

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 355**

**Senator Fedor**

**Cosponsors: Senators Maharath, Sykes, Antonio, Craig, Martin, Thomas, Yuko**



**A BILL**

To amend sections 4141.01, 4141.29, and 4141.53 of 1  
the Revised Code to reduce the monetary 2  
eligibility requirement for unemployment 3  
benefits. 4

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

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

**Sec. 4141.01.** As used in this chapter, unless the context 7  
otherwise requires: 8

(A) (1) "Employer" means the state, its instrumentalities, 9  
its political subdivisions and their instrumentalities, Indian 10  
tribes, and any individual or type of organization including any 11  
partnership, limited liability company, association, trust, 12  
estate, joint-stock company, insurance company, or corporation, 13  
whether domestic or foreign, or the receiver, trustee in 14  
bankruptcy, trustee, or the successor thereof, or the legal 15  
representative of a deceased person who subsequent to December 16  
31, 1971, or in the case of political subdivisions or their 17  
instrumentalities, subsequent to December 31, 1973: 18

(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 48

(i) During any calendar quarter in the current calendar 49  
year or the preceding calendar year, paid cash remuneration of 50  
twenty thousand dollars or more for the agricultural labor; or 51

(ii) Had at least ten individuals in employment in 52  
agricultural labor, not including agricultural workers who are 53  
aliens admitted to the United States to perform agricultural 54  
labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the 55  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 56  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in 57  
each of the twenty different calendar weeks, in either the 58  
current or preceding calendar year whether or not the same 59  
individual was in employment in each day; or 60

(e) Is not otherwise an employer as defined under division 61  
(A)(1)(a) or (b) of this section; and 62

(i) For which, within either the current or preceding 63  
calendar year, service, except for domestic service in a private 64  
home not covered under division (A)(1)(c) of this section, is or 65  
was performed with respect to which such employer is liable for 66  
any federal tax against which credit may be taken for 67  
contributions required to be paid into a state unemployment 68  
fund; 69

(ii) Which, as a condition for approval of this chapter 70  
for full tax credit against the tax imposed by the "Federal 71  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 72  
is required, pursuant to such act to be an employer under this 73  
chapter; or 74

(iii) Who became an employer by election under division 75  
(A)(4) or (5) of this section and for the duration of such 76

election; or	77
(f) In the case of the state, its instrumentalities, its	78
political subdivisions, and their instrumentalities, and Indian	79
tribes, had in employment, as defined in divisions (B) (2) (a) and	80
(B) (2) (1) of this section, at least one individual;	81
(g) For the purposes of division (A) (1) (a) of this	82
section, if any week includes both the thirty-first day of	83
December and the first day of January, the days of that week	84
before the first day of January shall be considered one calendar	85
week and the days beginning the first day of January another	86
week.	87
(2) Each individual employed to perform or to assist in	88
performing the work of any agent or employee of an employer is	89
employed by such employer for all the purposes of this chapter,	90
whether such individual was hired or paid directly by such	91
employer or by such agent or employee, provided the employer had	92
actual or constructive knowledge of the work. All individuals	93
performing services for an employer of any person in this state	94
who maintains two or more establishments within this state are	95
employed by a single employer for the purposes of this chapter.	96
(3) An employer subject to this chapter within any	97
calendar year is subject to this chapter during the whole of	98
such year and during the next succeeding calendar year.	99
(4) An employer not otherwise subject to this chapter who	100
files with the director of job and family services a written	101
election to become an employer subject to this chapter for not	102
less than two calendar years shall, with the written approval of	103
such election by the director, become an employer subject to	104
this chapter to the same extent as all other employers as of the	105

date stated in such approval, and shall cease to be subject to 106  
this chapter as of the first day of January of any calendar year 107  
subsequent to such two calendar years only if at least thirty 108  
days prior to such first day of January the employer has filed 109  
with the director a written notice to that effect. 110

(5) Any employer for whom services that do not constitute 111  
employment are performed may file with the director a written 112  
election that all such services performed by individuals in the 113  
employer's employ in one or more distinct establishments or 114  
places of business shall be deemed to constitute employment for 115  
all the purposes of this chapter, for not less than two calendar 116  
years. Upon written approval of the election by the director, 117  
such services shall be deemed to constitute employment subject 118  
to this chapter from and after the date stated in such approval. 119  
Such services shall cease to be employment subject to this 120  
chapter as of the first day of January of any calendar year 121  
subsequent to such two calendar years only if at least thirty 122  
days prior to such first day of January such employer has filed 123  
with the director a written notice to that effect. 124

(6) "Employer" does not include a franchisor with respect 125  
to the franchisor's relationship with a franchisee or an 126  
employee of a franchisee, unless the franchisor agrees to assume 127  
that role in writing or a court of competent jurisdiction 128  
determines that the franchisor exercises a type or degree of 129  
control over the franchisee or the franchisee's employees that 130  
is not customarily exercised by a franchisor for the purpose of 131  
protecting the franchisor's trademark, brand, or both. For 132  
purposes of this division, "franchisor" and "franchisee" have 133  
the same meanings as in 16 C.F.R. 436.1. 134

(B) (1) "Employment" means service performed by an 135

individual for remuneration under any contract of hire, written 136  
or oral, express or implied, including service performed in 137  
interstate commerce and service performed by an officer of a 138  
corporation, without regard to whether such service is 139  
executive, managerial, or manual in nature, and without regard 140  
to whether such officer is a stockholder or a member of the 141  
board of directors of the corporation, unless it is shown to the 142  
satisfaction of the director that such individual has been and 143  
will continue to be free from direction or control over the 144  
performance of such service, both under a contract of service 145  
and in fact. The director shall adopt rules to define "direction 146  
or control." 147

(2) "Employment" includes: 148

(a) Service performed after December 31, 1977, by an 149  
individual in the employ of the state or any of its 150  
instrumentalities, or any political subdivision thereof or any 151  
of its instrumentalities or any instrumentality of more than one 152  
of the foregoing or any instrumentality of any of the foregoing 153  
and one or more other states or political subdivisions and 154  
without regard to divisions (A) (1) (a) and (b) of this section, 155  
provided that such service is excluded from employment as 156  
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 157  
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 158  
(3) of this section; or the services of employees covered by 159  
voluntary election, as provided under divisions (A) (4) and (5) 160  
of this section; 161

(b) Service performed after December 31, 1971, by an 162  
individual in the employ of a religious, charitable, 163  
educational, or other organization which is excluded from the 164  
term "employment" as defined in the "Federal Unemployment Tax 165

Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 166  
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 167  
excluded under division (B) (3) of this section; 168

(c) Domestic service performed after December 31, 1977, 169  
for an employer, as provided in division (A) (1) (c) of this 170  
section; 171

(d) Agricultural labor performed after December 31, 1977, 172  
for a farm operator or a crew leader, as provided in division 173  
(A) (1) (d) of this section; 174

(e) Subject to division (B) (2) (m) of this section, service 175  
not covered under division (B) (1) of this section which is 176  
performed after December 31, 1971: 177

(i) As an agent-driver or commission-driver engaged in 178  
distributing meat products, vegetable products, fruit products, 179  
bakery products, beverages other than milk, laundry, or dry- 180  
cleaning services, for the individual's employer or principal; 181

(ii) As a traveling or city salesperson, other than as an 182  
agent-driver or commission-driver, engaged on a full-time basis 183  
in the solicitation on behalf of and in the transmission to the 184  
salesperson's employer or principal except for sideline sales 185  
activities on behalf of some other person of orders from 186  
wholesalers, retailers, contractors, or operators of hotels, 187  
restaurants, or other similar establishments for merchandise for 188  
resale, or supplies for use in their business operations, 189  
provided that for the purposes of division (B) (2) (e) (ii) of this 190  
section, the services shall be deemed employment if the contract 191  
of service contemplates that substantially all of the services 192  
are to be performed personally by the individual and that the 193  
individual does not have a substantial investment in facilities 194

used in connection with the performance of the services other 195  
than in facilities for transportation, and the services are not 196  
in the nature of a single transaction that is not a part of a 197  
continuing relationship with the person for whom the services 198  
are performed. 199

(f) An individual's entire service performed within or 200  
both within and without the state if: 201

(i) The service is localized in this state. 202

(ii) The service is not localized in any state, but some 203  
of the service is performed in this state and either the base of 204  
operations, or if there is no base of operations then the place 205  
from which such service is directed or controlled, is in this 206  
state or the base of operations or place from which such service 207  
is directed or controlled is not in any state in which some part 208  
of the service is performed but the individual's residence is in 209  
this state. 210

(g) Service not covered under division (B) (2) (f) (ii) of 211  
this section and performed entirely without this state, with 212  
respect to no part of which contributions are required and paid 213  
under an unemployment compensation law of any other state, the 214  
Virgin Islands, Canada, or of the United States, if the 215  
individual performing such service is a resident of this state 216  
and the director approves the election of the employer for whom 217  
such services are performed; or, if the individual is not a 218  
resident of this state but the place from which the service is 219  
directed or controlled is in this state, the entire services of 220  
such individual shall be deemed to be employment subject to this 221  
chapter, provided service is deemed to be localized within this 222  
state if the service is performed entirely within this state or 223  
if the service is performed both within and without this state 224



but the service performed without this state is incidental to 225  
the individual's service within the state, for example, is 226  
temporary or transitory in nature or consists of isolated 227  
transactions; 228

(h) Service of an individual who is a citizen of the 229  
United States, performed outside the United States except in 230  
Canada after December 31, 1971, or the Virgin Islands, after 231  
December 31, 1971, and before the first day of January of the 232  
year following that in which the United States secretary of 233  
labor approves the Virgin Islands law for the first time, in the 234  
employ of an American employer, other than service which is 235  
"employment" under divisions (B) (2) (f) and (g) of this section 236  
or similar provisions of another state's law, if: 237

(i) The employer's principal place of business in the 238  
United States is located in this state; 239

(ii) The employer has no place of business in the United 240  
States, but the employer is an individual who is a resident of 241  
this state; or the employer is a corporation which is organized 242  
under the laws of this state, or the employer is a partnership 243  
or a trust and the number of partners or trustees who are 244  
residents of this state is greater than the number who are 245  
residents of any other state; or 246

(iii) None of the criteria of divisions (B) (2) (f) (i) and 247  
(ii) of this section is met but the employer has elected 248  
coverage in this state or the employer having failed to elect 249  
coverage in any state, the individual has filed a claim for 250  
benefits, based on such service, under this chapter. 251

(i) For the purposes of division (B) (2) (h) of this 252  
section, the term "American employer" means an employer who is 253

an individual who is a resident of the United States; or a 254  
partnership, if two-thirds or more of the partners are residents 255  
of the United States; or a trust, if all of the trustees are 256  
residents of the United States; or a corporation organized under 257  
the laws of the United States or of any state, provided the term 258  
"United States" includes the states, the District of Columbia, 259  
the Commonwealth of Puerto Rico, and the Virgin Islands. 260

(j) Notwithstanding any other provisions of divisions (B) 261  
(1) and (2) of this section, service, except for domestic 262  
service in a private home not covered under division (A) (1) (c) 263  
of this section, with respect to which a tax is required to be 264  
paid under any federal law imposing a tax against which credit 265  
may be taken for contributions required to be paid into a state 266  
unemployment fund, or service, except for domestic service in a 267  
private home not covered under division (A) (1) (c) of this 268  
section, which, as a condition for full tax credit against the 269  
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 270  
26 U.S.C.A. 3301 to 3311, is required to be covered under this 271  
chapter. 272

(k) Construction services performed by any individual 273  
under a construction contract, as defined in section 4141.39 of 274  
the Revised Code, if the director determines that the employer 275  
for whom services are performed has the right to direct or 276  
control the performance of the services and that the individuals 277  
who perform the services receive remuneration for the services 278  
performed. The director shall presume that the employer for whom 279  
services are performed has the right to direct or control the 280  
performance of the services if ten or more of the following 281  
criteria apply: 282

(i) The employer directs or controls the manner or method 283

by which instructions are given to the individual performing services;	284 285
(ii) The employer requires particular training for the individual performing services;	286 287
(iii) Services performed by the individual are integrated into the regular functioning of the employer;	288 289
(iv) The employer requires that services be provided by a particular individual;	290 291
(v) The employer hires, supervises, or pays the wages of the individual performing services;	292 293
(vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work;	294 295 296
(vii) The employer requires the individual to perform services during established hours;	297 298
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	299 300 301
(ix) The employer requires the individual to perform services on the employer's premises;	302 303
(x) The employer requires the individual performing services to follow the order of work established by the employer;	304 305 306
(xi) The employer requires the individual performing services to make oral or written reports of progress;	307 308
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	309 310

(xiii) The employer pays expenses for the individual performing services;	311 312
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	313 314
(xv) The individual performing services has not invested in the facilities used to perform services;	315 316
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	317 318 319
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	320 321
(xviii) The individual performing services does not make the services available to the general public;	322 323
(xix) The employer has a right to discharge the individual performing services;	324 325
(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.	326 327 328 329
(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.	330 331 332 333 334 335 336 337 338

(m) Service performed by an individual for or on behalf of 339  
a motor carrier transporting property as an operator of a 340  
vehicle or vessel, unless all of the following factors apply to 341  
the individual and the motor carrier has not elected to consider 342  
the individual's service as employment: 343

(i) The individual owns the vehicle or vessel that is used 344  
in performing the services for or on behalf of the carrier, or 345  
the individual leases the vehicle or vessel under a bona fide 346  
lease agreement that is not a temporary replacement lease 347  
agreement. For purposes of this division, a bona fide lease 348  
agreement does not include an agreement between the individual 349  
and the motor carrier transporting property for which, or on 350  
whose behalf, the individual provides services. 351

(ii) The individual is responsible for supplying the 352  
necessary personal services to operate the vehicle or vessel 353  
used to provide the service. 354

(iii) The compensation paid to the individual is based on 355  
factors related to work performed, including on a mileage-based 356  
rate or a percentage of any schedule of rates, and not solely on 357  
the basis of the hours or time expended. 358

(iv) The individual substantially controls the means and 359  
manner of performing the services, in conformance with 360  
regulatory requirements and specifications of the shipper. 361

(v) The individual enters into a written contract with the 362  
carrier for whom the individual is performing the services that 363  
describes the relationship between the individual and the 364  
carrier to be that of an independent contractor and not that of 365  
an employee. 366

(vi) The individual is responsible for substantially all 367

of the principal operating costs of the vehicle or vessel and 368  
equipment used to provide the services, including maintenance, 369  
fuel, repairs, supplies, vehicle or vessel insurance, and 370  
personal expenses, except that the individual may be paid by the 371  
carrier the carrier's fuel surcharge and incidental costs, 372  
including tolls, permits, and lumper fees. 373

(vii) The individual is responsible for any economic loss 374  
or economic gain from the arrangement with the carrier. 375

(viii) The individual is not performing services described 376  
in 26 U.S.C. 3306(c) (7) or (8). 377

(3) "Employment" does not include the following services 378  
if they are found not subject to the "Federal Unemployment Tax 379  
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 380  
services are not required to be included under division (B) (2) 381  
(j) of this section: 382

(a) Service performed after December 31, 1977, in 383  
agricultural labor, except as provided in division (A) (1) (d) of 384  
this section; 385

(b) Domestic service performed after December 31, 1977, in 386  
a private home, local college club, or local chapter of a 387  
college fraternity or sorority except as provided in division 388  
(A) (1) (c) of this section; 389

(c) Service performed after December 31, 1977, for this 390  
state or a political subdivision as described in division (B) (2) 391  
(a) of this section when performed: 392

(i) As a publicly elected official; 393

(ii) As a member of a legislative body, or a member of the 394  
judiciary; 395

(iii) As a military member of the Ohio national guard;	396
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	397 398 399 400
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	401 402 403 404 405 406
(d) In the employ of any governmental unit or instrumentality of the United States;	407 408
(e) Service performed after December 31, 1971:	409
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	410 411 412 413 414 415
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision	416 417 418 419 420 421 422 423 424

shall not apply to service performed in a program established 425  
for or on behalf of an employer or group of employers. 426

(f) Service performed by an individual in the employ of 427  
the individual's son, daughter, or spouse and service performed 428  
by a child under the age of eighteen in the employ of the 429  
child's father or mother; 430

(g) Service performed for one or more principals by an 431  
individual who is compensated on a commission basis, who in the 432  
performance of the work is master of the individual's own time 433  
and efforts, and whose remuneration is wholly dependent on the 434  
amount of effort the individual chooses to expend, and which 435  
service is not subject to the "Federal Unemployment Tax Act," 53 436  
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 437  
after December 31, 1971: 438

(i) By an individual for an employer as an insurance agent 439  
or as an insurance solicitor, if all this service is performed 440  
for remuneration solely by way of commission; 441

(ii) As a home worker performing work, according to 442  
specifications furnished by the employer for whom the services 443  
are performed, on materials or goods furnished by such employer 444  
which are required to be returned to the employer or to a person 445  
designated for that purpose. 446

(h) Service performed after December 31, 1971: 447

(i) In the employ of a church or convention or association 448  
of churches, or in an organization which is operated primarily 449  
for religious purposes and which is operated, supervised, 450  
controlled, or principally supported by a church or convention 451  
or association of churches; 452

(ii) By a duly ordained, commissioned, or licensed 453



minister of a church in the exercise of the individual's 454  
ministry or by a member of a religious order in the exercise of 455  
duties required by such order; or 456

(iii) In a facility conducted for the purpose of carrying 457  
out a program of rehabilitation for individuals whose earning 458  
capacity is impaired by age or physical or mental deficiency or 459  
injury, or providing remunerative work for individuals who 460  
because of their impaired physical or mental capacity cannot be 461  
readily absorbed in the competitive labor market, by an 462  
individual receiving such rehabilitation or remunerative work. 463

(i) Service performed after June 30, 1939, with respect to 464  
which unemployment compensation is payable under the "Railroad 465  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 466  
351; 467

(j) Service performed by an individual in the employ of 468  
any organization exempt from income tax under section 501 of the 469  
"Internal Revenue Code of 1954," if the remuneration for such 470  
service does not exceed fifty dollars in any calendar quarter, 471  
or if such service is in connection with the collection of dues 472  
or premiums for a fraternal beneficial society, order, or 473  
association and is performed away from the home office or is 474  
ritualistic service in connection with any such society, order, 475  
or association; 476

(k) Casual labor not in the course of an employer's trade 477  
or business; incidental service performed by an officer, 478  
appraiser, or member of a finance committee of a bank, building 479  
and loan association, savings and loan association, or savings 480  
association when the remuneration for such incidental service 481  
exclusive of the amount paid or allotted for directors' fees 482  
does not exceed sixty dollars per calendar quarter is casual 483

labor;	484
(1) Service performed in the employ of a voluntary	485
employees' beneficial association providing for the payment of	486
life, sickness, accident, or other benefits to the members of	487
such association or their dependents or their designated	488
beneficiaries, if admission to a membership in such association	489
is limited to individuals who are officers or employees of a	490
municipal or public corporation, of a political subdivision of	491
the state, or of the United States and no part of the net	492
earnings of such association inures, other than through such	493
payments, to the benefit of any private shareholder or	494
individual;	495
(m) Service performed by an individual in the employ of a	496
foreign government, including service as a consular or other	497
officer or employee or of a nondiplomatic representative;	498
(n) Service performed in the employ of an instrumentality	499
wholly owned by a foreign government if the service is of a	500
character similar to that performed in foreign countries by	501
employees of the United States or of an instrumentality thereof	502
and if the director finds that the secretary of state of the	503
United States has certified to the secretary of the treasury of	504
the United States that the foreign government, with respect to	505
whose instrumentality exemption is claimed, grants an equivalent	506
exemption with respect to similar service performed in the	507
foreign country by employees of the United States and of	508
instrumentalities thereof;	509
(o) Service with respect to which unemployment	510
compensation is payable under an unemployment compensation	511
system established by an act of congress;	512

(p) Service performed as a student nurse in the employ of 513  
a hospital or a nurses' training school by an individual who is 514  
enrolled and is regularly attending classes in a nurses' 515  
training school chartered or approved pursuant to state law, and 516  
service performed as an intern in the employ of a hospital by an 517  
individual who has completed a four years' course in a medical 518  
school chartered or approved pursuant to state law; 519

(q) Service performed by an individual under the age of 520  
eighteen in the delivery or distribution of newspapers or 521  
shopping news, not including delivery or distribution to any 522  
point for subsequent delivery or distribution; 523

(r) Service performed in the employ of the United States 524  
or an instrumentality of the United States immune under the 525  
Constitution of the United States from the contributions imposed 526  
by this chapter, except that to the extent that congress permits 527  
states to require any instrumentalities of the United States to 528  
make payments into an unemployment fund under a state 529  
unemployment compensation act, this chapter shall be applicable 530  
to such instrumentalities and to services performed for such 531  
instrumentalities in the same manner, to the same extent, and on 532  
the same terms as to all other employers, individuals, and 533  
services, provided that if this state is not certified for any 534  
year by the proper agency of the United States under section 535  
3304 of the "Internal Revenue Code of 1954," the payments 536  
required of such instrumentalities with respect to such year 537  
shall be refunded by the director from the fund in the same 538  
manner and within the same period as is provided in division (E) 539  
of section 4141.09 of the Revised Code with respect to 540  
contributions erroneously collected; 541

(s) Service performed by an individual as a member of a 542

band or orchestra, provided such service does not represent the 543  
principal occupation of such individual, and which service is 544  
not subject to or required to be covered for full tax credit 545  
against the tax imposed by the "Federal Unemployment Tax Act," 546  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 547

(t) Service performed in the employ of a day camp whose 548  
camping season does not exceed twelve weeks in any calendar 549  
year, and which service is not subject to the "Federal 550  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 551  
3311. Service performed after December 31, 1971: 552

(i) In the employ of a hospital, if the service is 553  
performed by a patient of the hospital, as defined in division 554  
(W) of this section; 555

(ii) For a prison or other correctional institution by an 556  
inmate of the prison or correctional institution; 557

(iii) Service performed after December 31, 1977, by an 558  
inmate of a custodial institution operated by the state, a 559  
political subdivision, or a nonprofit organization. 560

(u) Service that is performed by a nonresident alien 561  
individual for the period the individual temporarily is present 562  
in the United States as a nonimmigrant under division (F), (J), 563  
(M), or (Q) of section 101(a)(15) of the "Immigration and 564  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 565  
that is excluded under section 3306(c)(19) of the "Federal 566  
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 567  
3311. 568

(v) Notwithstanding any other provisions of division (B) 569  
(3) of this section, services that are excluded under divisions 570  
(B)(3)(g), (j), (k), and (l) of this section shall not be 571

excluded from employment when performed for a nonprofit 572  
organization, as defined in division (X) of this section, or for 573  
this state or its instrumentalities, or for a political 574  
subdivision or its instrumentalities or for Indian tribes; 575

(w) Service that is performed by an individual working as 576  
an election official or election worker if the amount of 577  
remuneration received by the individual during the calendar year 578  
for services as an election official or election worker is less 579  
than one thousand dollars; 580

(x) Service performed for an elementary or secondary 581  
school that is operated primarily for religious purposes, that 582  
is described in subsection 501(c)(3) and exempt from federal 583  
income taxation under subsection 501(a) of the Internal Revenue 584  
Code, 26 U.S.C.A. 501; 585

(y) Service performed by a person committed to a penal 586  
institution. 587

(z) Service performed for an Indian tribe as described in 588  
division (B)(2)(1) of this section when performed in any of the 589  
following manners: 590

(i) As a publicly elected official; 591

(ii) As a member of an Indian tribal council; 592

(iii) As a member of a legislative or judiciary body; 593

(iv) In a position which, pursuant to Indian tribal law, 594  
is designated as a major nontenured policymaking or advisory 595  
position, or a policymaking or advisory position where the 596  
performance of the duties ordinarily does not require more than 597  
eight hours of time per week; 598

(v) As an employee serving on a temporary basis in the 599

case of a fire, storm, snow, earthquake, flood, or similar 600  
emergency. 601

(aa) Service performed after December 31, 1971, for a 602  
nonprofit organization, this state or its instrumentalities, a 603  
political subdivision or its instrumentalities, or an Indian 604  
tribe as part of an unemployment work-relief or work-training 605  
program assisted or financed in whole or in part by any federal 606  
agency or an agency of a state or political subdivision, 607  
thereof, by an individual receiving the work-relief or work- 608  
training. 609

(bb) Participation in a learn to earn program as defined 610  
in section 4141.293 of the Revised Code. 611

(4) If the services performed during one half or more of 612  
any pay period by an employee for the person employing that 613  
employee constitute employment, all the services of such 614  
employee for such period shall be deemed to be employment; but 615  
if the services performed during more than one half of any such 616  
pay period by an employee for the person employing that employee 617  
do not constitute employment, then none of the services of such 618  
employee for such period shall be deemed to be employment. As 619  
used in division (B) (4) of this section, "pay period" means a 620  
period, of not more than thirty-one consecutive days, for which 621  
payment of remuneration is ordinarily made to the employee by 622  
the person employing that employee. Division (B) (4) of this 623  
section does not apply to services performed in a pay period by 624  
an employee for the person employing that employee, if any of 625  
such service is excepted by division (B) (3) (o) of this section. 626

(C) "Benefits" means money payments payable to an 627  
individual who has established benefit rights, as provided in 628  
this chapter, for loss of remuneration due to the individual's 629

unemployment. 630

(D) "Benefit rights" means the weekly benefit amount and 631  
the maximum benefit amount that may become payable to an 632  
individual within the individual's benefit year as determined by 633  
the director. 634

(E) "Claim for benefits" means a claim for waiting period 635  
or benefits for a designated week. 636

(F) "Additional claim" means the first claim for benefits 637  
filed following any separation from employment during a benefit 638  
year; "continued claim" means any claim other than the first 639  
claim for benefits and other than an additional claim. 640

(G) "Wages" means remuneration paid to an employee by each 641  
of the employee's employers with respect to employment; except 642  
that wages shall not include that part of remuneration paid 643  
during any calendar year to an individual by an employer or such 644  
employer's predecessor in interest in the same business or 645  
enterprise, which in any calendar year is in excess of nine 646  
thousand dollars on and after January 1, 1995; nine thousand 647  
five hundred dollars on and after January 1, 2018; and nine 648  
thousand dollars on and after January 1, 2020. Remuneration in 649  
excess of such amounts shall be deemed wages subject to 650  
contribution to the same extent that such remuneration is 651  
defined as wages under the "Federal Unemployment Tax Act," 84 652  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 653  
remuneration paid an employee by an employer with respect to 654  
employment in another state, upon which contributions were 655  
required and paid by such employer under the unemployment 656  
compensation act of such other state, shall be included as a 657  
part of remuneration in computing the amount specified in this 658  
division. 659

(H) (1) "Remuneration" means all compensation for personal 660  
services, including commissions and bonuses and the cash value 661  
of all compensation in any medium other than cash, except that 662  
in the case of agricultural or domestic service, "remuneration" 663  
includes only cash remuneration. Gratuities customarily received 664  
by an individual in the course of the individual's employment 665  
from persons other than the individual's employer and which are 666  
accounted for by such individual to the individual's employer 667  
are taxable wages. 668

The reasonable cash value of compensation paid in any 669  
medium other than cash shall be estimated and determined in 670  
accordance with rules prescribed by the director, provided that 671  
"remuneration" does not include: 672

(a) Payments as provided in divisions (b) (2) to (b) (20) of 673  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 674  
713, 26 U.S.C.A. 3301 to 3311, as amended; 675

(b) The payment by an employer, without deduction from the 676  
remuneration of the individual in the employer's employ, of the 677  
tax imposed upon an individual in the employer's employ under 678  
section 3101 of the "Internal Revenue Code of 1954," with 679  
respect to services performed after October 1, 1941. 680

(2) "Cash remuneration" means all remuneration paid in 681  
cash, including commissions and bonuses, but not including the 682  
cash value of all compensation in any medium other than cash. 683

(I) "Interested party" means the director and any party to 684  
whom notice of a determination of an application for benefit 685  
rights or a claim for benefits is required to be given under 686  
section 4141.28 of the Revised Code. 687

(J) "Annual payroll" means the total amount of wages 688



subject to contributions during a twelve-month period ending 689  
with the last day of the second calendar quarter of any calendar 690  
year. 691

(K) "Average annual payroll" means the average of the last 692  
three annual payrolls of an employer, provided that if, as of 693  
any computation date, the employer has had less than three 694  
annual payrolls in such three-year period, such average shall be 695  
based on the annual payrolls which the employer has had as of 696  
such date. 697

(L) (1) "Contributions" means the money payments to the 698  
state unemployment compensation fund required of employers by 699  
section 4141.25 of the Revised Code and of the state and any of 700  
its political subdivisions electing to pay contributions under 701  
section 4141.242 of the Revised Code. Employers paying 702  
contributions shall be described as "contributory employers." 703

(2) "Payments in lieu of contributions" means the money 704  
payments to the state unemployment compensation fund required of 705  
reimbursing employers under sections 4141.241 and 4141.242 of 706  
the Revised Code. 707

(M) An individual is "totally unemployed" in any week 708  
during which the individual performs no services and with 709  
respect to such week no remuneration is payable to the 710  
individual. 711

(N) An individual is "partially unemployed" in any week 712  
if, due to involuntary loss of work, the total remuneration 713  
payable to the individual for such week is less than the 714  
individual's weekly benefit amount. 715

(O) "Week" means the calendar week ending at midnight 716  
Saturday unless an equivalent week of seven consecutive calendar 717

days is prescribed by the director. 718

(1) "Qualifying week" means any calendar week in an 719  
individual's base period with respect to which the individual 720  
earns or is paid remuneration in employment subject to this 721  
chapter. A calendar week with respect to which an individual 722  
earns remuneration but for which payment was not made within the 723  
base period, when necessary to qualify for benefit rights, may 724  
be considered to be a qualifying week. The number of qualifying 725  
weeks which may be established in a calendar quarter shall not 726  
exceed the number of calendar weeks in the quarter. 727

(2) "Average weekly wage" means the amount obtained by 728  
dividing an individual's total remuneration for all qualifying 729  
weeks during the base period by the number of such qualifying 730  
weeks, provided that if the computation results in an amount 731  
that is not a multiple of one dollar, such amount shall be 732  
rounded to the next lower multiple of one dollar. 733

(P) "Weekly benefit amount" means the amount of benefits 734  
an individual would be entitled to receive for one week of total 735  
unemployment. 736

(Q) (1) "Base period" means the first four of the last five 737  
completed calendar quarters immediately preceding the first day 738  
of an individual's benefit year, except as provided in division 739  
(Q) (2) of this section. 740

(2) If an individual does not have sufficient qualifying 741  
weeks and wages in the base period to qualify for benefit 742  
rights, the individual's base period shall be the four most 743  
recently completed calendar quarters preceding the first day of 744  
the individual's benefit year. Such base period shall be known 745  
as the "alternate base period." If information as to weeks and 746

wages for the most recent quarter of the alternate base period 747  
is not available to the director from the regular quarterly 748  
reports of wage information, which are systematically 749  
accessible, the director may, consistent with the provisions of 750  
section 4141.28 of the Revised Code, base the determination of 751  
eligibility for benefits on the affidavit of the claimant with 752  
respect to weeks and wages for that calendar quarter. The 753  
claimant shall furnish payroll documentation, where available, 754  
in support of the affidavit. The determination based upon the 755  
alternate base period as it relates to the claimant's benefit 756  
rights, shall be amended when the quarterly report of wage 757  
information from the employer is timely received and that 758  
information causes a change in the determination. As provided in 759  
division (B) of section 4141.28 of the Revised Code, any 760  
benefits paid and charged to an employer's account, based upon a 761  
claimant's affidavit, shall be adjusted effective as of the 762  
beginning of the claimant's benefit year. No calendar quarter in 763  
a base period or alternate base period shall be used to 764  
establish a subsequent benefit year. 765

(3) The "base period" of a combined wage claim, as 766  
described in division (H) of section 4141.43 of the Revised 767  
Code, shall be the base period prescribed by the law of the 768  
state in which the claim is allowed. 769

(4) For purposes of determining the weeks that comprise a 770  
completed calendar quarter under this division, only those weeks 771  
ending at midnight Saturday within the calendar quarter shall be 772  
utilized. 773

(R) (1) "Benefit year" with respect to an individual means 774  
the fifty-two week period beginning with the first day of that 775  
week with respect to which the individual first files a valid 776

application for determination of benefit rights, and thereafter 777  
the fifty-two week period beginning with the first day of that 778  
week with respect to which the individual next files a valid 779  
application for determination of benefit rights after the 780  
termination of the individual's last preceding benefit year, 781  
except that the application shall not be considered valid unless 782  
the individual has had employment in six weeks that is subject 783  
to this chapter or the unemployment compensation act of another 784  
state, or the United States, and has, since the beginning of the 785  
individual's previous benefit year, in the employment earned 786  
three times the average weekly wage determined for the previous 787  
benefit year. The "benefit year" of a combined wage claim, as 788  
described in division (H) of section 4141.43 of the Revised 789  
Code, shall be the benefit year prescribed by the law of the 790  
state in which the claim is allowed. Any application for 791  
determination of benefit rights made in accordance with section 792  
4141.28 of the Revised Code is valid if the individual filing 793  
such application is unemployed, has been employed by an employer 794  
or employers subject to this chapter in at least twenty 795  
qualifying weeks within the individual's base period, and, for 796  
benefit years that begin before January 1, 2023, has earned or 797  
been paid remuneration at an average weekly wage of not less 798  
than twenty-seven and one-half per cent of the statewide average 799  
weekly wage for such weeks, and, for benefit years beginning on 800  
and after January 1, 2023, has earned or been paid remuneration 801  
of at least one thousand five hundred dollars during the 802  
individual's base period and one thousand dollars of the 803  
remuneration was earned or paid during the individual's highest 804  
earning calendar quarter of the base period. For purposes of 805  
determining whether an individual has had sufficient employment 806  
since the beginning of the individual's previous benefit year to 807  
file a valid application, "employment" means the performance of 808

services for which remuneration is payable. 809

(2) Effective for benefit years beginning on and after 810  
December 26, 2004, but before July 1, 2022, any application for 811  
determination of benefit rights made in accordance with section 812  
4141.28 of the Revised Code is valid if the individual satisfies 813  
the criteria described in division (R)(1) of this section, and 814  
if the reason for the individual's separation from employment is 815  
not disqualifying pursuant to division (D)(2) of section 4141.29 816  
or section 4141.291 of the Revised Code. A disqualification 817  
imposed pursuant to division (D)(2) of section 4141.29 or 818  
section 4141.291 of the Revised Code must be removed as provided 819  
in those sections as a requirement of establishing a valid 820  
application for benefit years beginning on and after December 821  
26, 2004, but before July 1, 2022. Effective for benefit years 822  
beginning on and after July 1, 2022, any application for 823  
determination of benefit rights made in accordance with section 824  
4141.28 of the Revised Code is valid if the individual satisfies 825  
the criteria described in division (R)(1) of this section. A 826  
disqualification imposed pursuant to division (D)(2) of section 827  
4141.29 or section 4141.291 of the Revised Code does not affect 828  
the validity of an application. 829

(3) The statewide average weekly wage shall be calculated 830  
by the director once a year based on the twelve-month period 831  
ending the thirtieth day of June, as set forth in division (B) 832  
(3) of section 4141.30 of the Revised Code, rounded down to the 833  
nearest dollar. Increases or decreases in the amount of 834  
remuneration required to have been earned or paid in order for 835  
individuals to have filed valid applications shall become 836  
effective on Sunday of the calendar week in which the first day 837  
of January occurs that follows the twelve-month period ending 838  
the thirtieth day of June upon which the calculation of the 839

statewide average weekly wage was based. 840

(4) As used in this division, an individual is 841  
"unemployed" if, with respect to the calendar week in which such 842  
application is filed, the individual is "partially unemployed" 843  
or "totally unemployed" as defined in this section or if, prior 844  
to filing the application, the individual was separated from the 845  
individual's most recent work for any reason which terminated 846  
the individual's employee-employer relationship, or was laid off 847  
indefinitely or for a definite period of seven or more days. 848

(S) "Calendar quarter" means the period of three 849  
consecutive calendar months ending on the thirty-first day of 850  
March, the thirtieth day of June, the thirtieth day of 851  
September, and the thirty-first day of December, or the 852  
equivalent thereof as the director prescribes by rule. 853

(T) "Computation date" means the first day of the third 854  
calendar quarter of any calendar year. 855

(U) "Contribution period" means the calendar year 856  
beginning on the first day of January of any year. 857

(V) "Agricultural labor," for the purpose of this 858  
division, means any service performed prior to January 1, 1972, 859  
which was agricultural labor as defined in this division prior 860  
to that date, and service performed after December 31, 1971: 861

(1) On a farm, in the employ of any person, in connection 862  
with cultivating the soil, or in connection with raising or 863  
harvesting any agricultural or horticultural commodity, 864  
including the raising, shearing, feeding, caring for, training, 865  
and management of livestock, bees, poultry, and fur-bearing 866  
animals and wildlife; 867

(2) In the employ of the owner or tenant or other operator 868

of a farm in connection with the operation, management, 869  
conservation, improvement, or maintenance of such farm and its 870  
tools and equipment, or in salvaging timber or clearing land of 871  
brush and other debris left by hurricane, if the major part of 872  
such service is performed on a farm; 873

(3) In connection with the production or harvesting of any 874  
commodity defined as an agricultural commodity in section 15 (g) 875  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 876  
U.S.C. 1141j, as amended, or in connection with the ginning of 877  
cotton, or in connection with the operation or maintenance of 878  
ditches, canals, reservoirs, or waterways, not owned or operated 879  
for profit, used exclusively for supplying and storing water for 880  
farming purposes; 881

(4) In the employ of the operator of a farm in handling, 882  
planting, drying, packing, packaging, processing, freezing, 883  
grading, storing, or delivering to storage or to market or to a 884  
carrier for transportation to market, in its unmanufactured 885  
state, any agricultural or horticultural commodity, but only if 886  
the operator produced more than one half of the commodity with 887  
respect to which such service is performed; 888

(5) In the employ of a group of operators of farms, or a 889  
cooperative organization of which the operators are members, in 890  
the performance of service described in division (V) (4) of this 891  
section, but only if the operators produced more than one-half 892  
of the commodity with respect to which the service is performed; 893

(6) Divisions (V) (4) and (5) of this section shall not be 894  
deemed to be applicable with respect to service performed: 895

(a) In connection with commercial canning or commercial 896  
freezing or in connection with any agricultural or horticultural 897

commodity after its delivery to a terminal market for	898
distribution for consumption; or	899
(b) On a farm operated for profit if the service is not in	900
the course of the employer's trade or business.	901
As used in division (V) of this section, "farm" includes	902
stock, dairy, poultry, fruit, fur-bearing animal, and truck	903
farms, plantations, ranches, nurseries, ranges, greenhouses, or	904
other similar structures used primarily for the raising of	905
agricultural or horticultural commodities and orchards.	906
(W) "Hospital" means an institution which has been	907
registered or licensed by the Ohio department of health as a	908
hospital.	909
(X) "Nonprofit organization" means an organization, or	910
group of organizations, described in section 501(c)(3) of the	911
"Internal Revenue Code of 1954," and exempt from income tax	912
under section 501(a) of that code.	913
(Y) "Institution of higher education" means a public or	914
nonprofit educational institution, including an educational	915
institution operated by an Indian tribe, which:	916
(1) Admits as regular students only individuals having a	917
certificate of graduation from a high school, or the recognized	918
equivalent;	919
(2) Is legally authorized in this state or by the Indian	920
tribe to provide a program of education beyond high school; and	921
(3) Provides an educational program for which it awards a	922
bachelor's or higher degree, or provides a program which is	923
acceptable for full credit toward such a degree, a program of	924
post-graduate or post-doctoral studies, or a program of training	925



to prepare students for gainful employment in a recognized 926  
occupation. 927

For the purposes of this division, all colleges and 928  
universities in this state are institutions of higher education. 929

(Z) For the purposes of this chapter, "states" includes 930  
the District of Columbia, the Commonwealth of Puerto Rico, and 931  
the Virgin Islands. 932

(AA) "Alien" means, for the purposes of division (A) (1) (d) 933  
of this section, an individual who is an alien admitted to the 934  
United States to perform service in agricultural labor pursuant 935  
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 936  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 937

(BB) (1) "Crew leader" means an individual who furnishes 938  
individuals to perform agricultural labor for any other employer 939  
or farm operator, and: 940

(a) Pays, either on the individual's own behalf or on 941  
behalf of the other employer or farm operator, the individuals 942  
so furnished by the individual for the service in agricultural 943  
labor performed by them; 944

(b) Has not entered into a written agreement with the 945  
other employer or farm operator under which the agricultural 946  
worker is designated as in the employ of the other employer or 947  
farm operator. 948

(2) For the purposes of this chapter, any individual who 949  
is a member of a crew furnished by a crew leader to perform 950  
service in agricultural labor for any other employer or farm 951  
operator shall be treated as an employee of the crew leader if: 952

(a) The crew leader holds a valid certificate of 953

registration under the "Farm Labor Contractor Registration Act 954  
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 955

(b) Substantially all the members of the crew operate or 956  
maintain tractors, mechanized harvesting or crop-dusting 957  
equipment, or any other mechanized equipment, which is provided 958  
by the crew leader; and 959

(c) If the individual is not in the employment of the 960  
other employer or farm operator within the meaning of division 961  
(B)(1) of this section. 962

(3) For the purposes of this division, any individual who 963  
is furnished by a crew leader to perform service in agricultural 964  
labor for any other employer or farm operator and who is not 965  
treated as in the employment of the crew leader under division 966  
(BB)(2) of this section shall be treated as the employee of the 967  
other employer or farm operator and not of the crew leader. The 968  
other employer or farm operator shall be treated as having paid 969  
cash remuneration to the individual in an amount equal to the 970  
amount of cash remuneration paid to the individual by the crew 971  
leader, either on the crew leader's own behalf or on behalf of 972  
the other employer or farm operator, for the service in 973  
agricultural labor performed for the other employer or farm 974  
operator. 975

(CC) "Educational institution" means an institution other 976  
than an institution of higher education as defined in division 977  
(Y) of this section, including an educational institution 978  
operated by an Indian tribe, which: 979

(1) Offers participants, trainees, or students an 980  
organized course of study or training designed to transfer to 981  
them knowledge, skills, information, doctrines, attitudes, or 982

abilities from, by, or under the guidance of an instructor or	983
teacher; and	984
(2) Is approved, chartered, or issued a permit to operate	985
as a school by the state board of education, other government	986
agency, or Indian tribe that is authorized within the state to	987
approve, charter, or issue a permit for the operation of a	988
school.	989
For the purposes of this division, the courses of study or	990
training which the institution offers may be academic,	991
technical, trade, or preparation for gainful employment in a	992
recognized occupation.	993
(DD) "Cost savings day" means any unpaid day off from work	994
in which employees continue to accrue employee benefits which	995
have a determinable value including, but not limited to,	996
vacation, pension contribution, sick time, and life and health	997
insurance.	998
(EE) "Motor carrier" has the same meaning as in section	999
4923.01 of the Revised Code.	1000
<b>Sec. 4141.29.</b> Each eligible individual shall receive	1001
benefits as compensation for loss of remuneration due to	1002
involuntary total or partial unemployment in the amounts and	1003
subject to the conditions stipulated in this chapter.	1004
(A) No individual is entitled to a waiting period or	1005
benefits for any week unless the individual:	1006
(1) Has filed a valid application for determination of	1007
benefit rights in accordance with section 4141.28 of the Revised	1008
Code;	1009
(2) Has made a claim for benefits in accordance with	1010

section 4141.28 of the Revised Code; 1011

(3) (a) Has registered for work and thereafter continues to 1012  
report to an employment office or other registration place 1013  
maintained or designated by the director of job and family 1014  
services. Registration shall be made in accordance with the time 1015  
limits, frequency, and manner prescribed by the director. 1016

(b) For purposes of division (A) (3) of this section, an 1017  
individual has "registered" upon doing any of the following: 1018

(i) Filing an application for benefit rights; 1019

(ii) Making a weekly claim for benefits; 1020

(iii) Reopening an existing claim following a period of 1021  
employment or nonreporting. 1022

(c) After an applicant is registered, that registration 1023  
continues for a period of three calendar weeks, including the 1024  
week during which the applicant registered. However, an 1025  
individual is not registered for purposes of division (A) (3) of 1026  
this section during any period in which the individual fails to 1027  
report, as instructed by the director, or fails to reopen an 1028  
existing claim following a period of employment. 1029

(d) The director may, for good cause, extend the period of 1030  
registration. 1031

(e) For purposes of this section, "report" means contact 1032  
by phone, access electronically, or be present for an in-person 1033  
appointment, as designated by the director. 1034

(4) (a) (i) Is able to work and available for suitable work 1035  
and, except as provided in division (A) (4) (a) (ii) or (iii) of 1036  
this section, is actively seeking suitable work either in a 1037  
locality in which the individual has earned wages subject to 1038

this chapter during the individual's base period, or if the 1039  
individual leaves that locality, then in a locality where 1040  
suitable work normally is performed. 1041

(ii) The director may waive the requirement that a 1042  
claimant be actively seeking work when the director finds that 1043  
the individual has been laid off and the employer who laid the 1044  
individual off has notified the director within ten days after 1045  
the layoff, that work is expected to be available for the 1046  
individual within a specified number of days not to exceed 1047  
forty-five calendar days following the last day the individual 1048  
worked. In the event the individual is not recalled within the 1049  
specified period, this waiver shall cease to be operative with 1050  
respect to that layoff. 1051

(iii) The director may waive the requirement that a 1052  
claimant be actively seeking work if the director determines 1053  
that the individual has been laid off and the employer who laid 1054  
the individual off has notified the director in accordance with 1055  
division (C) of section 4141.28 of the Revised Code that the 1056  
employer has closed the employer's entire plant or part of the 1057  
employer's plant for a purpose other than inventory or vacation 1058  
that will cause unemployment for a definite period not exceeding 1059  
twenty-six weeks beginning on the date the employer notifies the 1060  
director, for the period of the specific shutdown, if all of the 1061  
following apply: 1062

(I) The employer and the individuals affected by the 1063  
layoff who are claiming benefits under this chapter jointly 1064  
request the exemption. 1065

(II) The employer provides that the affected individuals 1066  
shall return to work for the employer within twenty-six weeks 1067  
after the date the employer notifies the director. 1068

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

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

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

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

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

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

(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 1098  
from using a computer, has a physical or visual impairment that 1099  
makes the individual unable to use a computer, or has a limited 1100  
ability to read, write, speak, or understand a language in which 1101  
the OhioMeansJobs web site is available. 1102

(iv) As used in division (A) (4) (b) of this section: 1103

(I) "OhioMeansJobs web site" has the same meaning as in 1104  
section 6301.01 of the Revised Code. 1105

(II) "Registration" includes the creation, electronic 1106  
posting, and maintenance of an active, searchable resume. 1107

(c) An individual who is attending a training course 1108  
approved by the director meets the requirement of this division, 1109  
if attendance was recommended by the director and the individual 1110  
is regularly attending the course and is making satisfactory 1111  
progress. An individual also meets the requirements of this 1112  
division if the individual is participating and advancing in a 1113  
training program, as defined in division (P) of section 5709.61 1114  
of the Revised Code, and if an enterprise, defined in division 1115  
(B) of section 5709.61 of the Revised Code, is paying all or 1116  
part of the cost of the individual's participation in the 1117  
training program with the intention of hiring the individual for 1118  
employment as a new employee, as defined in division (L) of 1119  
section 5709.61 of the Revised Code, for at least ninety days 1120  
after the individual's completion of the training program. 1121

(d) An individual who becomes unemployed while attending a 1122  
regularly established school and whose base period qualifying 1123  
weeks were earned in whole or in part while attending that 1124  
school, meets the availability and active search for work 1125  
requirements of division (A) (4) (a) of this section if the 1126

individual regularly attends the school during weeks with 1127  
respect to which the individual claims unemployment benefits and 1128  
makes self available on any shift of hours for suitable 1129  
employment with the individual's most recent employer or any 1130  
other employer in the individual's base period, or for any other 1131  
suitable employment to which the individual is directed, under 1132  
this chapter. 1133

(e) An individual who is a member in good standing with a 1134  
labor organization that refers individuals to jobs meets the 1135  
active search for work requirement specified in division (A) (4) 1136  
(a) of this section if the individual provides documentation 1137  
that the individual is eligible for a referral or placement upon 1138  
request and in a manner prescribed by the director. 1139

(f) Notwithstanding any other provisions of this section, 1140  
no otherwise eligible individual shall be denied benefits for 1141  
any week because the individual is in training approved under 1142  
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 1143  
U.S.C.A. 2296, nor shall that individual be denied benefits by 1144  
reason of leaving work to enter such training, provided the work 1145  
left is not suitable employment, or because of the application 1146  
to any week in training of provisions in this chapter, or any 1147  
applicable federal unemployment compensation law, relating to 1148  
availability for work, active search for work, or refusal to 1149  
accept work. 1150

For the purposes of division (A) (4) (f) of this section, 1151  
"suitable employment" means with respect to an individual, work 1152  
of a substantially equal or higher skill level than the 1153  
individual's past adversely affected employment, as defined for 1154  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 1155  
U.S.C.A. 2101, and wages for such work at not less than eighty 1156



per cent of the individual's average weekly wage as determined 1157  
for the purposes of that federal act. 1158

(5) Is unable to obtain suitable work. An individual who 1159  
is provided temporary work assignments by the individual's 1160  
employer under agreed terms and conditions of employment, and 1161  
who is required pursuant to those terms and conditions to 1162  
inquire with the individual's employer for available work 1163  
assignments upon the conclusion of each work assignment, is not 1164  
considered unable to obtain suitable employment if suitable work 1165  
assignments are available with the employer but the individual 1166  
fails to contact the employer to inquire about work assignments. 1167

(6) Participates in reemployment services, such as job 1168  
search assistance services, if the individual has been 1169  
determined to be likely to exhaust benefits under this chapter, 1170  
including compensation payable pursuant to 5 U.S.C.A. Chapter 1171  
85, other than extended compensation, and needs reemployment 1172  
services pursuant to the profiling system established by the 1173  
director under division (K) of this section, unless the director 1174  
determines that: 1175

(a) The individual has completed such services; or 1176

(b) There is justifiable cause for the claimant's failure 1177  
to participate in such services. 1178

Ineligibility for failure to participate in reemployment 1179  
services as described in division (A) (6) of this section shall 1180  
be for the week or weeks in which the claimant was scheduled and 1181  
failed to participate without justifiable cause. 1182

(7) Participates in the reemployment and eligibility 1183  
assessment program, or other reemployment services, as required 1184  
by the director. As used in division (A) (7) of this section, 1185

"reemployment services" includes job search assistance 1186  
activities, skills assessments, and the provision of labor 1187  
market statistics or analysis. 1188

(a) For purposes of division (A)(7) of this section, 1189  
participation is required unless the director determines that 1190  
either of the following circumstances applies to the individual: 1191

(i) The individual has completed similar services. 1192

(ii) Justifiable cause exists for the failure of the 1193  
individual to participate in those services. 1194

(b) Within six months after October 11, 2013, 1195  
notwithstanding any earlier contact an individual may have had 1196  
with a local OhioMeansJobs center, as defined in section 6301.01 1197  
of the Revised Code, beginning with the eighth week after the 1198  
week during which an individual first files a valid application 1199  
for determination of benefit rights in the individual's benefit 1200  
year, the individual shall report to a local OhioMeansJobs 1201  
center for reemployment services in the manner prescribed by the 1202  
director. 1203

(c) An individual whose active search for work requirement 1204  
has been waived under division (A)(4)(a) of this section or is 1205  
considered to be satisfied under division (A)(4)(c), (d), or (e) 1206  
of this section is exempt from the requirements of division (A) 1207  
(7) of this section. 1208

(B) An individual suffering total or partial unemployment 1209  
is eligible for benefits for unemployment occurring subsequent 1210  
to a waiting period of one week and no benefits shall be payable 1211  
during this required waiting period. Not more than one week of 1212  
waiting period shall be required of any individual in any 1213  
benefit year in order to establish the individual's eligibility 1214

for total or partial unemployment benefits. 1215

(C) The waiting period for total or partial unemployment 1216  
shall commence on the first day of the first week with respect 1217  
to which the individual first files a claim for benefits at an 1218  
employment office or other place of registration maintained or 1219  
designated by the director or on the first day of the first week 1220  
with respect to which the individual has otherwise filed a claim 1221  
for benefits in accordance with the rules of the department of 1222  
job and family services, provided such claim is allowed by the 1223  
director. 1224

(D) Notwithstanding division (A) of this section, no 1225  
individual may serve a waiting period or be paid benefits under 1226  
the following conditions: 1227

(1) For any week with respect to which the director finds 1228  
that: 1229

(a) The individual's unemployment was due to a labor 1230  
dispute other than a lockout at any factory, establishment, or 1231  
other premises located in this or any other state and owned or 1232  
operated by the employer by which the individual is or was last 1233  
employed; and for so long as the individual's unemployment is 1234  
due to such labor dispute. No individual shall be disqualified 1235  
under this provision if either of the following applies: 1236

(i) The individual's employment was with such employer at 1237  
any factory, establishment, or premises located in this state, 1238  
owned or operated by such employer, other than the factory, 1239  
establishment, or premises at which the labor dispute exists, if 1240  
it is shown that the individual is not financing, participating 1241  
in, or directly interested in such labor dispute; 1242

(ii) The individual's employment was with an employer not 1243

involved in the labor dispute but whose place of business was 1244  
located within the same premises as the employer engaged in the 1245  
dispute, unless the individual's employer is a wholly owned 1246  
subsidiary of the employer engaged in the dispute, or unless the 1247  
individual actively participates in or voluntarily stops work 1248  
because of such dispute. If it is established that the claimant 1249  
was laid off for an indefinite period and not recalled to work 1250  
prior to the dispute, or was separated by the employer prior to 1251  
the dispute for reasons other than the labor dispute, or that 1252  
the individual obtained a bona fide job with another employer 1253  
while the dispute was still in progress, such labor dispute 1254  
shall not render the employee ineligible for benefits. 1255

(b) The individual has been given a disciplinary layoff 1256  
for misconduct in connection with the individual's work. 1257

(2) For the duration of the individual's unemployment if 1258  
the director finds that: 1259

(a) The individual quit work without just cause or has 1260  
been discharged for just cause in connection with the 1261  
individual's work, provided division (D) (2) of this section does 1262  
not apply to the separation of a person under any of the 1263  
following circumstances: 1264

(i) Separation from employment for the purpose of entering 1265  
the armed forces of the United States if the individual is 1266  
inducted into the armed forces within one of the following 1267  
periods: 1268

(I) Thirty days after separation; 1269

(II) One hundred eighty days after separation if the 1270  
individual's date of induction is delayed solely at the 1271  
discretion of the armed forces. 1272

(ii) Separation from employment pursuant to a labor- 1273  
management contract or agreement, or pursuant to an established 1274  
employer plan, program, or policy, which permits the employee, 1275  
because of lack of work, to accept a separation from employment; 1276

(iii) The individual has left employment to accept a 1277  
recall from a prior employer or, except as provided in division 1278  
(D) (2) (a) (iv) of this section, to accept other employment as 1279  
provided under section 4141.291 of the Revised Code, or left or 1280  
was separated from employment that was concurrent employment at 1281  
the time of the most recent separation or within six weeks prior 1282  
to the most recent separation where the remuneration, hours, or 1283  
other conditions of such concurrent employment were 1284  
substantially less favorable than the individual's most recent 1285  
employment and where such employment, if offered as new work, 1286  
would be considered not suitable under the provisions of 1287  
divisions (E) and (F) of this section. Any benefits that would 1288  
otherwise be chargeable to the account of the employer from whom 1289  
an individual has left employment or was separated from 1290  
employment that was concurrent employment under conditions 1291  
described in division (D) (2) (a) (iii) of this section, shall 1292  
instead be charged to the mutualized account created by division 1293  
(B) of section 4141.25 of the Revised Code, except that any 1294  
benefits chargeable to the account of a reimbursing employer 1295  
under division (D) (2) (a) (iii) of this section shall be charged 1296  
to the account of the reimbursing employer and not to the 1297  
mutualized account, except as provided in division (D) (2) of 1298  
section 4141.24 of the Revised Code. 1299

(iv) When an individual has been issued a definite layoff 1300  
date by the individual's employer and before the layoff date, 1301  
the individual quits to accept other employment, the provisions 1302  
of division (D) (2) (a) (iii) of this section apply and no 1303

disqualification shall be imposed under division (D) of this 1304  
section. However, if the individual fails to meet the employment 1305  
and earnings requirements of division (A) (2) of section 4141.291 1306  
of the Revised Code, then the individual, pursuant to division 1307  
(A) (5) of this section, shall be ineligible for benefits for any 1308  
week of unemployment that occurs prior to the layoff date. 1309

(v) The individual's spouse is a member of the armed 1310  
forces of the United States who is on active duty or a member of 1311  
the commissioned corps of the national oceanic and atmospheric 1312  
administration or public health service, the spouse is the 1313  
subject of a transfer, the individual left employment to 1314  
accompany the individual's spouse to a location from which it is 1315  
impractical to commute to the individual's place of employment, 1316  
and upon arrival at the new place of residence, the individual 1317  
is in all respects able and available for suitable work. For 1318  
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 1319  
"active duty" and "armed forces" have the same meanings as in 10 1320  
U.S.C. 101. 1321

(b) The individual has refused without good cause to 1322  
accept an offer of suitable work when made by an employer either 1323  
in person or to the individual's last known address, or has 1324  
refused or failed to investigate a referral to suitable work 1325  
when directed to do so by a local employment office of this 1326  
state or another state, provided that this division shall not 1327  
cause a disqualification for a waiting week or benefits under 1328  
the following circumstances: 1329

(i) When work is offered by the individual's employer and 1330  
the individual is not required to accept the offer pursuant to 1331  
the terms of the labor-management contract or agreement; or 1332

(ii) When the individual is attending a training course 1333

pursuant to division (A) (4) of this section except, in the event 1334  
of a refusal to accept an offer of suitable work or a refusal or 1335  
failure to investigate a referral, benefits thereafter paid to 1336  
such individual shall not be charged to the account of any 1337  
employer and, except as provided in division (B) (1) (b) of 1338  
section 4141.241 of the Revised Code, shall be charged to the 1339  
mutualized account as provided in division (B) of section 1340  
4141.25 of the Revised Code. 1341

(c) Such individual quit work to marry or because of 1342  
marital, parental, filial, or other domestic obligations. 1343

(d) The individual became unemployed by reason of 1344  
commitment to any correctional institution. 1345

(e) The individual became unemployed because of dishonesty 1346  
in connection with the individual's most recent or any base 1347  
period work. Remuneration earned in such work shall be excluded 1348  
from the individual's total base period remuneration and 1349  
qualifying weeks that otherwise would be credited to the 1350  
individual for such work in the individual's base period shall 1351  
not be credited for the purpose of determining the total 1352  
benefits to which the individual is eligible and the weekly 1353  
benefit amount to be paid under section 4141.30 of the Revised 1354  
Code. Such excluded remuneration and noncredited qualifying 1355  
weeks shall be excluded from the calculation of the maximum 1356  
amount to be charged, under division (D) of section 4141.24 and 1357  
section 4141.33 of the Revised Code, against the accounts of the 1358  
individual's base period employers. In addition, no benefits 1359  
shall thereafter be paid to the individual based upon such 1360  
excluded remuneration or noncredited qualifying weeks. 1361

For purposes of division (D) (2) (e) of this section, 1362  
"dishonesty" means the commission of substantive theft, fraud, 1363

or deceitful acts. 1364

(E) No individual otherwise qualified to receive benefits 1365  
shall lose the right to benefits by reason of a refusal to 1366  
accept new work if: 1367

(1) As a condition of being so employed the individual 1368  
would be required to join a company union, or to resign from or 1369  
refrain from joining any bona fide labor organization, or would 1370  
be denied the right to retain membership in and observe the 1371  
lawful rules of any such organization. 1372

(2) The position offered is vacant due directly to a 1373  
strike, lockout, or other labor dispute. 1374

(3) The work is at an unreasonable distance from the 1375  
individual's residence, having regard to the character of the 1376  
work the individual has been accustomed to do, and travel to the 1377  
place of work involves expenses substantially greater than that 1378  
required for the individual's former work, unless the expense is 1379  
provided for. 1380

(4) The remuneration, hours, or other conditions of the 1381  
work offered are substantially less favorable to the individual 1382  
than those prevailing for similar work in the locality. 1383

(F) Subject to the special exceptions contained in 1384  
division (A) (4) (f) of this section and section 4141.301 of the 1385  
Revised Code, in determining whether any work is suitable for a 1386  
claimant in the administration of this chapter, the director, in 1387  
addition to the determination required under division (E) of 1388  
this section, shall consider the degree of risk to the 1389  
claimant's health, safety, and morals, the individual's physical 1390  
fitness for the work, the individual's prior training and 1391  
experience, the length of the individual's unemployment, the 1392



distance of the available work from the individual's residence, 1393  
and the individual's prospects for obtaining local work. 1394

~~(G) The~~ (G) (1) Except as provided in division (G) (2) of 1395  
this section, "duration of unemployment" as used in this section 1396  
means the full period of unemployment next ensuing after a 1397  
separation from any base period or subsequent work and until an 1398  
individual has become reemployed in employment subject to this 1399  
chapter, or the unemployment compensation act of another state, 1400  
or of the United States, and until such individual has worked 1401  
six weeks and for those weeks has earned or been paid 1402  
remuneration ~~equal to~~ of at least either of the following 1403  
amounts, as applicable: 1404

(a) Before January 1, 2023, six times an average weekly 1405  
wage of ~~not less than: eighty five dollars and ten cents per~~ 1406  
~~week beginning on June 26, 1990; and beginning on and after~~ 1407  
~~January 1, 1992,~~ twenty-seven and one-half per cent of the 1408  
statewide average weekly wage as computed each first day of 1409  
January under division (B) (3) of section 4141.30 of the Revised 1410  
Code, rounded down to the nearest dollar, ~~except for;~~ 1411

(b) Beginning on January 1, 2023, five hundred dollars. 1412

(2) For purposes of division (D) (2) (c) of this section, 1413  
~~such term~~ "duration of unemployment" means the full period of 1414  
unemployment next ensuing after a separation from such work and 1415  
until such individual has become reemployed ~~subject to the terms~~ 1416  
~~set forth above~~ in employment subject to this chapter, or the 1417  
unemployment compensation act of another state, or of the United 1418  
States, and has earned wages equal to one-half of the 1419  
individual's average weekly wage or sixty dollars, whichever is 1420  
less. 1421

(H) If a claimant is disqualified under division (D) (2) 1422  
(a), (c), or (d) of this section or found to be qualified under 1423  
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), or 1424  
(v) of this section or division (A) (2) of section 4141.291 of 1425  
the Revised Code, then benefits that may become payable to such 1426  
claimant, which are chargeable to the account of the employer 1427  
from whom the individual was separated under such conditions, 1428  
shall be charged to the mutualized account provided in section 1429  
4141.25 of the Revised Code, provided that no charge shall be 1430  
made to the mutualized account for benefits chargeable to a 1431  
reimbursing employer, except as provided in division (D) (2) of 1432  
section 4141.24 of the Revised Code. In the case of a 1433  
reimbursing employer, the director shall refund or credit to the 1434  
account of the reimbursing employer any over-paid benefits that 1435  
are recovered under division (B) of section 4141.35 of the 1436  
Revised Code. Amounts chargeable to other states, the United 1437  
States, or Canada that are subject to agreements and 1438  
arrangements that are established pursuant to section 4141.43 of 1439  
the Revised Code shall be credited or reimbursed according to 1440  
the agreements and arrangements to which the chargeable amounts 1441  
are subject. 1442

(I) (1) Benefits based on service in employment as provided 1443  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 1444  
Code shall be payable in the same amount, on the same terms, and 1445  
subject to the same conditions as benefits payable on the basis 1446  
of other service subject to this chapter; except that after 1447  
December 31, 1977: 1448

(a) Benefits based on service in an instructional, 1449  
research, or principal administrative capacity in an institution 1450  
of higher education, as defined in division (Y) of section 1451  
4141.01 of the Revised Code; or for an educational institution 1452

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 the second of such academic years or terms.

If compensation is denied to any individual for any week under division (I) (1) (b) of this section and the individual was not offered an opportunity to perform those services for an institution of higher education or for an educational institution for the second of such academic years or terms, the individual is entitled to a retroactive payment of compensation for each week for which the individual timely filed a claim for

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

(c) With respect to weeks of unemployment beginning after 1499  
December 31, 1977, benefits shall be denied to any individual 1500  
for any week which commences during an established and customary 1501  
vacation period or holiday recess, if the individual performs 1502  
any services described in divisions (I) (1) (a) and (b) of this 1503  
section in the period immediately before the vacation period or 1504  
holiday recess, and there is a reasonable assurance that the 1505  
individual will perform any such services in the period 1506  
immediately following the vacation period or holiday recess. 1507

(d) With respect to any services described in division (I) 1508  
(1) (a), (b), or (c) of this section, benefits payable on the 1509  
basis of services in any such capacity shall be denied as 1510  
specified in division (I) (1) (a), (b), or (c) of this section to 1511  
any individual who performs such services in an educational 1512  
institution or institution of higher education while in the 1513  
employ of an educational service agency. For this purpose, the 1514

term "educational service agency" means a governmental agency or 1515  
governmental entity that is established and operated exclusively 1516  
for the purpose of providing services to one or more educational 1517  
institutions or one or more institutions of higher education. 1518

(e) Any individual employed by a county board of 1519  
developmental disabilities shall be notified by the thirtieth 1520  
day of April each year if the individual is not to be reemployed 1521  
the following academic year. 1522

(f) Any individual employed by a school district, other 1523  
than a municipal school district as defined in section 3311.71 1524  
of the Revised Code, shall be notified by the first day of June 1525  
each year if the individual is not to be reemployed the 1526  
following academic year. 1527

(2) No disqualification will be imposed, between academic 1528  
years or terms or during a vacation period or holiday recess 1529  
under this division, unless the director or the director's 1530  
deputy has received a statement in writing from the educational 1531  
institution or institution of higher education that the claimant 1532  
has a contract for, or a reasonable assurance of, reemployment 1533  
for the ensuing academic year or term. 1534

(3) If an individual has employment with an educational 1535  
institution or an institution of higher education and employment 1536  
with a noneducational employer, during the base period of the 1537  
individual's benefit year, then the individual may become 1538  
eligible for benefits during the between-term, or vacation or 1539  
holiday recess, disqualification period, based on employment 1540  
performed for the noneducational employer, provided that the 1541  
employment is sufficient to qualify the individual for benefit 1542  
rights separately from the benefit rights based on school 1543  
employment. The weekly benefit amount and maximum benefits 1544

payable during a disqualification period shall be computed based 1545  
solely on the nonschool employment. 1546

(J) Benefits shall not be paid on the basis of employment 1547  
performed by an alien, unless the alien had been lawfully 1548  
admitted to the United States for permanent residence at the 1549  
time the services were performed, was lawfully present for 1550  
purposes of performing the services, or was otherwise 1551  
permanently residing in the United States under color of law at 1552  
the time the services were performed, under section 212(d)(5) of 1553  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1554  
1101: 1555

(1) Any data or information required of individuals 1556  
applying for benefits to determine whether benefits are not 1557  
payable to them because of their alien status shall be uniformly 1558  
required from all applicants for benefits. 1559

(2) In the case of an individual whose application for 1560  
benefits would otherwise be approved, no determination that 1561  
benefits to the individual are not payable because of the 1562  
individual's alien status shall be made except upon a 1563  
preponderance of the evidence that the individual had not, in 1564  
fact, been lawfully admitted to the United States. 1565

(K) The director shall establish and utilize a system of 1566  
profiling all new claimants under this chapter that: 1567

(1) Identifies which claimants will be likely to exhaust 1568  
regular compensation and will need job search assistance 1569  
services to make a successful transition to new employment; 1570

(2) Refers claimants identified pursuant to division (K) 1571  
(1) of this section to reemployment services, such as job search 1572  
assistance services, available under any state or federal law; 1573

(3) Collects follow-up information relating to the 1574  
services received by such claimants and the employment outcomes 1575  
for such claimant's subsequent to receiving such services and 1576  
utilizes such information in making identifications pursuant to 1577  
division (K) (1) of this section; and 1578

(4) Meets such other requirements as the United States 1579  
secretary of labor determines are appropriate. 1580

(L) Except as otherwise provided in division (A) (6) of 1581  
this section, ineligibility pursuant to division (A) of this 1582  
section shall begin on the first day of the week in which the 1583  
claimant becomes ineligible for benefits and shall end on the 1584  
last day of the week preceding the week in which the claimant 1585  
satisfies the eligibility requirements. 1586

(M) The director may adopt rules that the director 1587  
considers necessary for the administration of division (A) of 1588  
this section. 1589

**Sec. 4141.53.** (A) An individual is eligible to receive 1590  
shared work compensation for a week in which the individual 1591  
satisfies all of the following: 1592

(1) The individual is employed by a participating employer 1593  
and is subject to a shared work plan that was approved before 1594  
that week and is in effect for that week. 1595

(2) The individual is available for work and is actively 1596  
seeking work by being available for the individual's normal 1597  
weekly hours of work. 1598

(3) The individual's normal weekly hours of work with the 1599  
participating employer have been reduced by at least ten per 1600  
cent but not more than sixty per cent. 1601

(4) The individual has been employed by an employer or 1602  
employers subject to this chapter in at least twenty qualifying 1603  
weeks within the individual's base period and, for benefit years 1604  
that begin before January 1, 2023, has earned or been paid 1605  
remuneration at an average weekly wage of not less than twenty- 1606  
seven and one-half per cent of the statewide average weekly wage 1607  
for those weeks, and, for benefit years beginning on and after 1608  
January 1, 2023, has earned or been paid remuneration of at 1609  
least one thousand five hundred dollars during the individual's 1610  
base period and one thousand dollars of the remuneration was 1611  
earned or paid during the individual's highest earning calendar 1612  
quarter of the base period. 1613

(5) The individual has been subject to a shared work plan 1614  
for at least one week prior to the week for which the 1615  
compensation is to be paid, or otherwise satisfies the waiting 1616  
period requirement of division (B) of section 4141.29 of the 1617  
Revised Code for the individual's benefit year. 1618

(6) The individual otherwise satisfies the requirements of 1619  
this chapter and is not otherwise disqualified from receiving 1620  
unemployment compensation benefits. 1621

(B) For purposes of division (A) (2) of this section, an 1622  
individual is available for the individual's normal weekly hours 1623  
of work with the participating employer if the individual does 1624  
any of the following: 1625

(1) Works the number of weekly hours assigned to the 1626  
individual under an approved shared work plan; 1627

(2) Works fewer hours than the number of weekly hours 1628  
assigned to the individual under an approved shared work plan 1629  
and either of the following apply: 1630



(a) The individual takes approved time off during the week 1631  
with pay, and the combined work hours and paid leave hours equal 1632  
the number of hours the employee would have worked under the 1633  
plan; 1634

(b) The individual does not take approved time off with 1635  
pay during that week and the reduction in hours was not the 1636  
fault of the individual and was not more than sixty per cent of 1637  
the individual's normal weekly hours of work. 1638

(C) (1) Except as provided in division (C) (2) or (D) of 1639  
this section, the director of job and family services shall pay 1640  
a participating employee who is eligible for weekly shared work 1641  
compensation in an amount equal to the participating employee's 1642  
weekly benefit amount as described in division (B) of section 1643  
4141.30 of the Revised Code for a period of total unemployment, 1644  
multiplied by the reduction percentage specified in the approved 1645  
shared work plan applicable to the participating employee. 1646

(2) The director shall pay a participating employee who is 1647  
eligible for weekly shared work compensation in an amount equal 1648  
to the participating employee's weekly benefit amount as 1649  
described in division (B) of section 4141.30 of the Revised Code 1650  
for a period of total unemployment, multiplied by the percentage 1651  
by which the participating employee's normal weekly hours of 1652  
work were actually reduced during the workweek, if all of the 1653  
following apply: 1654

(a) The participating employee did not take approved paid 1655  
leave during the week. 1656

(b) The participating employee's normal weekly hours of 1657  
work were actually reduced by not less than ten per cent and not 1658  
greater than sixty per cent. 1659

(c) The increase or decrease in the participating 1660  
employee's hours above or below the number of hours assigned to 1661  
the employee in the approved shared work plan was not the fault 1662  
of the employee. 1663

(3) The director shall determine fault for purposes of 1664  
divisions (B) (2) (b) and (C) (2) (c) of this section in the same 1665  
manner that the director makes determinations for benefit rights 1666  
and determines claims for unemployment compensation benefits 1667  
under sections 4141.28 and 4141.281 of the Revised Code. 1668

(4) The director shall round the amount of a shared work 1669  
compensation payment that is not a multiple of one dollar to the 1670  
next lower multiple of one dollar. 1671

(5) No shared work compensation shall be payable during 1672  
the one-week period described in division (A) (5) of this 1673  
section. 1674

(D) If an individual works for a participating employer 1675  
and another employer during the weeks the individual is covered 1676  
by an approved shared work plan, eligibility for shared work 1677  
compensation is determined as follows: 1678

(1) If the combined number of hours the individual works 1679  
for both the participating employer and the other employer in a 1680  
week exceeds the amount of the individual's normal weekly hours 1681  
of work reduced by ten per cent, the individual is not eligible 1682  
for shared work compensation. 1683

(2) If the combined number of hours the individual works 1684  
in a week for both employers equals the amount of the 1685  
individual's normal weekly hours of work reduced between ten and 1686  
sixty per cent, the director shall pay the individual, if the 1687  
individual is otherwise eligible, shared work compensation in an 1688

amount equal to the individual's weekly benefit amount as 1689  
described in division (B) of section 4141.30 of the Revised Code 1690  
for a period of total unemployment, multiplied by the percentage 1691  
by which the individual's normal weekly hours of work were 1692  
reduced during the week when factoring in both the amount of 1693  
hours worked for the other employer and the amount of hours 1694  
worked for the participating employer. 1695

(E) A participating employee is not entitled to receive 1696  
shared work compensation and unemployment compensation benefits 1697  
that, when combined, exceed the maximum total benefits payable 1698  
to the participating employee in a benefit year under section 1699  
4141.30 of the Revised Code. No participating employee shall be 1700  
paid shared work compensation during the employee's benefit year 1701  
in an amount that exceeds twenty-six times the amount of the 1702  
employee's weekly benefit amount for a period of total 1703  
unemployment under section 4141.30 of the Revised Code. 1704

(F) An individual who has received all of the shared work 1705  
compensation and unemployment compensation benefits available in 1706  
a benefit year is an individual who has exhausted regular 1707  
benefits under section 4141.30 of the Revised Code and is 1708  
entitled to receive extended benefits under section 4141.301 of 1709  
the Revised Code if the individual is otherwise eligible to 1710  
receive benefits under that section. 1711

(G) Except as provided in division (C) (2) of this section, 1712  
the director shall not pay shared work compensation to an 1713  
individual for a week during which the individual performs paid 1714  
work for the individual's participating employer that exceeds or 1715  
falls below the reduced hours established under an approved 1716  
shared work plan that covers the individual. 1717

(H) (1) Except as provided in divisions (H) (2) and (3) of 1718

this section, a participating employee is not eligible to 1719  
receive benefits for being partially unemployed for any week 1720  
during which the individual works as a participating employee. 1721

(2) A participating employee who performs no services 1722  
during a week for the participating employer and who is 1723  
otherwise eligible may be paid benefits for being totally or 1724  
partially unemployed for that week. 1725

(3) A participating employee whose normal weekly hours of 1726  
work are reduced by more than sixty per cent and who is 1727  
otherwise eligible may be paid benefits for partial unemployment 1728  
for that week. 1729

(I) Any payment of total or partial unemployment 1730  
compensation benefits under this section is not a payment of 1731  
shared work compensation under an approved plan but shall be 1732  
calculated against the maximum total benefits payable to the 1733  
participating employee in a benefit year under section 4141.30 1734  
of the Revised Code. 1735

(J) For purposes of this section and unless another 1736  
benefit year applies to the individual, notwithstanding division 1737  
(R) (1) of section 4141.01 of the Revised Code, a participating 1738  
employee's "benefit year" is the fifty-two week period beginning 1739  
with the first day of that week with respect to which the 1740  
employee's participating employer first files a claim on behalf 1741  
of the participating employee pursuant to division (B) of 1742  
section 4141.54 of the Revised Code. 1743

**Section 2.** That existing sections 4141.01, 4141.29, and 1744  
4141.53 of the Revised Code are hereby repealed. 1745

**Section 3.** Section 4141.29 of the Revised Code is 1746  
presented in this act as a composite of the section as amended 1747

by both H.B. 49 and H.B. 158 of the 132nd General Assembly. The 1748  
General Assembly, applying the principle stated in division (B) 1749  
of section 1.52 of the Revised Code that amendments are to be 1750  
harmonized if reasonably capable of simultaneous operation, 1751  
finds that the composite is the resulting version of the section 1752  
in effect prior to the effective date of the section as 1753  
presented in this act. 1754