1600

~~section, benefits~~ (C) Benefits are payable to each eligible and 1601  
qualified individual on account of each week of involuntary 1602  
total unemployment after the specified waiting period at the 1603  
weekly benefit amount determined by: 1604

(1) Computing the individual's average weekly wage as 1605  
defined in division (O) (2) of section 4141.01 of the Revised 1606  
Code; 1607

~~(2) Determining the individual's dependency class under~~ 1608  
~~division (E) of this section;~~ 1609

~~(3) Computing the individual's weekly benefit amount to be~~ 1610  
~~fifty per cent of the individual's average weekly wage except,~~ 1611  
~~that the individual's weekly benefit amount shall not exceed the~~ 1612  
~~maximum amount shown for the individual's dependency class in~~ 1613  
~~the following table:~~ 1614

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	1	2
A	<del>Dependency Class</del>	<del>Maximum Weekly Benefit Amount</del>
B	<del>A</del>	<del>\$147</del>
C	<del>B</del>	<del>223</del>
D	<del>C</del>	<del>233</del>

~~Effective Sunday of the calendar week in which January 1,~~ 1616  
~~1988, occurs and on each similar day of each year thereafter,~~ 1617  
~~the current maximum weekly benefit amount for each dependency~~ 1618  
~~class shall be adjusted based on the statewide average weekly~~ 1619  
~~wage. Any percentage increase in such statewide average weekly~~ 1620



~~wage between the wage computed for the current year and the wage  
computed for the preceding year shall be used to increase the  
maximum amounts then in effect by the same percentage. Such  
increased amounts will be effective with respect to applications  
for benefit rights filed during the fifty two consecutive  
calendar weeks beginning with such Sunday date.~~

~~The director shall calculate the statewide average weekly  
wage based on the average weekly earnings of all workers in  
employment subject to this chapter during the preceding twelve  
month period ending the thirtieth day of June. The calculation  
shall be made in the following manner:~~

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

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

~~(c) The average annual wage shall be divided by fifty two  
to determine the statewide average weekly wage described in  
division (D) of this section.~~

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

~~(4) Effective Sunday of the calendar week in which January  
1, occurs for calendar years 1988 through 1993, the maximum~~

~~weekly benefit amount payable for an individual's dependency class for those years shall be computed in accordance with this division, with an additional increase added to the prior year's increase equal to one sixth of total percentage increase that otherwise would have been available in calendar years 1983, 1984, 1985, 1986, and 1987, if in those years an adjustment in the maximum weekly benefit amount would have been made pursuant to this division.~~

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

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

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

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

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

~~(6) For the time period beginning on January 1, 2018, and ending January 1, 2020, no individual's weekly benefit amount shall exceed the maximum weekly benefit amounts in effect on the~~

~~effective date of this section.~~

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~~(C)~~ (D) For any benefit year beginning on or after the  
effective date of this amendment, no individual's weekly benefit  
amount shall exceed fifty per cent of the statewide average  
weekly wage.

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

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~~(D) The~~ (F) (1) For any benefit year beginning on or after  
the effective date of this amendment, the director shall  
determine the maximum number of weeks for which an individual  
may receive benefits based on the adjusted unemployment rate  
that applies to the six-month period during which the  
application for a determination of benefit rights is filed, in  
accordance with the following schedule:

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A	<u>Adjusted unemployment rate</u>	<u>Maximum number of weeks</u>
B	<u>5.5% or below</u>	<u>12</u>

C	<u>Greater than 5.5% to 6%</u>	<u>13</u>
D	<u>Greater than 6% to 6.5%</u>	<u>14</u>
E	<u>Greater than 6.5% to 7%</u>	<u>15</u>
F	<u>Greater than 7% to 7.5%</u>	<u>16</u>
G	<u>Greater than 7.5% to 8%</u>	<u>17</u>
H	<u>Greater than 8% to 8.5%</u>	<u>18</u>
I	<u>Greater than 8.5% to 9%</u>	<u>19</u>
J	<u>Greater than 9%</u>	<u>20</u>

(2) For purposes of division (F) of this section: 1702

(a) The first six-month period of every year begins on the 1703  
first day of January and ends on the thirtieth day of June. 1704

The second six-month period begins on the first day of 1705  
July and ends on the thirty-first day of December. 1706

(b) To determine the adjusted unemployment rate in effect 1707  
for the first period of a year, the director shall average the 1708  
state's seasonally adjusted unemployment rates, as determined by 1709  
the United States department of labor, for the immediately 1710  
preceding months of July, August, and September. 1711

(c) To determine the adjusted unemployment rate in effect 1712  
for the second period of the year, the director shall average 1713  
the state's seasonally adjusted unemployment rates, as 1714  
determined by the United States department of labor, for the 1715  
immediately preceding months of January, February, and March. 1716

(G) (1) In any benefit year that begins before the 1717  
effective date of this amendment, the total benefits to which an 1718  
individual is entitled in any benefit year, whether for partial 1719  
or total unemployment, or both, shall not exceed the lesser of 1720  
the following two amounts: (1) an amount equal to twenty-six 1721  
times the individual's weekly benefit amount determined in 1722  
accordance with division ~~(B)~~ (C) of this section and this 1723  
division, or (2) an amount computed by taking the sum of twenty 1724  
times the individual's weekly benefit amount for the first 1725  
twenty base period qualifying weeks plus one times the weekly 1726  
benefit amount for each additional qualifying week beyond the 1727  
first twenty qualifying weeks in the individual's base period. 1728

(2) In any benefit year that begins on or after the 1729  
effective date of this amendment, the total benefits to which an 1730  
individual is entitled, whether for partial or total 1731  
unemployment, or both, shall not exceed an amount equal to the 1732  
maximum number of weeks to which an individual may receive 1733  
benefits under division (F) of this section times the 1734  
individual's weekly benefit amount determined in accordance with 1735  
division (C) of this section. 1736

~~(E) Each eligible and qualified individual shall be~~ 1737  
~~assigned a dependency class in accordance with the following~~ 1738  
~~schedule:~~ 1739

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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:~~

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

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

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

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**Sec. 4141.43.** (A) The director of job and family services 1765  
may cooperate with the industrial commission, the bureau of 1766  
workers' compensation, the United States internal revenue 1767  
service, the United States employment service, and other similar 1768  
departments and agencies, as determined by the director, in the 1769  
exchange or disclosure of information as to wages, employment, 1770  
payrolls, unemployment, and other information. The director may 1771  
employ, jointly with one or more of such agencies or 1772  
departments, auditors, examiners, inspectors, and other 1773  
employees necessary for the administration of this chapter and 1774  
employment and training services for workers in the state. 1775

(B) The director may make the state's record relating to 1776  
the administration of this chapter available to the railroad 1777  
retirement board and may furnish the board at the board's 1778  
expense such copies thereof as the board deems necessary for its 1779  
purposes. 1780

(C) The director may afford reasonable cooperation with 1781  
every agency of the United States charged with the 1782  
administration of any unemployment compensation law. 1783

(D) The director may enter into arrangements with the 1784  
appropriate agencies of other states or of the United States or 1785  
Canada whereby individuals performing services in this and other 1786  
states for a single employer under circumstances not 1787  
specifically provided for in division (B) of section 4141.01 of 1788  
the Revised Code or in similar provisions in the unemployment 1789  
compensation laws of such other states shall be deemed to be 1790  
engaged in employment performed entirely within this state or 1791  
within one of such other states or within Canada, and whereby 1792  
potential rights to benefits accumulated under the unemployment 1793  
compensation laws of several states or under such a law of the 1794

United States, or both, or of Canada may constitute the basis 1795  
for the payment of benefits through a single appropriate agency 1796  
under terms that the director finds will be fair and reasonable 1797  
as to all affected interests and will not result in any 1798  
substantial loss to the unemployment compensation fund. 1799

(E) The director may enter into agreements with the 1800  
appropriate agencies of other states or of the United States or 1801  
Canada: 1802

(1) Whereby services or wages upon the basis of which an 1803  
individual may become entitled to benefits under the 1804  
unemployment compensation law of another state or of the United 1805  
States or Canada shall be deemed to be employment or wages for 1806  
employment by employers for the purposes of qualifying claimants 1807  
for benefits under this chapter, and the director may estimate 1808  
the number of weeks of employment represented by the wages 1809  
reported to the director for such claimants by such other 1810  
agency, provided such other state agency or agency of the United 1811  
States or Canada has agreed to reimburse the unemployment 1812  
compensation fund for such portion of benefits paid under this 1813  
chapter upon the basis of such services or wages as the director 1814  
finds will be fair and reasonable as to all affected interests; 1815

(2) Whereby the director will reimburse other state or 1816  
federal or Canadian agencies charged with the administration of 1817  
unemployment compensation laws with such reasonable portion of 1818  
benefits, paid under the law of such other states or of the 1819  
United States or of Canada upon the basis of employment or wages 1820  
for employment by employers, as the director finds will be fair 1821  
and reasonable as to all affected interests. Reimbursements so 1822  
payable shall be deemed to be benefits for the purpose of 1823  
section 4141.09 and division ~~(A)~~ (B) of section 4141.30 of the 1824



Revised Code. However, no reimbursement so payable shall be 1825  
charged against any employer's account for the purposes of 1826  
section 4141.24 of the Revised Code if the employer's account, 1827  
under the same or similar circumstances, with respect to 1828  
benefits charged under the provisions of this chapter, other 1829  
than this section, would not be charged or, if the claimant at 1830  
the time the claimant files the combined wage claim cannot 1831  
establish benefit rights under this chapter. This noncharging 1832  
shall not be applicable to a nonprofit organization that has 1833  
elected to make payments in lieu of contributions under section 1834  
4141.241 of the Revised Code, except as provided in division (D) 1835  
(2) of section 4141.24 of the Revised Code. The director may 1836  
make to other state or federal or Canadian agencies and receive 1837  
from such other state or federal or Canadian agencies 1838  
reimbursements from or to the unemployment compensation fund, in 1839  
accordance with arrangements pursuant to this section. 1840

(3) Notwithstanding division (B) (2) (f) of section 4141.01 1841  
of the Revised Code, the director may enter into agreements with 1842  
other states whereby services performed for a crew leader, as 1843  
defined in division (BB) of section 4141.01 of the Revised Code, 1844  
may be covered in the state in which the crew leader either: 1845

(a) Has the crew leader's place of business or from which 1846  
the crew leader's business is operated or controlled; 1847

(b) Resides if the crew leader has no place of business in 1848  
any state. 1849

(F) The director may apply for an advance to the 1850  
unemployment compensation fund and do all things necessary or 1851  
required to obtain such advance and arrange for the repayment of 1852  
such advance in accordance with Title XII of the "Social 1853  
Security Act" as amended. 1854

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

(H) The director shall participate in any arrangements for  
the payment of compensation on the basis of combining an  
individual's wages and employment, covered under this chapter,  
with the individual's wages and employment covered under the  
unemployment compensation laws of other states which are  
approved by the United States secretary of labor in consultation  
with the state unemployment compensation agencies as reasonably  
calculated to assure the prompt and full payment of compensation  
in such situations and which include provisions for:

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

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

(I) The director shall cooperate with the United States  
department of labor to the fullest extent consistent with this  
chapter, and shall take such action, through the adoption of  
appropriate rules, regulations, and administrative methods and  
standards, as may be necessary to secure to this state and its  
citizens all advantages available under the provisions of the  
"Social Security Act" that relate to unemployment compensation,  
the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26  
U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat.

113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment 1885  
Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and 1886  
the "Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 1887  
et seq. 1888

(J) The director may disclose wage information furnished 1889  
to or maintained by the director under Chapter 4141. of the 1890  
Revised Code to a consumer reporting agency as defined by the 1891  
"Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 1892  
as amended, for the purpose of verifying an individual's income 1893  
under a written agreement that requires all of the following: 1894

(1) A written statement of informed consent from the 1895  
individual whose information is to be disclosed; 1896

(2) A written statement confirming that the consumer 1897  
reporting agency and any other entity to which the information 1898  
is disclosed or released will safeguard the information from 1899  
illegal or unauthorized disclosure; 1900

(3) A written statement confirming that the consumer 1901  
reporting agency will pay to the bureau all costs associated 1902  
with the disclosure. 1903

The director shall prescribe a manner and format in which 1904  
this information may be provided. 1905

(K) The director shall adopt rules defining the 1906  
requirements of the release of individual income verification 1907  
information specified in division (J) of this section, which 1908  
shall include all terms and conditions necessary to meet the 1909  
requirements of federal law as interpreted by the United States 1910  
department of labor or considered necessary by the director for 1911  
the proper administration of this division. 1912

(L) The director shall disclose information furnished to 1913

or maintained by the director under this chapter upon request 1914  
and on a reimbursable basis as required by section 303 of the 1915  
"Social Security Act," 42 U.S.C.A. 503, and section 3304 of the 1916  
"Internal Revenue Code," 26 U.S.C.A. 3304. 1917

**Sec. 4141.53.** (A) An individual is eligible to receive 1918  
shared work compensation for a week in which the individual 1919  
satisfies all of the following: 1920

(1) The individual is employed by a participating employer 1921  
and is subject to a shared work plan that was approved before 1922  
that week and is in effect for that week. 1923

(2) The individual is available for work and is actively 1924  
seeking work by being available for the individual's normal 1925  
weekly hours of work. 1926

(3) The individual's normal weekly hours of work with the 1927  
participating employer have been reduced by at least ten per 1928  
cent but not more than sixty per cent. 1929

(4) The individual has been employed by an employer or 1930  
employers subject to this chapter in at least twenty qualifying 1931  
weeks within the individual's base period and has earned or been 1932  
paid remuneration at an average weekly wage of not less than 1933  
twenty-seven and one-half per cent of the statewide average 1934  
weekly wage for those weeks. 1935

(5) The individual has been subject to a shared work plan 1936  
for at least one week prior to the week for which the 1937  
compensation is to be paid, or otherwise satisfies the waiting 1938  
period requirement of division (B) of section 4141.29 of the 1939  
Revised Code for the individual's benefit year. 1940

(6) The individual otherwise satisfies the requirements of 1941  
this chapter and is not otherwise disqualified from receiving 1942

unemployment compensation benefits. 1943

(B) For purposes of division (A) (2) of this section, an 1944  
individual is available for the individual's normal weekly hours 1945  
of work with the participating employer if the individual does 1946  
any of the following: 1947

(1) Works the number of weekly hours assigned to the 1948  
individual under an approved shared work plan; 1949

(2) Works fewer hours than the number of weekly hours 1950  
assigned to the individual under an approved shared work plan 1951  
and either of the following apply: 1952

(a) The individual takes approved time off during the week 1953  
with pay, and the combined work hours and paid leave hours equal 1954  
the number of hours the employee would have worked under the 1955  
plan; 1956

(b) The individual does not take approved time off with 1957  
pay during that week and the reduction in hours was not the 1958  
fault of the individual and was not more than sixty per cent of 1959  
the individual's normal weekly hours of work. 1960

(C) (1) Except as provided in division (C) (2) or (D) of 1961  
this section, the director of job and family services shall pay 1962  
a participating employee who is eligible for weekly shared work 1963  
compensation in an amount equal to the participating employee's 1964  
weekly benefit amount as described in division ~~(B)~~ (C) of 1965  
section 4141.30 of the Revised Code for a period of total 1966  
unemployment, multiplied by the reduction percentage specified 1967  
in the approved shared work plan applicable to the participating 1968  
employee. 1969

(2) The director shall pay a participating employee who is 1970  
eligible for weekly shared work compensation in an amount equal 1971

to the participating employee's weekly benefit amount as 1972  
described in division ~~(B)~~ (C) of section 4141.30 of the Revised 1973  
Code for a period of total unemployment, multiplied by the 1974  
percentage by which the participating employee's normal weekly 1975  
hours of work were actually reduced during the workweek, if all 1976  
of the following apply: 1977

(a) The participating employee did not take approved paid 1978  
leave during the week. 1979

(b) The participating employee's normal weekly hours of 1980  
work were actually reduced by not less than ten per cent and not 1981  
greater than sixty per cent. 1982

(c) The increase or decrease in the participating 1983  
employee's hours above or below the number of hours assigned to 1984  
the employee in the approved shared work plan was not the fault 1985  
of the employee. 1986

(3) The director shall determine fault for purposes of 1987  
divisions (B) (2) (b) and (C) (2) (c) of this section in the same 1988  
manner that the director makes determinations for benefit rights 1989  
and determines claims for unemployment compensation benefits 1990  
under sections 4141.28 and 4141.281 of the Revised Code. 1991

(4) The director shall round the amount of a shared work 1992  
compensation payment that is not a multiple of one dollar to the 1993  
next lower multiple of one dollar. 1994

(5) No shared work compensation shall be payable during 1995  
the one-week period described in division (A) (5) of this 1996  
section. 1997

(D) If an individual works for a participating employer 1998  
and another employer during the weeks the individual is covered 1999  
by an approved shared work plan, eligibility for shared work 2000

compensation is determined as follows: 2001

(1) If the combined number of hours the individual works 2002  
for both the participating employer and the other employer in a 2003  
week exceeds the amount of the individual's normal weekly hours 2004  
of work reduced by ten per cent, the individual is not eligible 2005  
for shared work compensation. 2006

(2) If the combined number of hours the individual works 2007  
in a week for both employers equals the amount of the 2008  
individual's normal weekly hours of work reduced between ten and 2009  
sixty per cent, the director shall pay the individual, if the 2010  
individual is otherwise eligible, shared work compensation in an 2011  
amount equal to the individual's weekly benefit amount as 2012  
described in division ~~(B)~~ (C) of section 4141.30 of the Revised 2013  
Code for a period of total unemployment, multiplied by the 2014  
percentage by which the individual's normal weekly hours of work 2015  
were reduced during the week when factoring in both the amount 2016  
of hours worked for the other employer and the amount of hours 2017  
worked for the participating employer. 2018

(E) A participating employee is not entitled to receive 2019  
shared work compensation and unemployment compensation benefits 2020  
that, when combined, exceed the maximum total benefits payable 2021  
to the participating employee in a benefit year under section 2022  
4141.30 of the Revised Code. No participating employee shall be 2023  
paid shared work compensation during the employee's benefit year 2024  
in an amount that exceeds twenty-six times the amount of the 2025  
employee's weekly benefit amount for a period of total 2026  
unemployment under section 4141.30 of the Revised Code. 2027

(F) An individual who has received all of the shared work 2028  
compensation and unemployment compensation benefits available in 2029  
a benefit year is an individual who has exhausted regular 2030

benefits under section 4141.30 of the Revised Code and is 2031  
entitled to receive extended benefits under section 4141.301 of 2032  
the Revised Code if the individual is otherwise eligible to 2033  
receive benefits under that section. 2034

(G) Except as provided in division (C) (2) of this section, 2035  
the director shall not pay shared work compensation to an 2036  
individual for a week during which the individual performs paid 2037  
work for the individual's participating employer that exceeds or 2038  
falls below the reduced hours established under an approved 2039  
shared work plan that covers the individual. 2040

(H) (1) Except as provided in divisions (H) (2) and (3) of 2041  
this section, a participating employee is not eligible to 2042  
receive benefits for being partially unemployed for any week 2043  
during which the individual works as a participating employee. 2044

(2) A participating employee who performs no services 2045  
during a week for the participating employer and who is 2046  
otherwise eligible may be paid benefits for being totally or 2047  
partially unemployed for that week. 2048

(3) A participating employee whose normal weekly hours of 2049  
work are reduced by more than sixty per cent and who is 2050  
otherwise eligible may be paid benefits for partial unemployment 2051  
for that week. 2052

(I) Any payment of total or partial unemployment 2053  
compensation benefits under this section is not a payment of 2054  
shared work compensation under an approved plan but shall be 2055  
calculated against the maximum total benefits payable to the 2056  
participating employee in a benefit year under section 4141.30 2057  
of the Revised Code. 2058

(J) For purposes of this section and unless another 2059



benefit year applies to the individual, notwithstanding division 2060  
(R) (1) of section 4141.01 of the Revised Code, a participating 2061  
employee's "benefit year" is the fifty-two week period beginning 2062  
with the first day of that week with respect to which the 2063  
employee's participating employer first files a claim on behalf 2064  
of the participating employee pursuant to division (B) of 2065  
section 4141.54 of the Revised Code. 2066

**Section 2.** That existing sections 4141.01, 4141.29, 2067  
4141.30, 4141.43, and 4141.53 of the Revised Code are hereby 2068  
repealed. 2069

**Section 3.** The General Assembly, applying the principle 2070  
stated in division (B) of section 1.52 of the Revised Code that 2071  
amendments are to be harmonized if reasonably capable of 2072  
simultaneous operation, finds that the following sections, 2073  
presented in this act as composites of the sections as amended 2074  
by the acts indicated, are the resulting versions of the 2075  
sections in effect prior to the effective date of the sections 2076  
as presented in this act: 2077

Section 4141.01 of the Revised Code as amended by both 2078  
H.B. 110 and H.B. 281 of the 134th General Assembly. 2079

Section 4141.29 of the Revised Code as amended by both 2080  
H.B. 49 and H.B. 158 of the 132nd General Assembly. 2081