

**As Reported by the Senate Finance Committee**

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**Am. H. B. No. 158**

**Representatives Perales, Craig**

**Cosponsors: Representatives Antonio, Ashford, Boccieri, Brenner, Cera, Dever, Henne, Lepore-Hagan, Lipps, Manning, Rezabek, Johnson, Lanese, Landis, Miller, Riedel, Young, Anielski, Arndt, Barnes, Boggs, Boyd, Carfagna, Celebrezze, Clyde, Cupp, Dean, Edwards, Fedor, Galonski, Green, Greenspan, Holmes, Hughes, Ingram, Kelly, Kent, Kick, Leland, O'Brien, Patterson, Patton, Pelanda, Ramos, Reineke, Rogers, Romanchuk, Ryan, Schaffer, Schuring, Seitz, Sheehy, Slaby, Smith, K., Sprague, Stein, Sykes, West**

**Senators Beagle, Tavares**

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**A BILL**

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

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

**Section 1.** That section 4141.29 of the Revised Code be  
amended to read as follows:

**Sec. 4141.29.** Each eligible individual shall receive  
benefits as compensation for loss of remuneration due to  
involuntary total or partial unemployment in the amounts and  
subject to the conditions stipulated in this chapter.

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

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

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

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

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

(i) Filing an application for benefit rights;

(ii) Making a weekly claim for benefits;

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

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

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

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

(4) (a) (i) Is able to work and available for suitable work 41  
and, except as provided in division (A) (4) (a) (ii) or (iii) of 42  
this section, is actively seeking suitable work either in a 43  
locality in which the individual has earned wages subject to 44  
this chapter during the individual's base period, or if the 45  
individual leaves that locality, then in a locality where 46  
suitable work normally is performed. 47

(ii) The director may waive the requirement that a 48  
claimant be actively seeking work when the director finds that 49  
the individual has been laid off and the employer who laid the 50  
individual off has notified the director within ten days after 51  
the layoff, that work is expected to be available for the 52  
individual within a specified number of days not to exceed 53  
forty-five calendar days following the last day the individual 54  
worked. In the event the individual is not recalled within the 55  
specified period, this waiver shall cease to be operative with 56  
respect to that layoff. 57

(iii) The director may waive the requirement that a 58  
claimant be actively seeking work if the director determines 59  
that the individual has been laid off and the employer who laid 60  
the individual off has notified the director in accordance with 61  
division (C) of section 4141.28 of the Revised Code that the 62  
employer has closed the employer's entire plant or part of the 63  
employer's plant for a purpose other than inventory or vacation 64  
that will cause unemployment for a definite period not exceeding 65  
twenty-six weeks beginning on the date the employer notifies the 66  
director, for the period of the specific shutdown, if all of the 67  
following apply: 68

(I) The employer and the individuals affected by the 69  
layoff who are claiming benefits under this chapter jointly 70

request the exemption. 71

(II) The employer provides that the affected individuals 72  
shall return to work for the employer within twenty-six weeks 73  
after the date the employer notifies the director. 74

(III) The director determines that the waiver of the 75  
active search for work requirement will promote productivity and 76  
economic stability within the state. 77

(iv) Division (A) (4) (a) (iii) of this section does not 78  
exempt an individual from meeting the other requirements 79  
specified in division (A) (4) (a) (i) of this section to be able to 80  
work and otherwise fully be available for work. An exemption 81  
granted under division (A) (4) (a) (iii) of this section may be 82  
granted only with respect to a specific plant closing. 83

(b) (i) The individual shall be instructed as to the 84  
efforts that the individual must make in the search for suitable 85  
work, including that, within six months after October 11, 2013, 86  
the individual shall register with OhioMeansJobs, except in any 87  
of the following circumstances: 88

(I) The individual is an individual described in division 89  
(A) (4) (b) (iii) of this section; 90

(II) Where the active search for work requirement has been 91  
waived under division (A) (4) (a) of this section; 92

(III) Where the active search for work requirement is 93  
considered to be met under division (A) (4) (c), (d), or (e) of 94  
this section. 95

(ii) An individual who is registered with OhioMeansJobs 96  
shall receive a weekly listing of available jobs based on 97  
information provided by the individual at the time of 98

registration. For each week that the individual claims benefits, 99  
the individual shall keep a record of the individual's work 100  
search efforts and shall produce that record in the manner and 101  
means prescribed by the director. 102

(iii) No individual shall be required to register with 103  
OhioMeansJobs if the individual is legally prohibited from using 104  
a computer, has a physical or visual impairment that makes the 105  
individual unable to use a computer, or has a limited ability to 106  
read, write, speak, or understand a language in which 107  
OhioMeansJobs is available. 108

(iv) As used in division (A) (4) (b) of this section: 109

(I) "OhioMeansJobs" means the electronic job placement 110  
system operated by the state. 111

(II) "Registration" includes the creation, electronic 112  
posting, and maintenance of an active, searchable resume. 113

(c) An individual who is attending a training course 114  
approved by the director meets the requirement of this division, 115  
if attendance was recommended by the director and the individual 116  
is regularly attending the course and is making satisfactory 117  
progress. An individual also meets the requirements of this 118  
division if the individual is participating and advancing in a 119  
training program, as defined in division (P) of section 5709.61 120  
of the Revised Code, and if an enterprise, defined in division 121  
(B) of section 5709.61 of the Revised Code, is paying all or 122  
part of the cost of the individual's participation in the 123  
training program with the intention of hiring the individual for 124  
employment as a new employee, as defined in division (L) of 125  
section 5709.61 of the Revised Code, for at least ninety days 126  
after the individual's completion of the training program. 127

(d) An individual who becomes unemployed while attending a 128  
regularly established school and whose base period qualifying 129  
weeks were earned in whole or in part while attending that 130  
school, meets the availability and active search for work 131  
requirements of division (A) (4) (a) of this section if the 132  
individual regularly attends the school during weeks with 133  
respect to which the individual claims unemployment benefits and 134  
makes self available on any shift of hours for suitable 135  
employment with the individual's most recent employer or any 136  
other employer in the individual's base period, or for any other 137  
suitable employment to which the individual is directed, under 138  
this chapter. 139

(e) An individual who is a member in good standing with a 140  
labor organization that refers individuals to jobs meets the 141  
active search for work requirement specified in division (A) (4) 142  
(a) of this section if the individual provides documentation 143  
that the individual is eligible for a referral or placement upon 144  
request and in a manner prescribed by the director. 145

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

For the purposes of division (A) (4) (f) of this section, 157

"suitable employment" means with respect to an individual, work 158  
of a substantially equal or higher skill level than the 159  
individual's past adversely affected employment, as defined for 160  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 161  
U.S.C.A. 2101, and wages for such work at not less than eighty 162  
per cent of the individual's average weekly wage as determined 163  
for the purposes of that federal act. 164

(5) Is unable to obtain suitable work. An individual who 165  
is provided temporary work assignments by the individual's 166  
employer under agreed terms and conditions of employment, and 167  
who is required pursuant to those terms and conditions to 168  
inquire with the individual's employer for available work 169  
assignments upon the conclusion of each work assignment, is not 170  
considered unable to obtain suitable employment if suitable work 171  
assignments are available with the employer but the individual 172  
fails to contact the employer to inquire about work assignments. 173

(6) Participates in reemployment services, such as job 174  
search assistance services, if the individual has been 175  
determined to be likely to exhaust benefits under this chapter, 176  
including compensation payable pursuant to 5 U.S.C.A. Chapter 177  
85, other than extended compensation, and needs reemployment 178  
services pursuant to the profiling system established by the 179  
director under division (K) of this section, unless the director 180  
determines that: 181

(a) The individual has completed such services; or 182

(b) There is justifiable cause for the claimant's failure 183  
to participate in such services. 184

Ineligibility for failure to participate in reemployment 185  
services as described in division (A) (6) of this section shall 186

be for the week or weeks in which the claimant was scheduled and 187  
failed to participate without justifiable cause. 188

(7) Participates in the reemployment and eligibility 189  
assessment program, or other reemployment services, as required 190  
by the director. As used in division (A)(7) of this section, 191  
"reemployment services" includes job search assistance 192  
activities, skills assessments, and the provision of labor 193  
market statistics or analysis. 194

(a) For purposes of division (A)(7) of this section, 195  
participation is required unless the director determines that 196  
either of the following circumstances applies to the individual: 197

(i) The individual has completed similar services. 198

(ii) Justifiable cause exists for the failure of the 199  
individual to participate in those services. 200

(b) Within six months after October 11, 2013, 201  
notwithstanding any earlier contact an individual may have had 202  
with a local one-stop county office, including as described in 203  
section 6301.08 of the Revised Code, beginning with the eighth 204  
week after the week during which an individual first files a 205  
valid application for determination of benefit rights in the 206  
individual's benefit year, the individual shall report to a 207  
local one-stop county office for reemployment services in the 208  
manner prescribed by the director. 209

(c) An individual whose active search for work requirement 210  
has been waived under division (A)(4)(a) of this section or is 211  
considered to be satisfied under division (A)(4)(c), (d), or (e) 212  
of this section is exempt from the requirements of division (A) 213  
(7) of this section. 214

(B) An individual suffering total or partial unemployment 215



is eligible for benefits for unemployment occurring subsequent 216  
to a waiting period of one week and no benefits shall be payable 217  
during this required waiting period. Not more than one week of 218  
waiting period shall be required of any individual in any 219  
benefit year in order to establish the individual's eligibility 220  
for total or partial unemployment benefits. 221

(C) The waiting period for total or partial unemployment 222  
shall commence on the first day of the first week with respect 223  
to which the individual first files a claim for benefits at an 224  
employment office or other place of registration maintained or 225  
designated by the director or on the first day of the first week 226  
with respect to which the individual has otherwise filed a claim 227  
for benefits in accordance with the rules of the department of 228  
job and family services, provided such claim is allowed by the 229  
director. 230

(D) Notwithstanding division (A) of this section, no 231  
individual may serve a waiting period or be paid benefits under 232  
the following conditions: 233

(1) For any week with respect to which the director finds 234  
that: 235

(a) The individual's unemployment was due to a labor 236  
dispute other than a lockout at any factory, establishment, or 237  
other premises located in this or any other state and owned or 238  
operated by the employer by which the individual is or was last 239  
employed; and for so long as the individual's unemployment is 240  
due to such labor dispute. No individual shall be disqualified 241  
under this provision if either of the following applies: 242

(i) The individual's employment was with such employer at 243  
any factory, establishment, or premises located in this state, 244

owned or operated by such employer, other than the factory, 245  
establishment, or premises at which the labor dispute exists, if 246  
it is shown that the individual is not financing, participating 247  
in, or directly interested in such labor dispute; 248

(ii) The individual's employment was with an employer not 249  
involved in the labor dispute but whose place of business was 250  
located within the same premises as the employer engaged in the 251  
dispute, unless the individual's employer is a wholly owned 252  
subsidiary of the employer engaged in the dispute, or unless the 253  
individual actively participates in or voluntarily stops work 254  
because of such dispute. If it is established that the claimant 255  
was laid off for an indefinite period and not recalled to work 256  
prior to the dispute, or was separated by the employer prior to 257  
the dispute for reasons other than the labor dispute, or that 258  
the individual obtained a bona fide job with another employer 259  
while the dispute was still in progress, such labor dispute 260  
shall not render the employee ineligible for benefits. 261

(b) The individual has been given a disciplinary layoff 262  
for misconduct in connection with the individual's work. 263

(2) For the duration of the individual's unemployment if 264  
the director finds that: 265

(a) The individual quit work without just cause or has 266  
been discharged for just cause in connection with the 267  
individual's work, provided division (D)(2) of this section does 268  
not apply to the separation of a person under any of the 269  
following circumstances: 270

(i) Separation from employment for the purpose of entering 271  
the armed forces of the United States if the individual is 272  
inducted into the armed forces within one of the following 273

periods: 274

(I) Thirty days after separation; 275

(II) One hundred eighty days after separation if the 276  
individual's date of induction is delayed solely at the 277  
discretion of the armed forces. 278

(ii) Separation from employment pursuant to a labor- 279  
management contract or agreement, or pursuant to an established 280  
employer plan, program, or policy, which permits the employee, 281  
because of lack of work, to accept a separation from employment; 282

(iii) The individual has left employment to accept a 283  
recall from a prior employer or, except as provided in division 284  
(D) (2) (a) (iv) of this section, to accept other employment as 285  
provided under section 4141.291 of the Revised Code, or left or 286  
was separated from employment that was concurrent employment at 287  
the time of the most recent separation or within six weeks prior 288  
to the most recent separation where the remuneration, hours, or 289  
other conditions of such concurrent employment were 290  
substantially less favorable than the individual's most recent 291  
employment and where such employment, if offered as new work, 292  
would be considered not suitable under the provisions of 293  
divisions (E) and (F) of this section. Any benefits that would 294  
otherwise be chargeable to the account of the employer from whom 295  
an individual has left employment or was separated from 296  
employment that was concurrent employment under conditions 297  
described in division (D) (2) (a) (iii) of this section, shall 298  
instead be charged to the mutualized account created by division 299  
(B) of section 4141.25 of the Revised Code, except that any 300  
benefits chargeable to the account of a reimbursing employer 301  
under division (D) (2) (a) (iii) of this section shall be charged 302  
to the account of the reimbursing employer and not to the 303

mutualized account, except as provided in division (D) (2) of 304  
section 4141.24 of the Revised Code. 305

(iv) When an individual has been issued a definite layoff 306  
date by the individual's employer and before the layoff date, 307  
the individual quits to accept other employment, the provisions 308  
of division (D) (2) (a) (iii) of this section apply and no 309  
disqualification shall be imposed under division (D) of this 310  
section. However, if the individual fails to meet the employment 311  
and earnings requirements of division (A) (2) of section 4141.291 312  
of the Revised Code, then the individual, pursuant to division 313  
(A) (5) of this section, shall be ineligible for benefits for any 314  
week of unemployment that occurs prior to the layoff date. 315

(v) The individual's spouse is a member of the armed 316  
forces of the United States who is on active duty or a member of 317  
the commissioned corps of the national oceanic and atmospheric 318  
administration or public health service, the spouse is the 319  
subject of a transfer, the individual left employment to 320  
accompany the individual's spouse to a location from which it is 321  
impractical to commute to the individual's place of employment, 322  
and upon arrival at the new place of residence, the individual 323  
is in all respects able and available for suitable work. For 324  
purpose of division (D) (2) (a) (v) of this section, "active duty" 325  
and "armed forces" have the same meanings as in 10 U.S.C. 101. 326

(b) The individual has refused without good cause to 327  
accept an offer of suitable work when made by an employer either 328  
in person or to the individual's last known address, or has 329  
refused or failed to investigate a referral to suitable work 330  
when directed to do so by a local employment office of this 331  
state or another state, provided that this division shall not 332  
cause a disqualification for a waiting week or benefits under 333

the following circumstances: 334

(i) When work is offered by the individual's employer and 335  
the individual is not required to accept the offer pursuant to 336  
the terms of the labor-management contract or agreement; or 337

(ii) When the individual is attending a training course 338  
pursuant to division (A) (4) of this section except, in the event 339  
of a refusal to accept an offer of suitable work or a refusal or 340  
failure to investigate a referral, benefits thereafter paid to 341  
such individual shall not be charged to the account of any 342  
employer and, except as provided in division (B) (1) (b) of 343  
section 4141.241 of the Revised Code, shall be charged to the 344  
mutualized account as provided in division (B) of section 345  
4141.25 of the Revised Code. 346

(c) Such individual quit work to marry or because of 347  
marital, parental, filial, or other domestic obligations. 348

(d) The individual became unemployed by reason of 349  
commitment to any correctional institution. 350

(e) The individual became unemployed because of dishonesty 351  
in connection with the individual's most recent or any base 352  
period work. Remuneration earned in such work shall be excluded 353  
from the individual's total base period remuneration and 354  
qualifying weeks that otherwise would be credited to the 355  
individual for such work in the individual's base period shall 356  
not be credited for the purpose of determining the total 357  
benefits to which the individual is eligible and the weekly 358  
benefit amount to be paid under section 4141.30 of the Revised 359  
Code. Such excluded remuneration and noncredited qualifying 360  
weeks shall be excluded from the calculation of the maximum 361  
amount to be charged, under division (D) of section 4141.24 and 362

section 4141.33 of the Revised Code, against the accounts of the 363  
individual's base period employers. In addition, no benefits 364  
shall thereafter be paid to the individual based upon such 365  
excluded remuneration or noncredited qualifying weeks. 366

For purposes of division (D)(2)(e) of this section, 367  
"dishonesty" means the commission of substantive theft, fraud, 368  
or deceitful acts. 369

(E) No individual otherwise qualified to receive benefits 370  
shall lose the right to benefits by reason of a refusal to 371  
accept new work if: 372

(1) As a condition of being so employed the individual 373  
would be required to join a company union, or to resign from or 374  
refrain from joining any bona fide labor organization, or would 375  
be denied the right to retain membership in and observe the 376  
lawful rules of any such organization. 377

(2) The position offered is vacant due directly to a 378  
strike, lockout, or other labor dispute. 379

(3) The work is at an unreasonable distance from the 380  
individual's residence, having regard to the character of the 381  
work the individual has been accustomed to do, and travel to the 382  
place of work involves expenses substantially greater than that 383  
required for the individual's former work, unless the expense is 384  
provided for. 385

(4) The remuneration, hours, or other conditions of the 386  
work offered are substantially less favorable to the individual 387  
than those prevailing for similar work in the locality. 388

(F) Subject to the special exceptions contained in 389  
division (A)(4)(f) of this section and section 4141.301 of the 390  
Revised Code, in determining whether any work is suitable for a 391

claimant in the administration of this chapter, the director, in 392  
addition to the determination required under division (E) of 393  
this section, shall consider the degree of risk to the 394  
claimant's health, safety, and morals, the individual's physical 395  
fitness for the work, the individual's prior training and 396  
experience, the length of the individual's unemployment, the 397  
distance of the available work from the individual's residence, 398  
and the individual's prospects for obtaining local work. 399

(G) The "duration of unemployment" as used in this section 400  
means the full period of unemployment next ensuing after a 401  
separation from any base period or subsequent work and until an 402  
individual has become reemployed in employment subject to this 403  
chapter, or the unemployment compensation act of another state, 404  
or of the United States, and until such individual has worked 405  
six weeks and for those weeks has earned or been paid 406  
remuneration equal to six times an average weekly wage of not 407  
less than: eighty-five dollars and ten cents per week beginning 408  
on June 26, 1990; and beginning on and after January 1, 1992, 409  
twenty-seven and one-half per cent of the statewide average 410  
weekly wage as computed each first day of January under division 411  
(B) (3) of section 4141.30 of the Revised Code, rounded down to 412  
the nearest dollar, except for purposes of division (D) (2) (c) of 413  
this section, such term means the full period of unemployment 414  
next ensuing after a separation from such work and until such 415  
individual has become reemployed subject to the terms set forth 416  
above, and has earned wages equal to one-half of the 417  
individual's average weekly wage or sixty dollars, whichever is 418  
less. 419

(H) If a claimant is disqualified under division (D) (2) 420  
(a), (c), or (d) of this section or found to be qualified under 421  
the exceptions provided in division (D) (2) (a) (i), (iii), ~~or~~ 422

(iv), or (v) of this section or division (A) (2) of section 423  
4141.291 of the Revised Code, then benefits that may become 424  
payable to such claimant, which are chargeable to the account of 425  
the employer from whom the individual was separated under such 426  
conditions, shall be charged to the mutualized account provided 427  
in section 4141.25 of the Revised Code, provided that no charge 428  
shall be made to the mutualized account for benefits chargeable 429  
to a reimbursing employer, except as provided in division (D) (2) 430  
of section 4141.24 of the Revised Code. In the case of a 431  
reimbursing employer, the director shall refund or credit to the 432  
account of the reimbursing employer any over-paid benefits that 433  
are recovered under division (B) of section 4141.35 of the 434  
Revised Code. Amounts chargeable to other states, the United 435  
States, or Canada that are subject to agreements and 436  
arrangements that are established pursuant to section 4141.43 of 437  
the Revised Code shall be credited or reimbursed according to 438  
the agreements and arrangements to which the chargeable amounts 439  
are subject. 440

(I) (1) Benefits based on service in employment as provided 441  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 442  
Code shall be payable in the same amount, on the same terms, and 443  
subject to the same conditions as benefits payable on the basis 444  
of other service subject to this chapter; except that after 445  
December 31, 1977: 446

(a) Benefits based on service in an instructional, 447  
research, or principal administrative capacity in an institution 448  
of higher education, as defined in division (Y) of section 449  
4141.01 of the Revised Code; or for an educational institution 450  
as defined in division (CC) of section 4141.01 of the Revised 451  
Code, shall not be paid to any individual for any week of 452  
unemployment that begins during the period between two 453



successive academic years or terms, or during a similar period 454  
between two regular but not successive terms or during a period 455  
of paid sabbatical leave provided for in the individual's 456  
contract, if the individual performs such services in the first 457  
of those academic years or terms and has a contract or a 458  
reasonable assurance that the individual will perform services 459  
in any such capacity for any such institution in the second of 460  
those academic years or terms. 461

(b) Benefits based on service for an educational 462  
institution or an institution of higher education in other than 463  
an instructional, research, or principal administrative 464  
capacity, shall not be paid to any individual for any week of 465  
unemployment which begins during the period between two 466  
successive academic years or terms of the employing educational 467  
institution or institution of higher education, provided the 468  
individual performed those services for the educational 469  
institution or institution of higher education during the first 470  
such academic year or term and, there is a reasonable assurance 471  
that such individual will perform those services for any 472  
educational institution or institution of higher education in 473  
the second of such academic years or terms. 474

If compensation is denied to any individual for any week 475  
under division (I) (1) (b) of this section and the individual was 476  
not offered an opportunity to perform those services for an 477  
institution of higher education or for an educational 478  
institution for the second of such academic years or terms, the 479  
individual is entitled to a retroactive payment of compensation 480  
for each week for which the individual timely filed a claim for 481  
compensation and for which compensation was denied solely by 482  
reason of division (I) (1) (b) of this section. An application for 483  
retroactive benefits shall be timely filed if received by the 484

director or the director's deputy within or prior to the end of 485  
the fourth full calendar week after the end of the period for 486  
which benefits were denied because of reasonable assurance of 487  
employment. The provision for the payment of retroactive 488  
benefits under division (I)(1)(b) of this section is applicable 489  
to weeks of unemployment beginning on and after November 18, 490  
1983. The provisions under division (I)(1)(b) of this section 491  
shall be retroactive to September 5, 1982, only if, as a 492  
condition for full tax credit against the tax imposed by the 493  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 494  
3301 to 3311, the United States secretary of labor determines 495  
that retroactivity is required by federal law. 496

(c) With respect to weeks of unemployment beginning after 497  
December 31, 1977, benefits shall be denied to any individual 498  
for any week which commences during an established and customary 499  
vacation period or holiday recess, if the individual performs 500  
any services described in divisions (I)(1)(a) and (b) of this 501  
section in the period immediately before the vacation period or 502  
holiday recess, and there is a reasonable assurance that the 503  
individual will perform any such services in the period 504  
immediately following the vacation period or holiday recess. 505

(d) With respect to any services described in division (I) 506  
(1)(a), (b), or (c) of this section, benefits payable on the 507  
basis of services in any such capacity shall be denied as 508  
specified in division (I)(1)(a), (b), or (c) of this section to 509  
any individual who performs such services in an educational 510  
institution or institution of higher education while in the 511  
employ of an educational service agency. For this purpose, the 512  
term "educational service agency" means a governmental agency or 513  
governmental entity that is established and operated exclusively 514  
for the purpose of providing services to one or more educational 515

institutions or one or more institutions of higher education. 516

(e) Any individual employed by a county board of 517  
developmental disabilities shall be notified by the thirtieth 518  
day of April each year if the individual is not to be reemployed 519  
the following academic year. 520

(f) Any individual employed by a school district, other 521  
than a municipal school district as defined in section 3311.71 522  
of the Revised Code, shall be notified by the first day of June 523  
each year if the individual is not to be reemployed the 524  
following academic year. 525

(2) No disqualification will be imposed, between academic 526  
years or terms or during a vacation period or holiday recess 527  
under this division, unless the director or the director's 528  
deputy has received a statement in writing from the educational 529  
institution or institution of higher education that the claimant 530  
has a contract for, or a reasonable assurance of, reemployment 531  
for the ensuing academic year or term. 532

(3) If an individual has employment with an educational 533  
institution or an institution of higher education and employment 534  
with a noneducational employer, during the base period of the 535  
individual's benefit year, then the individual may become 536  
eligible for benefits during the between-term, or vacation or 537  
holiday recess, disqualification period, based on employment 538  
performed for the noneducational employer, provided that the 539  
employment is sufficient to qualify the individual for benefit 540  
rights separately from the benefit rights based on school 541  
employment. The weekly benefit amount and maximum benefits 542  
payable during a disqualification period shall be computed based 543  
solely on the nonschool employment. 544

(J) Benefits shall not be paid on the basis of employment 545  
performed by an alien, unless the alien had been lawfully 546  
admitted to the United States for permanent residence at the 547  
time the services were performed, was lawfully present for 548  
purposes of performing the services, or was otherwise 549  
permanently residing in the United States under color of law at 550  
the time the services were performed, under section 212(d) (5) of 551  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 552  
1101: 553

(1) Any data or information required of individuals 554  
applying for benefits to determine whether benefits are not 555  
payable to them because of their alien status shall be uniformly 556  
required from all applicants for benefits. 557

(2) In the case of an individual whose application for 558  
benefits would otherwise be approved, no determination that 559  
benefits to the individual are not payable because of the 560  
individual's alien status shall be made except upon a 561  
preponderance of the evidence that the individual had not, in 562  
fact, been lawfully admitted to the United States. 563

(K) The director shall establish and utilize a system of 564  
profiling all new claimants under this chapter that: 565

(1) Identifies which claimants will be likely to exhaust 566  
regular compensation and will need job search assistance 567  
services to make a successful transition to new employment; 568

(2) Refers claimants identified pursuant to division (K) 569  
(1) of this section to reemployment services, such as job search 570  
assistance services, available under any state or federal law; 571

(3) Collects follow-up information relating to the 572  
services received by such claimants and the employment outcomes 573

for such claimant's subsequent to receiving such services and 574  
utilizes such information in making identifications pursuant to 575  
division (K) (1) of this section; and 576

(4) Meets such other requirements as the United States 577  
secretary of labor determines are appropriate. 578

(L) Except as otherwise provided in division (A) (6) of 579  
this section, ineligibility pursuant to division (A) of this 580  
section shall begin on the first day of the week in which the 581  
claimant becomes ineligible for benefits and shall end on the 582  
last day of the week preceding the week in which the claimant 583  
satisfies the eligibility requirements. 584

(M) The director may adopt rules that the director 585  
considers necessary for the administration of division (A) of 586  
this section. 587

**Section 2.** That existing section 4141.29 of the Revised 588  
Code is hereby repealed. 589