

**As Introduced**

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**H. B. No. 672**

**Representatives Leland, Sobecki**

**Cosponsors: Representatives Smith, K., Boyd, Howse, Skindell, Sweeney, Crossman, Boggs, Lightbody, Brown, Liston, Russo, Kent, Miranda, Kelly, Ingram, Denson, Galonski, Weinstein, Hicks-Hudson, Sheehy, West, Miller, J., Lepore-Hagan, O'Brien, Patterson, Brent, Miller, A., Sykes, Upchurch, Crawley, Blair, Clites, Strahorn, Robinson, Rogers**

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**A BILL**

To amend section 4141.29 and to enact section 1  
4141.294 of the Revised Code to enact the 2  
"Worker Protection Act" to require the Director 3  
of Job and Family Services to consider certain 4  
factors related to COVID-19 when determining, 5  
for purposes of unemployment benefit 6  
eligibility, whether an individual had just 7  
cause to quit work or refuse employment and to 8  
declare an emergency. 9

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

**Section 1.** That section 4141.29 be amended and section 10  
4141.294 of the Revised Code be enacted to read as follows: 11

**Sec. 4141.29.** Each eligible individual shall receive 12  
benefits as compensation for loss of remuneration due to 13  
involuntary total or partial unemployment in the amounts and 14  
subject to the conditions stipulated in this chapter. 15

(A) No individual is entitled to a waiting period or	16
benefits for any week unless the individual:	17
(1) Has filed a valid application for determination of	18
benefit rights in accordance with section 4141.28 of the Revised	19
Code;	20
(2) Has made a claim for benefits in accordance with	21
section 4141.28 of the Revised Code;	22
(3) (a) Has registered for work and thereafter continues to	23
report to an employment office or other registration place	24
maintained or designated by the director of job and family	25
services. Registration shall be made in accordance with the time	26
limits, frequency, and manner prescribed by the director.	27
(b) For purposes of division (A) (3) of this section, an	28
individual has "registered" upon doing any of the following:	29
(i) Filing an application for benefit rights;	30
(ii) Making a weekly claim for benefits;	31
(iii) Reopening an existing claim following a period of	32
employment or nonreporting.	33
(c) After an applicant is registered, that registration	34
continues for a period of three calendar weeks, including the	35
week during which the applicant registered. However, an	36
individual is not registered for purposes of division (A) (3) of	37
this section during any period in which the individual fails to	38
report, as instructed by the director, or fails to reopen an	39
existing claim following a period of employment.	40
(d) The director may, for good cause, extend the period of	41
registration.	42

(e) For purposes of this section, "report" means contact 43  
by phone, access electronically, or be present for an in-person 44  
appointment, as designated by the director. 45

(4) (a) (i) Is able to work and available for suitable work 46  
and, except as provided in division (A) (4) (a) (ii) or (iii) of 47  
this section, is actively seeking suitable work either in a 48  
locality in which the individual has earned wages subject to 49  
this chapter during the individual's base period, or if the 50  
individual leaves that locality, then in a locality where 51  
suitable work normally is performed. 52

(ii) The director may waive the requirement that a 53  
claimant be actively seeking work when the director finds that 54  
the individual has been laid off and the employer who laid the 55  
individual off has notified the director within ten days after 56  
the layoff, that work is expected to be available for the 57  
individual within a specified number of days not to exceed 58  
forty-five calendar days following the last day the individual 59  
worked. In the event the individual is not recalled within the 60  
specified period, this waiver shall cease to be operative with 61  
respect to that layoff. 62

(iii) The director may waive the requirement that a 63  
claimant be actively seeking work if the director determines 64  
that the individual has been laid off and the employer who laid 65  
the individual off has notified the director in accordance with 66  
division (C) of section 4141.28 of the Revised Code that the 67  
employer has closed the employer's entire plant or part of the 68  
employer's plant for a purpose other than inventory or vacation 69  
that will cause unemployment for a definite period not exceeding 70  
twenty-six weeks beginning on the date the employer notifies the 71  
director, for the period of the specific shutdown, if all of the 72

following apply:	73
(I) The employer and the individuals affected by the	74
layoff who are claiming benefits under this chapter jointly	75
request the exemption.	76
(II) The employer provides that the affected individuals	77
shall return to work for the employer within twenty-six weeks	78
after the date the employer notifies the director.	79
(III) The director determines that the waiver of the	80
active search for work requirement will promote productivity and	81
economic stability within the state.	82
(iv) Division (A) (4) (a) (iii) of this section does not	83
exempt an individual from meeting the other requirements	84
specified in division (A) (4) (a) (i) of this section to be able to	85
work and otherwise fully be available for work. An exemption	86
granted under division (A) (4) (a) (iii) of this section may be	87
granted only with respect to a specific plant closing.	88
(b) (i) The individual shall be instructed as to the	89
efforts that the individual must make in the search for suitable	90
work, including that, within six months after October 11, 2013,	91
the individual shall register with the OhioMeansJobs web site,	92
except in any of the following circumstances:	93
(I) The individual is an individual described in division	94
(A) (4) (b) (iii) of this section;	95
(II) Where the active search for work requirement has been	96
waived under division (A) (4) (a) of this section;	97
(III) Where the active search for work requirement is	98
considered to be met under division (A) (4) (c), (d), or (e) of	99
this section.	100

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

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

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

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

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

(c) An individual who is attending a training course approved by the director meets the requirement of this division, if attendance was recommended by the director and the individual is regularly attending the course and is making satisfactory progress. An individual also meets the requirements of this division if the individual is participating and advancing in a training program, as defined in division (P) of section 5709.61 of the Revised Code, and if an enterprise, defined in division (B) of section 5709.61 of the Revised Code, is paying all or part of the cost of the individual's participation in the training program with the intention of hiring the individual for

employment as a new employee, as defined in division (L) of 130  
section 5709.61 of the Revised Code, for at least ninety days 131  
after the individual's completion of the training program. 132

(d) An individual who becomes unemployed while attending a 133  
regularly established school and whose base period qualifying 134  
weeks were earned in whole or in part while attending that 135  
school, meets the availability and active search for work 136  
requirements of division (A) (4) (a) of this section if the 137  
individual regularly attends the school during weeks with 138  
respect to which the individual claims unemployment benefits and 139  
makes self available on any shift of hours for suitable 140  
employment with the individual's most recent employer or any 141  
other employer in the individual's base period, or for any other 142  
suitable employment to which the individual is directed, under 143  
this chapter. 144

(e) An individual who is a member in good standing with a 145  
labor organization that refers individuals to jobs meets the 146  
active search for work requirement specified in division (A) (4) 147  
(a) of this section if the individual provides documentation 148  
that the individual is eligible for a referral or placement upon 149  
request and in a manner prescribed by the director. 150

(f) Notwithstanding any other provisions of this section, 151  
no otherwise eligible individual shall be denied benefits for 152  
any week because the individual is in training approved under 153  
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 154  
U.S.C.A. 2296, nor shall that individual be denied benefits by 155  
reason of leaving work to enter such training, provided the work 156  
left is not suitable employment, or because of the application 157  
to any week in training of provisions in this chapter, or any 158  
applicable federal unemployment compensation law, relating to 159

availability for work, active search for work, or refusal to 160  
accept work. 161

For the purposes of division (A)(4)(f) of this section, 162  
"suitable employment" means with respect to an individual, work 163  
of a substantially equal or higher skill level than the 164  
individual's past adversely affected employment, as defined for 165  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 166  
U.S.C.A. 2101, and wages for such work at not less than eighty 167  
per cent of the individual's average weekly wage as determined 168  
for the purposes of that federal act. 169

(5) Is unable to obtain suitable work. An individual who 170  
is provided temporary work assignments by the individual's 171  
employer under agreed terms and conditions of employment, and 172  
who is required pursuant to those terms and conditions to 173  
inquire with the individual's employer for available work 174  
assignments upon the conclusion of each work assignment, is not 175  
considered unable to obtain suitable employment if suitable work 176  
assignments are available with the employer but the individual 177  
fails to contact the employer to inquire about work assignments. 178

(6) Participates in reemployment services, such as job 179  
search assistance services, if the individual has been 180  
determined to be likely to exhaust benefits under this chapter, 181  
including compensation payable pursuant to 5 U.S.C.A. Chapter 182  
85, other than extended compensation, and needs reemployment 183  
services pursuant to the profiling system established by the 184  
director under division (K) of this section, unless the director 185  
determines that: 186

(a) The individual has completed such services; or 187

(b) There is justifiable cause for the claimant's failure 188

to participate in such services.	189
Ineligibility for failure to participate in reemployment services as described in division (A) (6) of this section shall be for the week or weeks in which the claimant was scheduled and failed to participate without justifiable cause.	190 191 192 193
(7) Participates in the reemployment and eligibility assessment program, or other reemployment services, as required by the director. As used in division (A) (7) of this section, "reemployment services" includes job search assistance activities, skills assessments, and the provision of labor market statistics or analysis.	194 195 196 197 198 199
(a) For purposes of division (A) (7) of this section, participation is required unless the director determines that either of the following circumstances applies to the individual:	200 201 202
(i) The individual has completed similar services.	203
(ii) Justifiable cause exists for the failure of the individual to participate in those services.	204 205
(b) Within six months after October 11, 2013, notwithstanding any earlier contact an individual may have had with a local OhioMeansJobs center, as defined in section 6301.01 of the Revised Code, beginning with the eighth week after the week during which an individual first files a valid application for determination of benefit rights in the individual's benefit year, the individual shall report to a local OhioMeansJobs center for reemployment services in the manner prescribed by the director.	206 207 208 209 210 211 212 213 214
(c) An individual whose active search for work requirement has been waived under division (A) (4) (a) of this section or is considered to be satisfied under division (A) (4) (c), (d), or (e)	215 216 217



of this section is exempt from the requirements of division (A)	218
(7) of this section.	219
(B) An individual suffering total or partial unemployment	220
is eligible for benefits for unemployment occurring subsequent	221
to a waiting period of one week and no benefits shall be payable	222
during this required waiting period. Not more than one week of	223
waiting period shall be required of any individual in any	224
benefit year in order to establish the individual's eligibility	225
for total or partial unemployment benefits.	226
(C) The waiting period for total or partial unemployment	227
shall commence on the first day of the first week with respect	228
to which the individual first files a claim for benefits at an	229
employment office or other place of registration maintained or	230
designated by the director or on the first day of the first week	231
with respect to which the individual has otherwise filed a claim	232
for benefits in accordance with the rules of the department of	233
job and family services, provided such claim is allowed by the	234
director.	235
(D) Notwithstanding division (A) of this section, no	236
individual may serve a waiting period or be paid benefits under	237
the following conditions:	238
(1) For any week with respect to which the director finds	239
that:	240
(a) The individual's unemployment was due to a labor	241
dispute other than a lockout at any factory, establishment, or	242
other premises located in this or any other state and owned or	243
operated by the employer by which the individual is or was last	244
employed; and for so long as the individual's unemployment is	245
due to such labor dispute. No individual shall be disqualified	246

under this provision if either of the following applies:	247
(i) The individual's employment was with such employer at	248
any factory, establishment, or premises located in this state,	249
owned or operated by such employer, other than the factory,	250
establishment, or premises at which the labor dispute exists, if	251
it is shown that the individual is not financing, participating	252
in, or directly interested in such labor dispute;	253
(ii) The individual's employment was with an employer not	254
involved in the labor dispute but whose place of business was	255
located within the same premises as the employer engaged in the	256
dispute, unless the individual's employer is a wholly owned	257
subsidiary of the employer engaged in the dispute, or unless the	258
individual actively participates in or voluntarily stops work	259
because of such dispute. If it is established that the claimant	260
was laid off for an indefinite period and not recalled to work	261
prior to the dispute, or was separated by the employer prior to	262
the dispute for reasons other than the labor dispute, or that	263
the individual obtained a bona fide job with another employer	264
while the dispute was still in progress, such labor dispute	265
shall not render the employee ineligible for benefits.	266
(b) The individual has been given a disciplinary layoff	267
for misconduct in connection with the individual's work.	268
(2) For the duration of the individual's unemployment if	269
the director finds that:	270
(a) The individual quit work without just cause or has	271
been discharged for just cause in connection with the	272
individual's work, provided division (D) (2) of this section does	273
not apply to the separation of a person under any of the	274
following circumstances:	275

(i) Separation from employment for the purpose of entering	276
the armed forces of the United States if the individual is	277
inducted into the armed forces within one of the following	278
periods:	279
(I) Thirty days after separation;	280
(II) One hundred eighty days after separation if the	281
individual's date of induction is delayed solely at the	282
discretion of the armed forces.	283
(ii) Separation from employment pursuant to a labor-	284
management contract or agreement, or pursuant to an established	285
employer plan, program, or policy, which permits the employee,	286
because of lack of work, to accept a separation from employment;	287
(iii) The individual has left employment to accept a	288
recall from a prior employer or, except as provided in division	289
(D) (2) (a) (iv) of this section, to accept other employment as	290
provided under section 4141.291 of the Revised Code, or left or	291
was separated from employment that was concurrent employment at	292
the time of the most recent separation or within six weeks prior	293
to the most recent separation where the remuneration, hours, or	294
other conditions of such concurrent employment were	295
substantially less favorable than the individual's most recent	296
employment and where such employment, if offered as new work,	297
would be considered not suitable under the provisions of	298
divisions (E) and (F) of this section. Any benefits that would	299
otherwise be chargeable to the account of the employer from whom	300
an individual has left employment or was separated from	301
employment that was concurrent employment under conditions	302
described in division (D) (2) (a) (iii) of this section, shall	303
instead be charged to the mutualized account created by division	304
(B) of section 4141.25 of the Revised Code, except that any	305

benefits chargeable to the account of a reimbursing employer 306  
under division (D) (2) (a) (iii) of this section shall be charged 307  
to the account of the reimbursing employer and not to the 308  
mutualized account, except as provided in division (D) (2) of 309  
section 4141.24 of the Revised Code. 310

(iv) When an individual has been issued a definite layoff 311  
date by the individual's employer and before the layoff date, 312  
the individual quits to accept other employment, the provisions 313  
of division (D) (2) (a) (iii) of this section apply and no 314  
disqualification shall be imposed under division (D) of this 315  
section. However, if the individual fails to meet the employment 316  
and earnings requirements of division (A) (2) of section 4141.291 317  
of the Revised Code, then the individual, pursuant to division 318  
(A) (5) of this section, shall be ineligible for benefits for any 319  
week of unemployment that occurs prior to the layoff date. 320

(v) The individual's spouse is a member of the armed 321  
forces of the United States who is on active duty or a member of 322  
the commissioned corps of the national oceanic and atmospheric 323  
administration or public health service, the spouse is the 324  
subject of a transfer, the individual left employment to 325  
accompany the individual's spouse to a location from which it is 326  
impractical to commute to the individual's place of employment, 327  
and upon arrival at the new place of residence, the individual 328  
is in all respects able and available for suitable work. For 329  
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 330  
"active duty" and "armed forces" have the same meanings as in 10 331  
U.S.C. 101. 332

(vi) The individual separated from the individual's most 333  
recent employment for a reason listed in division (B) of section 334  
4141.294 of the Revised Code. 335

(b) The individual has refused without good cause to 336  
accept an offer of suitable work when made by an employer either 337  
in person or to the individual's last known address, or has 338  
refused or failed to investigate a referral to suitable work 339  
when directed to do so by a local employment office of this 340  
state or another state, provided that this division shall not 341  
cause a disqualification for a waiting week or benefits under 342  
the following circumstances: 343

(i) When work is offered by the individual's employer and 344  
the individual is not required to accept the offer pursuant to 345  
the terms of the labor-management contract or agreement;~~or~~ 346

(ii) When the individual is attending a training course 347  
pursuant to division (A) (4) of this section except, in the event 348  
of a refusal to accept an offer of suitable work or a refusal or 349  
failure to investigate a referral, benefits thereafter paid to 350  
such individual shall not be charged to the account of any 351  
employer and, except as provided in division (B) (1) (b) of 352  
section 4141.241 of the Revised Code, shall be charged to the 353  
mutualized account as provided in division (B) of section 354  
4141.25 of the Revised Code; or 355

(iii) When the director determines that the individual was 356  
not offered suitable work or had good cause to refuse an offer 357  
of suitable work based on the factors listed in division (C) of 358  
section 4141.294 of the Revised Code. 359

(c) Such individual quit work to marry or because of 360  
marital, parental, filial, or other domestic obligations. 361

(d) The individual became unemployed by reason of 362  
commitment to any correctional institution. 363

(e) The individual became unemployed because of dishonesty 364

in connection with the individual's most recent or any base 365  
period work. Remuneration earned in such work shall be excluded 366  
from the individual's total base period remuneration and 367  
qualifying weeks that otherwise would be credited to the 368  
individual for such work in the individual's base period shall 369  
not be credited for the purpose of determining the total 370  
benefits to which the individual is eligible and the weekly 371  
benefit amount to be paid under section 4141.30 of the Revised 372  
Code. Such excluded remuneration and noncredited qualifying 373  
weeks shall be excluded from the calculation of the maximum 374  
amount to be charged, under division (D) of section 4141.24 and 375  
section 4141.33 of the Revised Code, against the accounts of the 376  
individual's base period employers. In addition, no benefits 377  
shall thereafter be paid to the individual based upon such 378  
excluded remuneration or noncredited qualifying weeks. 379

For purposes of division (D) (2) (e) of this section, 380  
"dishonesty" means the commission of substantive theft, fraud, 381  
or deceitful acts. 382

(E) No individual otherwise qualified to receive benefits 383  
shall lose the right to benefits by reason of a refusal to 384  
accept new work if: 385

(1) As a condition of being so employed the individual 386  
would be required to join a company union, or to resign from or 387  
refrain from joining any bona fide labor organization, or would 388  
be denied the right to retain membership in and observe the 389  
lawful rules of any such organization. 390

(2) The position offered is vacant due directly to a 391  
strike, lockout, or other labor dispute. 392

(3) The work is at an unreasonable distance from the 393

individual's residence, having regard to the character of the 394  
work the individual has been accustomed to do, and travel to the 395  
place of work involves expenses substantially greater than that 396  
required for the individual's former work, unless the expense is 397  
provided for. 398

(4) The remuneration, hours, or other conditions of the 399  
work offered are substantially less favorable to the individual 400  
than those prevailing for similar work in the locality. 401

(F) Subject to the special exceptions contained in 402  
division (A) (4) (f) of this section and section 4141.301 of the 403  
Revised Code, in determining whether any work is suitable for a 404  
claimant in the administration of this chapter, the director, in 405  
addition to the determination required under division (E) of 406  
this section, shall consider the degree of risk to the 407  
claimant's health, safety, and morals, the individual's physical 408  
fitness for the work, the individual's prior training and 409  
experience, the length of the individual's unemployment, the 410  
distance of the available work from the individual's residence, 411  
and the individual's prospects for obtaining local work. 412

(G) The "duration of unemployment" as used in this section 413  
means the full period of unemployment next ensuing after a 414  
separation from any base period or subsequent work and until an 415  
individual has become reemployed in employment subject to this 416  
chapter, or the unemployment compensation act of another state, 417  
or of the United States, and until such individual has worked 418  
six weeks and for those weeks has earned or been paid 419  
remuneration equal to six times an average weekly wage of not 420  
less than: eighty-five dollars and ten cents per week beginning 421  
on June 26, 1990; and beginning on and after January 1, 1992, 422  
twenty-seven and one-half per cent of the statewide average 423

weekly wage as computed each first day of January under division 424  
(B) (3) of section 4141.30 of the Revised Code, rounded down to 425  
the nearest dollar, except for purposes of division (D) (2) (c) of 426  
this section, such term means the full period of unemployment 427  
next ensuing after a separation from such work and until such 428  
individual has become reemployed subject to the terms set forth 429  
above, and has earned wages equal to one-half of the 430  
individual's average weekly wage or sixty dollars, whichever is 431  
less. 432

(H) If a claimant is disqualified under division (D) (2) 433  
(a), (c), or (d) of this section or found to be qualified under 434  
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), or 435  
(v) of this section or division (A) (2) of section 4141.291 of 436  
the Revised Code, then benefits that may become payable to such 437  
claimant, which are chargeable to the account of the employer 438  
from whom the individual was separated under such conditions, 439  
shall be charged to the mutualized account provided in section 440  
4141.25 of the Revised Code, provided that no charge shall be 441  
made to the mutualized account for benefits chargeable to a 442  
reimbursing employer, except as provided in division (D) (2) of 443  
section 4141.24 of the Revised Code. In the case of a 444  
reimbursing employer, the director shall refund or credit to the 445  
account of the reimbursing employer any over-paid benefits that 446  
are recovered under division (B) of section 4141.35 of the 447  
Revised Code. Amounts chargeable to other states, the United 448  
States, or Canada that are subject to agreements and 449  
arrangements that are established pursuant to section 4141.43 of 450  
the Revised Code shall be credited or reimbursed according to 451  
the agreements and arrangements to which the chargeable amounts 452  
are subject. 453

(I) (1) Benefits based on service in employment as provided 454



in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code shall be payable in the same amount, on the same terms, and subject to the same conditions as benefits payable on the basis of other service subject to this chapter; except that after December 31, 1977:

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

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

educational institution or institution of higher education in 486  
the second of such academic years or terms. 487

If compensation is denied to any individual for any week 488  
under division (I)(1)(b) of this section and the individual was 489  
not offered an opportunity to perform those services for an 490  
institution of higher education or for an educational 491  
institution for the second of such academic years or terms, the 492  
individual is entitled to a retroactive payment of compensation 493  
for each week for which the individual timely filed a claim for 494  
compensation and for which compensation was denied solely by 495  
reason of division (I)(1)(b) of this section. An application for 496  
retroactive benefits shall be timely filed if received by the 497  
director or the director's deputy within or prior to the end of 498  
the fourth full calendar week after the end of the period for 499  
which benefits were denied because of reasonable assurance of 500  
employment. The provision for the payment of retroactive 501  
benefits under division (I)(1)(b) of this section is applicable 502  
to weeks of unemployment beginning on and after November 18, 503  
1983. The provisions under division (I)(1)(b) of this section 504  
shall be retroactive to September 5, 1982, only if, as a 505  
condition for full tax credit against the tax imposed by the 506  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 507  
3301 to 3311, the United States secretary of labor determines 508  
that retroactivity is required by federal law. 509

(c) With respect to weeks of unemployment beginning after 510  
December 31, 1977, benefits shall be denied to any individual 511  
for any week which commences during an established and customary 512  
vacation period or holiday recess, if the individual performs 513  
any services described in divisions (I)(1)(a) and (b) of this 514  
section in the period immediately before the vacation period or 515  
holiday recess, and there is a reasonable assurance that the 516

individual will perform any such services in the period 517  
immediately following the vacation period or holiday recess. 518

(d) With respect to any services described in division (I) 519  
(1) (a), (b), or (c) of this section, benefits payable on the 520  
basis of services in any such capacity shall be denied as 521  
specified in division (I) (1) (a), (b), or (c) of this section to 522  
any individual who performs such services in an educational 523  
institution or institution of higher education while in the 524  
employ of an educational service agency. For this purpose, the 525  
term "educational service agency" means a governmental agency or 526  
governmental entity that is established and operated exclusively 527  
for the purpose of providing services to one or more educational 528  
institutions or one or more institutions of higher education. 529

(e) Any individual employed by a county board of 530  
developmental disabilities shall be notified by the thirtieth 531  
day of April each year if the individual is not to be reemployed 532  
the following academic year. 533

(f) Any individual employed by a school district, other 534  
than a municipal school district as defined in section 3311.71 535  
of the Revised Code, shall be notified by the first day of June 536  
each year if the individual is not to be reemployed the 537  
following academic year. 538

(2) No disqualification will be imposed, between academic 539  
years or terms or during a vacation period or holiday recess 540  
under this division, unless the director or the director's 541  
deputy has received a statement in writing from the educational 542  
institution or institution of higher education that the claimant 543  
has a contract for, or a reasonable assurance of, reemployment 544  
for the ensuing academic year or term. 545

(3) If an individual has employment with an educational 546  
institution or an institution of higher education and employment 547  
with a noneducational employer, during the base period of the 548  
individual's benefit year, then the individual may become 549  
eligible for benefits during the between-term, or vacation or 550  
holiday recess, disqualification period, based on employment 551  
performed for the noneducational employer, provided that the 552  
employment is sufficient to qualify the individual for benefit 553  
rights separately from the benefit rights based on school 554  
employment. The weekly benefit amount and maximum benefits 555  
payable during a disqualification period shall be computed based 556  
solely on the nonschool employment. 557

(J) Benefits shall not be paid on the basis of employment 558  
performed by an alien, unless the alien had been lawfully 559  
admitted to the United States for permanent residence at the 560  
time the services were performed, was lawfully present for 561  
purposes of performing the services, or was otherwise 562  
permanently residing in the United States under color of law at 563  
the time the services were performed, under section 212(d) (5) of 564  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 565  
1101: 566

(1) Any data or information required of individuals 567  
applying for benefits to determine whether benefits are not 568  
payable to them because of their alien status shall be uniformly 569  
required from all applicants for benefits. 570

(2) In the case of an individual whose application for 571  
benefits would otherwise be approved, no determination that 572  
benefits to the individual are not payable because of the 573  
individual's alien status shall be made except upon a 574  
preponderance of the evidence that the individual had not, in 575

fact, been lawfully admitted to the United States. 576

(K) The director shall establish and utilize a system of 577  
profiling all new claimants under this chapter that: 578

(1) Identifies which claimants will be likely to exhaust 579  
regular compensation and will need job search assistance 580  
services to make a successful transition to new employment; 581

(2) Refers claimants identified pursuant to division (K) 582  
(1) of this section to reemployment services, such as job search 583  
assistance services, available under any state or federal law; 584

(3) Collects follow-up information relating to the 585  
services received by such claimants and the employment outcomes 586  
for such claimant's subsequent to receiving such services and 587  
utilizes such information in making identifications pursuant to 588  
division (K) (1) of this section; and 589

(4) Meets such other requirements as the United States 590  
secretary of labor determines are appropriate. 591

(L) Except as otherwise provided in division (A) (6) of 592  
this section, ineligibility pursuant to division (A) of this 593  
section shall begin on the first day of the week in which the 594  
claimant becomes ineligible for benefits and shall end on the 595  
last day of the week preceding the week in which the claimant 596  
satisfies the eligibility requirements. 597

(M) The director may adopt rules that the director 598  
considers necessary for the administration of division (A) of 599  
this section. 600

**Sec. 4141.294.** (A) As used in this section: 601

(1) "Physician" means an individual authorized to practice 602  
medicine and surgery or osteopathic medicine and surgery under 603

Chapter 4731. of the Revised Code. 604

(2) "Director of health's order" means the director of 605  
health's order under section 3701.13 of the Revised Code "Re: 606  
Director's Order that Reopens Businesses, with Exceptions, and 607  
Continues a Stay Healthy and Safe at Home Order" issued on April 608  
30, 2020, or a subsequent order that supersedes or amends that 609  
order. 610

(3) "School" includes a school operated by a school 611  
district, other public school as defined in section 3301.0711 of 612  
the Revised Code, or a chartered nonpublic school. 613

(B) The director of job and family services shall consider 614  
all of the following to be just cause for an individual to quit 615  
work for purposes of division (D) (2) (a) of section 4141.29 of 616  
the Revised Code: 617

(1) The individual quit work because the individual was 618  
diagnosed with COVID-19 or was experiencing symptoms of COVID-19 619  
and was seeking a medical diagnosis. 620

(2) The individual quit work to care for an isolated or 621  
quarantined family or household member who has been diagnosed 622  
with COVID-19 or has experienced symptoms of COVID-19 and is 623  
seeking a medical diagnosis. 624

(3) The individual quit work to self-isolate or self- 625  
quarantine in accordance with a physician's order. 626

(4) The individual quit work because the individual's 627  
employer did not make available to the individual the 628  
facilities, equipment, training, supplies, or physical 629  
distancing necessary to permit the individual to take reasonable 630  
precautions to prevent the infection of the individual with 631  
COVID-19 consistent with guidance issued by the United States 632

centers for disease control and prevention and the director of 633  
health's order. 634

(5) The individual is required to work outside of the 635  
individual's home and the individual quit work because the 636  
individual is over sixty-five years of age or is 637  
immunocompromised according to guidance issued by the United 638  
States centers for disease control and prevention or the 639  
director of health's order. 640

(6) The individual is required to work outside of the 641  
individual's home and quit work because a member of the 642  
individual's household is over sixty-five years of age or is 643  
immunocompromised according to guidance issued by the United 644  
States centers for disease control and prevention or the 645  
director of health's order. 646

(C) The director of job and family services shall consider 647  
all of the following when determining whether an individual was 648  
offered suitable work or had good cause to refuse an offer of 649  
suitable work under division (D) (2) (b) of section 4141.29 of the 650  
Revised Code: 651

(1) Whether the employer who offered the work provides 652  
proper facilities, equipment, training, supplies, and physical 653  
distancing necessary to permit the individual to take reasonable 654  
precautions to prevent the individual from becoming infected 655  
with COVID-19 in the workplace consistent with guidance issued 656  
by the United States centers for disease control and prevention 657  
and the requirements in the director of health's order; 658

(2) Whether the individual is a primary caregiver for a 659  
child or person in the individual's household who is unable to 660  
attend a school or another facility that is closed as a direct 661

result of a public health emergency relating to COVID-19, and 662  
the school or facility is required for the individual to work; 663

(3) Whether the work offered requires the individual to 664  
work outside of the individual's home and the individual is over 665  
sixty-five years of age or is immunocompromised according to 666  
guidance issued by the United States centers for disease control 667  
and prevention or the director of health's order; 668

(4) Whether the work offered requires the individual to 669  
work outside of the individual's home and the individual lives 670  
with a household member who is over sixty-five years of age or 671  
is immunocompromised according to guidance issued by the United 672  
States centers for disease control and prevention or the 673  
director of health's order. 674

(D) If the director of job and family services determines 675  
that an individual quit work with just cause or had good cause 676  
to refuse an offer of work because the employer did not provide 677  
proper facilities, equipment, training, supplies, or physical 678  
distancing consistent with the requirements specified in the 679  
director of health's order, the director of job and family 680  
services shall, not more than seven days after making the 681  
determination, report the employer's failure to provide the 682  
facilities, equipment, training, supplies, or physical 683  
distancing to the local health department that has jurisdiction 684  
over the location of the employer's business from which the 685  
individual was separated or was offered employment. 686

**Section 2.** That existing section 4141.29 of the Revised 687  
Code is hereby repealed. 688

**Section 3.** This act shall be referred to as the "Worker 689  
Protection Act." 690



**Section 4.** Section 4141.29 of the Revised Code is 691  
presented in this act as a composite of the section as amended 692  
by both H.B. 49 and H.B. 158 of the 132nd General Assembly. The 693  
General Assembly, applying the principle stated in division (B) 694  
of section 1.52 of the Revised Code that amendments are to be 695  
harmonized if reasonably capable of simultaneous operation, 696  
finds that the composite is the resulting version of the section 697  
in effect prior to the effective date of the section as 698  
presented in this act. 699

**Section 5.** This act is hereby declared to be an emergency 700  
measure necessary for the immediate preservation of the public 701  
peace, health, and safety. The reason for such necessity is to 702  
minimize the impact to Ohio citizens from the COVID-19 outbreak 703  
and help protect further spread of the disease. Therefore, this 704  
act shall go into immediate effect. 705