

As Introduced

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Representatives Grim, Miranda

Cosponsors: Representatives Forhan, Pizzulli, Galonski, Upchurch, Weinstein, Skindell, Miller, A., Isaacsohn, Abdullahi, Jarrells, Miller, J., Liston, Lightbody, Thomas, C., Brown, Somani, Baker, McNally, Brennan, Mohamed, Blackshear, Russo, Robinson, Brent, Denson

A BILL

To amend section 4141.29 and to enact sections 1
4141.294 and 4141.295 of the Revised Code to 2
enact the Strike Term Access to Negotiation 3
Duration Unemployment Protection Act (STAND UP 4
Act) regarding unemployment benefits during 5
labor disputes. 6

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

Section 1. That section 4141.29 be amended and sections 7
4141.294 and 4141.295 of the Revised Code be enacted to read as 8
follows: 9

Sec. 4141.29. Each eligible individual shall receive 10
benefits as compensation for loss of remuneration due to 11
involuntary total or partial unemployment in the amounts and 12
subject to the conditions stipulated in this chapter. 13

(A) No individual is entitled to a waiting period or 14
benefits for any week unless the individual: 15

(1) Has filed a valid application for determination of 16
benefit rights in accordance with section 4141.28 of the Revised 17
Code; 18

(2) Has made a claim for benefits in accordance with 19
section 4141.28 of the Revised Code; 20

(3) (a) Has registered for work and thereafter continues to 21
report to an employment office or other registration place 22
maintained or designated by the director of job and family 23
services. Registration shall be made in accordance with the time 24
limits, frequency, and manner prescribed by the director. 25

(b) For purposes of division (A) (3) of this section, an 26
individual has "registered" upon doing any of the following: 27

(i) Filing an application for benefit rights; 28

(ii) Making a weekly claim for benefits; 29

(iii) Reopening an existing claim following a period of 30
employment or nonreporting. 31

(c) After an applicant is registered, that registration 32
continues for a period of three calendar weeks, including the 33
week during which the applicant registered. However, an 34
individual is not registered for purposes of division (A) (3) of 35
this section during any period in which the individual fails to 36
report, as instructed by the director, or fails to reopen an 37
existing claim following a period of employment. 38

(d) The director may, for good cause, extend the period of 39
registration. 40

(e) For purposes of this section, "report" means contact 41
by phone, access electronically, or be present for an in-person 42
appointment, as designated by the director. 43

(4) (a) (i) Is able to work and available for suitable work 44
and, except as provided in division (A) (4) (a) (ii) or (iii) of 45
this section or section 4141.294 of the Revised Code, is 46
actively seeking suitable work either in a locality in which the 47
individual has earned wages subject to this chapter during the 48
individual's base period, or if the individual leaves that 49
locality, then in a locality where suitable work normally is 50
performed. 51

(ii) The director may waive the requirement that a 52
claimant be actively seeking work when the director finds that 53
the individual has been laid off and the employer who laid the 54
individual off has notified the director within ten days after 55
the layoff, that work is expected to be available for the 56
individual within a specified number of days not to exceed 57
forty-five calendar days following the last day the individual 58
worked. In the event the individual is not recalled within the 59
specified period, this waiver shall cease to be operative with 60
respect to that layoff. 61

(iii) The director may waive the requirement that a 62
claimant be actively seeking work if the director determines 63
that the individual has been laid off and the employer who laid 64
the individual off has notified the director in accordance with 65
division (C) of section 4141.28 of the Revised Code that the 66
employer has closed the employer's entire plant or part of the 67
employer's plant for a purpose other than inventory or vacation 68
that will cause unemployment for a definite period not exceeding 69
twenty-six weeks beginning on the date the employer notifies the 70
director, for the period of the specific shutdown, if all of the 71
following apply: 72

(I) The employer and the individuals affected by the 73

layoff who are claiming benefits under this chapter jointly 74
request the exemption. 75

(II) The employer provides that the affected individuals 76
shall return to work for the employer within twenty-six weeks 77
after the date the employer notifies the director. 78

(III) The director determines that the waiver of the 79
active search for work requirement will promote productivity and 80
economic stability within the state. 81

(iv) Division (A) (4) (a) (iii) of this section does not 82
exempt an individual from meeting the other requirements 83
specified in division (A) (4) (a) (i) of this section to be able to 84
work and otherwise fully be available for work. An exemption 85
granted under division (A) (4) (a) (iii) of this section may be 86
granted only with respect to a specific plant closing. 87

(b) (i) The individual shall be instructed as to the 88
efforts that the individual must make in the search for suitable 89
work, including that, within six months after October 11, 2013, 90
the individual shall register with the OhioMeansJobs web site, 91
except in any of the following circumstances: 92

(I) The individual is an individual described in division 93
(A) (4) (b) (iii) of this section; 94

(II) Where the active search for work requirement has been 95
waived under division (A) (4) (a) of this section; 96

(III) Where the active search for work requirement is 97
considered to be met under division (A) (4) (c), (d), or (e) of 98
this section. 99

(ii) An individual who is registered with the 100
OhioMeansJobs web site shall receive a weekly listing of 101

available jobs based on information provided by the individual 102
at the time of registration. For each week that the individual 103
claims benefits, the individual shall keep a record of the 104
individual's work search efforts and shall produce that record 105
in the manner and means prescribed by the director. 106

(iii) No individual shall be required to register with the 107
OhioMeansJobs web site if the individual is legally prohibited 108
from using a computer, has a physical or visual impairment that 109
makes the individual unable to use a computer, or has a limited 110
ability to read, write, speak, or understand a language in which 111
the OhioMeansJobs web site is available. 112

(iv) As used in division (A) (4) (b) of this section: 113

(I) "OhioMeansJobs web site" has the same meaning as in 114
section 6301.01 of the Revised Code. 115

(II) "Registration" includes the creation, electronic 116
posting, and maintenance of an active, searchable resume. 117

(c) An individual who is attending a training course 118
approved by the director meets the requirement of this division, 119
if attendance was recommended by the director and the individual 120
is regularly attending the course and is making satisfactory 121
progress. An individual also meets the requirements of this 122
division if the individual is participating and advancing in a 123
training program, as defined in division (P) of section 5709.61 124
of the Revised Code, and if an enterprise, defined in division 125
(B) of section 5709.61 of the Revised Code, is paying all or 126
part of the cost of the individual's participation in the 127
training program with the intention of hiring the individual for 128
employment as a new employee, as defined in division (L) of 129
section 5709.61 of the Revised Code, for at least ninety days 130

after the individual's completion of the training program. 131

(d) An individual who becomes unemployed while attending a 132
regularly established school and whose base period qualifying 133
weeks were earned in whole or in part while attending that 134
school, meets the availability and active search for work 135
requirements of division (A) (4) (a) of this section if the 136
individual regularly attends the school during weeks with 137
respect to which the individual claims unemployment benefits and 138
makes self available on any shift of hours for suitable 139
employment with the individual's most recent employer or any 140
other employer in the individual's base period, or for any other 141
suitable employment to which the individual is directed, under 142
this chapter. 143

(e) An individual who is a member in good standing with a 144
labor organization that refers individuals to jobs meets the 145
active search for work requirement specified in division (A) (4) 146
(a) of this section if the individual provides documentation 147
that the individual is eligible for a referral or placement upon 148
request and in a manner prescribed by the director. 149

(f) Notwithstanding any other provisions of this section, 150
no otherwise eligible individual shall be denied benefits for 151
any week because the individual is in training approved under 152
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 153
U.S.C.A. 2296, nor shall that individual be denied benefits by 154
reason of leaving work to enter such training, provided the work 155
left is not suitable employment, or because of the application 156
to any week in training of provisions in this chapter, or any 157
applicable federal unemployment compensation law, relating to 158
availability for work, active search for work, or refusal to 159
accept work. 160

For the purposes of division (A) (4) (f) of this section, 161
"suitable employment" means with respect to an individual, work 162
of a substantially equal or higher skill level than the 163
individual's past adversely affected employment, as defined for 164
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 165
U.S.C.A. 2101, and wages for such work at not less than eighty 166
per cent of the individual's average weekly wage as determined 167
for the purposes of that federal act. 168

(5) Is unable to obtain suitable work. An individual who 169
is provided temporary work assignments by the individual's 170
employer under agreed terms and conditions of employment, and 171
who is required pursuant to those terms and conditions to 172
inquire with the individual's employer for available work 173
assignments upon the conclusion of each work assignment, is not 174
considered unable to obtain suitable employment if suitable work 175
assignments are available with the employer but the individual 176
fails to contact the employer to inquire about work assignments. 177

(6) Participates in reemployment services, such as job 178
search assistance services, if the individual has been 179
determined to be likely to exhaust benefits under this chapter, 180
including compensation payable pursuant to 5 U.S.C.A. Chapter 181
85, other than extended compensation, and needs reemployment 182
services pursuant to the profiling system established by the 183
director under division (K) of this section, unless the director 184
determines that: 185

(a) The individual has completed such services; or 186

(b) There is justifiable cause for the claimant's failure 187
to participate in such services. 188

Ineligibility for failure to participate in reemployment 189

services as described in division (A)(6) of this section shall 190
be for the week or weeks in which the claimant was scheduled and 191
failed to participate without justifiable cause. 192

(7) Participates in the reemployment and eligibility 193
assessment program, or other reemployment services, as required 194
by the director. As used in division (A)(7) of this section, 195
"reemployment services" includes job search assistance 196
activities, skills assessments, and the provision of labor 197
market statistics or analysis. 198

(a) For purposes of division (A)(7) of this section, 199
participation is required unless the director determines that 200
either of the following circumstances applies to the individual: 201

(i) The individual has completed similar services. 202

(ii) Justifiable cause exists for the failure of the 203
individual to participate in those services. 204

(b) Within six months after October 11, 2013, 205
notwithstanding any earlier contact an individual may have had 206
with a local OhioMeansJobs center, as defined in section 6301.01 207
of the Revised Code, beginning with the eighth week after the 208
week during which an individual first files a valid application 209
for determination of benefit rights in the individual's benefit 210
year, the individual shall report to a local OhioMeansJobs 211
center for reemployment services in the manner prescribed by the 212
director. 213

(c) An individual ~~whose active search for work requirement~~ 214
~~has been waived under division (A)(4)(a) of this section or is~~ 215
~~considered to be satisfied under division (A)(4)(c), (d), or (e)~~ 216
~~of this section~~ is exempt from the requirements of division (A) 217
(7) of this section if either of the following apply: 218

(i) The individual's active search for work requirement 219
has been waived under division (A) (4) (a) of this section or 220
section 4141.294 of the Revised Code. 221

(ii) The individual's active search for work requirement 222
is considered to be satisfied under division (A) (4) (c), (d), or 223
(e) of this section. 224

(B) An individual suffering total or partial unemployment 225
is eligible for benefits for unemployment occurring subsequent 226
to a waiting period of one week and no benefits shall be payable 227
during this required waiting period. Not more than one week of 228
waiting period shall be required of any individual in any 229
benefit year in order to establish the individual's eligibility 230
for total or partial unemployment benefits. 231

(C) The waiting period for total or partial unemployment 232
shall commence on the first day of the first week with respect 233
to which the individual first files a claim for benefits at an 234
employment office or other place of registration maintained or 235
designated by the director or on the first day of the first week 236
with respect to which the individual has otherwise filed a claim 237
for benefits in accordance with the rules of the department of 238
job and family services, provided such claim is allowed by the 239
director. 240

(D) Notwithstanding division (A) of this section, no 241
individual may serve a waiting period or be paid benefits under 242
the following conditions: 243

(1) For any week with respect to which the director finds 244
that: 245

(a) The Except as provided in section 4141.294 of the 246
Revised Code, the individual's unemployment was due to a labor 247

dispute other than a lockout at any factory, establishment, or 248
other premises located in this or any other state and owned or 249
operated by the employer by which the individual is or was last 250
employed; and for so long as the individual's unemployment is 251
due to such labor dispute. No individual shall be disqualified 252
under this provision if either of the following applies: 253

(i) The individual's employment was with such employer at 254
any factory, establishment, or premises located in this state, 255
owned or operated by such employer, other than the factory, 256
establishment, or premises at which the labor dispute exists, if 257
it is shown that the individual is not financing, participating 258
in, or directly interested in such labor dispute; 259

(ii) The individual's employment was with an employer not 260
involved in the labor dispute but whose place of business was 261
located within the same premises as the employer engaged in the 262
dispute, unless the individual's employer is a wholly owned 263
subsidiary of the employer engaged in the dispute, or unless the 264
individual actively participates in or voluntarily stops work 265
because of such dispute. If it is established that the claimant 266
was laid off for an indefinite period and not recalled to work 267
prior to the dispute, or was separated by the employer prior to 268
the dispute for reasons other than the labor dispute, or that 269
the individual obtained a bona fide job with another employer 270
while the dispute was still in progress, such labor dispute 271
shall not render the employee ineligible for benefits. 272

(b) The individual has been given a disciplinary layoff 273
for misconduct in connection with the individual's work. 274

(2) For the duration of the individual's unemployment if 275
the director finds that: 276

(a) The individual quit work without just cause or has 277
been discharged for just cause in connection with the 278
individual's work, provided division (D) (2) of this section does 279
not apply to the separation of a person under any of the 280
following circumstances: 281

(i) Separation from employment for the purpose of entering 282
the armed forces of the United States if the individual is 283
inducted into the armed forces within one of the following 284
periods: 285

(I) Thirty days after separation; 286

(II) One hundred eighty days after separation if the 287
individual's date of induction is delayed solely at the 288
discretion of the armed forces. 289

(ii) Separation from employment pursuant to a labor- 290
management contract or agreement, or pursuant to an established 291
employer plan, program, or policy, which permits the employee, 292
because of lack of work, to accept a separation from employment; 293

(iii) The individual has left employment to accept a 294
recall from a prior employer or, except as provided in division 295
(D) (2) (a) (iv) of this section, to accept other employment as 296
provided under section 4141.291 of the Revised Code, or left or 297
was separated from employment that was concurrent employment at 298
the time of the most recent separation or within six weeks prior 299
to the most recent separation where the remuneration, hours, or 300
other conditions of such concurrent employment were 301
substantially less favorable than the individual's most recent 302
employment and where such employment, if offered as new work, 303
would be considered not suitable under the provisions of 304
divisions (E) and (F) of this section. Any benefits that would 305

otherwise be chargeable to the account of the employer from whom 306
an individual has left employment or was separated from 307
employment that was concurrent employment under conditions 308
described in division (D) (2) (a) (iii) of this section, shall 309
instead be charged to the mutualized account created by division 310
(B) of section 4141.25 of the Revised Code, except that any 311
benefits chargeable to the account of a reimbursing employer 312
under division (D) (2) (a) (iii) of this section shall be charged 313
to the account of the reimbursing employer and not to the 314
mutualized account, except as provided in division (D) (2) of 315
section 4141.24 of the Revised Code. 316

(iv) When an individual has been issued a definite layoff 317
date by the individual's employer and before the layoff date, 318
the individual quits to accept other employment, the provisions 319
of division (D) (2) (a) (iii) of this section apply and no 320
disqualification shall be imposed under division (D) of this 321
section. However, if the individual fails to meet the employment 322
and earnings requirements of division (A) (2) of section 4141.291 323
of the Revised Code, then the individual, pursuant to division 324
(A) (5) of this section, shall be ineligible for benefits for any 325
week of unemployment that occurs prior to the layoff date. 326

(v) The individual's spouse is a member of the armed 327
forces of the United States who is on active duty or a member of 328
the commissioned corps of the national oceanic and atmospheric 329
administration or public health service, the spouse is the 330
subject of a transfer, the individual left employment to 331
accompany the individual's spouse to a location from which it is 332
impractical to commute to the individual's place of employment, 333
and upon arrival at the new place of residence, the individual 334
is in all respects able and available for suitable work. For 335
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 336

"active duty" and "armed forces" have the same meanings as in 10 337
U.S.C. 101. 338

(b) The individual has refused without good cause to 339
accept an offer of suitable work when made by an employer either 340
in person or to the individual's last known address, or has 341
refused or failed to investigate a referral to suitable work 342
when directed to do so by a local employment office of this 343
state or another state, provided that this division shall not 344
cause a disqualification for a waiting week or benefits under 345
the following circumstances: 346

(i) When work is offered by the individual's employer and 347
the individual is not required to accept the offer pursuant to 348
the terms of the labor-management contract or agreement; or 349

(ii) When the individual is attending a training course 350
pursuant to division (A) (4) of this section except, in the event 351
of a refusal to accept an offer of suitable work or a refusal or 352
failure to investigate a referral, benefits thereafter paid to 353
such individual shall not be charged to the account of any 354
employer and, except as provided in division (B) (1) (b) of 355
section 4141.241 of the Revised Code, shall be charged to the 356
mutualized account as provided in division (B) of section 357
4141.25 of the Revised Code. 358

(c) Such individual quit work to marry or because of 359
marital, parental, filial, or other domestic obligations. 360

(d) The individual became unemployed by reason of 361
commitment to any correctional institution. 362

(e) The individual became unemployed because of dishonesty 363
in connection with the individual's most recent or any base 364
period work. Remuneration earned in such work shall be excluded 365

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

For purposes of division (D) (2) (e) of this section, 379
"dishonesty" means the commission of substantive theft, fraud, 380
or deceitful acts. 381

(E) No individual otherwise qualified to receive benefits 382
shall lose the right to benefits by reason of a refusal to 383
accept new work if: 384

(1) As a condition of being so employed the individual 385
would be required to join a company union, or to resign from or 386
refrain from joining any bona fide labor organization, or would 387
be denied the right to retain membership in and observe the 388
lawful rules of any such organization. 389

(2) The position offered is vacant due directly to a 390
strike, lockout, or other labor dispute. 391

(3) The work is at an unreasonable distance from the 392
individual's residence, having regard to the character of the 393
work the individual has been accustomed to do, and travel to the 394

place of work involves expenses substantially greater than that 395
required for the individual's former work, unless the expense is 396
provided for. 397

(4) The remuneration, hours, or other conditions of the 398
work offered are substantially less favorable to the individual 399
than those prevailing for similar work in the locality. 400

(F) Subject to the special exceptions contained in 401
division (A) (4) (f) of this section and section 4141.301 of the 402
Revised Code, in determining whether any work is suitable for a 403
claimant in the administration of this chapter, the director, in 404
addition to the determination required under division (E) of 405
this section, shall consider the degree of risk to the 406
claimant's health, safety, and morals, the individual's physical 407
fitness for the work, the individual's prior training and 408
experience, the length of the individual's unemployment, the 409
distance of the available work from the individual's residence, 410
and the individual's prospects for obtaining local work. 411

(G) The "duration of unemployment" as used in this section 412
means the full period of unemployment next ensuing after a 413
separation from any base period or subsequent work and until an 414
individual has become reemployed in employment subject to this 415
chapter, or the unemployment compensation act of another state, 416
or of the United States, and until such individual has worked 417
six weeks and for those weeks has earned or been paid 418
remuneration equal to six times an average weekly wage of not 419
less than: eighty-five dollars and ten cents per week beginning 420
on June 26, 1990; and beginning on and after January 1, 1992, 421
twenty-seven and one-half per cent of the statewide average 422
weekly wage as computed each first day of January under division 423
(B) (3) of section 4141.30 of the Revised Code, rounded down to 424

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

(H) If a claimant is disqualified under division (D)(2) 432
(a), (c), or (d) of this section or found to be qualified under 433
the exceptions provided in division (D)(2)(a)(i), (iii), (iv), or 434
(v) of this section or division (A)(2) of section 4141.291 of 435
the Revised Code, then benefits that may become payable to such 436
claimant, which are chargeable to the account of the employer 437
from whom the individual was separated under such conditions, 438
shall be charged to the mutualized account provided in section 439
4141.25 of the Revised Code, provided that no charge shall be 440
made to the mutualized account for benefits chargeable to a 441
reimbursing employer, except as provided in division (D)(2) of 442
section 4141.24 of the Revised Code. In the case of a 443
reimbursing employer, the director shall refund or credit to the 444
account of the reimbursing employer any over-paid benefits that 445
are recovered under division (B) of section 4141.35 of the 446
Revised Code. Amounts chargeable to other states, the United 447
States, or Canada that are subject to agreements and 448
arrangements that are established pursuant to section 4141.43 of 449
the Revised Code shall be credited or reimbursed according to 450
the agreements and arrangements to which the chargeable amounts 451
are subject. 452

(I)(1) Benefits based on service in employment as provided 453
in divisions (B)(2)(a) and (b) of section 4141.01 of the Revised 454
Code shall be payable in the same amount, on the same terms, and 455

subject to the same conditions as benefits payable on the basis 456
of other service subject to this chapter; except that after 457
December 31, 1977: 458

(a) Benefits based on service in an instructional, 459
research, or principal administrative capacity in an institution 460
of higher education, as defined in division (Y) of section 461
4141.01 of the Revised Code; or for an educational institution 462
as defined in division (CC) of section 4141.01 of the Revised 463
Code, shall not be paid to any individual for any week of 464
unemployment that begins during the period between two 465
successive academic years or terms, or during a similar period 466
between two regular but not successive terms or during a period 467
of paid sabbatical leave provided for in the individual's 468
contract, if the individual performs such services in the first 469
of those academic years or terms and has a contract or a 470
reasonable assurance that the individual will perform services 471
in any such capacity for any such institution in the second of 472
those academic years or terms. 473

(b) Benefits based on service for an educational 474
institution or an institution of higher education in other than 475
an instructional, research, or principal administrative 476
capacity, shall not be paid to any individual for any week of 477
unemployment which begins during the period between two 478
successive academic years or terms of the employing educational 479
institution or institution of higher education, provided the 480
individual performed those services for the educational 481
institution or institution of higher education during the first 482
such academic year or term and, there is a reasonable assurance 483
that such individual will perform those services for any 484
educational institution or institution of higher education in 485
the second of such academic years or terms. 486

If compensation is denied to any individual for any week 487
under division (I)(1)(b) of this section and the individual was 488
not offered an opportunity to perform those services for an 489
institution of higher education or for an educational 490
institution for the second of such academic years or terms, the 491
individual is entitled to a retroactive payment of compensation 492
for each week for which the individual timely filed a claim for 493
compensation and for which compensation was denied solely by 494
reason of division (I)(1)(b) of this section. An application for 495
retroactive benefits shall be timely filed if received by the 496
director or the director's deputy within or prior to the end of 497
the fourth full calendar week after the end of the period for 498
which benefits were denied because of reasonable assurance of 499
employment. The provision for the payment of retroactive 500
benefits under division (I)(1)(b) of this section is applicable 501
to weeks of unemployment beginning on and after November 18, 502
1983. The provisions under division (I)(1)(b) of this section 503
shall be retroactive to September 5, 1982, only if, as a 504
condition for full tax credit against the tax imposed by the 505
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 506
3301 to 3311, the United States secretary of labor determines 507
that retroactivity is required by federal law. 508

(c) With respect to weeks of unemployment beginning after 509
December 31, 1977, benefits shall be denied to any individual 510
for any week which commences during an established and customary 511
vacation period or holiday recess, if the individual performs 512
any services described in divisions (I)(1)(a) and (b) of this 513
section in the period immediately before the vacation period or 514
holiday recess, and there is a reasonable assurance that the 515
individual will perform any such services in the period 516
immediately following the vacation period or holiday recess. 517

(d) With respect to any services described in division (I) 518
(1) (a), (b), or (c) of this section, benefits payable on the 519
basis of services in any such capacity shall be denied as 520
specified in division (I) (1) (a), (b), or (c) of this section to 521
any individual who performs such services in an educational 522
institution or institution of higher education while in the 523
employ of an educational service agency. For this purpose, the 524
term "educational service agency" means a governmental agency or 525
governmental entity that is established and operated exclusively 526
for the purpose of providing services to one or more educational 527
institutions or one or more institutions of higher education. 528

(e) Any individual employed by a county board of 529
developmental disabilities shall be notified by the thirtieth 530
day of April each year if the individual is not to be reemployed 531
the following academic year. 532

(f) Any individual employed by a school district, other 533
than a municipal school district as defined in section 3311.71 534
of the Revised Code, shall be notified by the first day of June 535
each year if the individual is not to be reemployed the 536
following academic year. 537

(2) No disqualification will be imposed, between academic 538
years or terms or during a vacation period or holiday recess 539
under this division, unless the director or the director's 540
deputy has received a statement in writing from the educational 541
institution or institution of higher education that the claimant 542
has a contract for, or a reasonable assurance of, reemployment 543
for the ensuing academic year or term. 544

(3) If an individual has employment with an educational 545
institution or an institution of higher education and employment 546
with a noneducational employer, during the base period of the 547

individual's benefit year, then the individual may become 548
eligible for benefits during the between-term, or vacation or 549
holiday recess, disqualification period, based on employment 550
performed for the noneducational employer, provided that the 551
employment is sufficient to qualify the individual for benefit 552
rights separately from the benefit rights based on school 553
employment. The weekly benefit amount and maximum benefits 554
payable during a disqualification period shall be computed based 555
solely on the nonschool employment. 556

(J) Benefits shall not be paid on the basis of employment 557
performed by an alien, unless the alien had been lawfully 558
admitted to the United States for permanent residence at the 559
time the services were performed, was lawfully present for 560
purposes of performing the services, or was otherwise 561
permanently residing in the United States under color of law at 562
the time the services were performed, under section 212(d)(5) of 563
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 564
1101: 565

(1) Any data or information required of individuals 566
applying for benefits to determine whether benefits are not 567
payable to them because of their alien status shall be uniformly 568
required from all applicants for benefits. 569

(2) In the case of an individual whose application for 570
benefits would otherwise be approved, no determination that 571
benefits to the individual are not payable because of the 572
individual's alien status shall be made except upon a 573
preponderance of the evidence that the individual had not, in 574
fact, been lawfully admitted to the United States. 575

(K) The director shall establish and utilize a system of 576
profiling all new claimants under this chapter that: 577

(1) Identifies which claimants will be likely to exhaust 578
regular compensation and will need job search assistance 579
services to make a successful transition to new employment; 580

(2) Refers claimants identified pursuant to division (K) 581
(1) of this section to reemployment services, such as job search 582
assistance services, available under any state or federal law; 583

(3) Collects follow-up information relating to the 584
services received by such claimants and the employment outcomes 585
for such claimant's subsequent to receiving such services and 586
utilizes such information in making identifications pursuant to 587
division (K) (1) of this section; and 588

(4) Meets such other requirements as the United States 589
secretary of labor determines are appropriate. 590

(L) Except as otherwise provided in division (A) (6) of 591
this section, ineligibility pursuant to division (A) of this 592
section shall begin on the first day of the week in which the 593
claimant becomes ineligible for benefits and shall end on the 594
last day of the week preceding the week in which the claimant 595
satisfies the eligibility requirements. 596

(M) The director may adopt rules that the director 597
considers necessary for the administration of division (A) of 598
this section. 599

Sec. 4141.294. (A) No individual shall be disqualified 600
from serving a waiting period or being paid benefits under 601
division (D) (1) (a) of section 4141.29 of the Revised Code if 602
both of the following apply: 603

(1) The individual's unemployment was caused by a strike 604
at the factory, establishment, or other premises, owned or 605
operated by the individual's employer, at which the individual 606

is or was last employed.

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(2) One week has elapsed since the beginning of the
unemployment caused by the strike.

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(B) If an individual is eligible to serve a waiting period
or be paid benefits under this section or division (D) (1) (a) of
section 4141.29 of the Revised Code, the director of job and
family services shall waive the active search for work
requirement specified in division (A) (4) (a) of section 4141.29
of the Revised Code for the duration of the labor dispute that
caused the individual's unemployment.

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Sec. 4141.295. (A) Notwithstanding any section of this
chapter to the contrary, and except as otherwise provided in
this section, an individual who was unemployed because of a
strike at the factory, establishment, or other premises owned or
operated by the individual's employer during any week occurring
between January 1, 2023, and the effective date of this section
may receive benefits retroactively for the weeks of unemployment
caused by the strike during that period.

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(B) (1) An individual described in division (A) of this
section shall apply for retroactive benefits in one of the
following ways:

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(a) If the individual was in an unexpired benefit year at
the time the unemployment caused by the strike began, the
individual shall file a claim for benefits in accordance with
section 4141.28 of the Revised Code for each week of
unemployment caused by the strike.

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(b) If the individual was not in an unexpired benefit year
at the time the unemployment caused by the strike began, the
individual shall file an initial application for a determination

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of benefit rights and a claim for benefits for each week of 636
unemployment caused by the strike in accordance with section 637
4141.28 of the Revised Code. 638

(2) Notwithstanding the definition of "base period" 639
specified in division (Q) of section 4141.01 of the Revised 640
Code, the base period of an individual described in division (B) 641
(1) (b) of this section is one of the following, as applicable: 642

(a) The first four of the last five completed calendar 643
quarters immediately preceding the day the individual's 644
unemployment due to the strike began; 645

(b) If an individual does not have sufficient qualifying 646
weeks and wages in the base period described in division (B) (2) 647
(a) of this section to qualify for benefit rights, the 648
individual's base period is the four most recently completed 649
calendar quarters preceding the day the individual's 650
unemployment due to the strike began. 651

(C) Subject to division (D) of this section, an individual 652
who applies in accordance with division (B) of this section 653
shall receive retroactive benefits for any week of unemployment 654
caused by the strike if the director of job and family services 655
determines either of the following, as applicable: 656

(1) The individual applied in accordance with division (B) 657
(1) (a) of this section and both of the following apply: 658

(a) The individual was able to work and was available for 659
suitable work during that week. 660

(b) The individual was eligible for benefits under section 661
4141.294 of the Revised Code during that week. 662

(2) The individual applied in accordance with division (B) 663

(1) (b) of this section and both of the following apply: 664

(a) The individual satisfied the criteria described in 665
division (R) (2) of section 4141.01 of the Revised Code during 666
the base period described in division (B) (2) of this section. 667

(b) The individual satisfied the requirements in divisions 668
(C) (1) (a) and (b) of this section during each week for which the 669
individual files a claim for retroactive benefits. 670

(D) The director shall do both of the following with 671
respect to an individual who applies for retroactive benefits 672
under division (B) of this section: 673

(1) Waive the active search for work requirement specified 674
in division (A) (4) (a) of section 4141.29 of the Revised Code for 675
each week for which the individual files a claim for retroactive 676
benefits; 677

(2) Consider the individual to be registered for purposes 678
of division (A) (3) of section 4141.29 of the Revised Code for 679
each week for which the individual files a claim for retroactive 680
benefits. 681

(E) Notwithstanding the requirement specified in division 682
(R) of section 4141.01 of the Revised Code that an individual's 683
benefit year begins with the first day of a week during which 684
the individual files a valid application for determination of 685
benefit rights, the benefit year of an individual who applies 686
under division (B) (1) (b) of this section begins on the first day 687
of the first full week during which the individual was 688
unemployed due to the strike. 689

(F) Nothing in this section allows an individual to 690
receive a total benefit amount in a benefit year that exceeds 691
the amount described in division (D) of section 4141.30 of the 692

Revised Code. 693

(G) The appeal provisions of sections 4141.281 and 694
4141.282 of the Revised Code apply to all determinations issued 695
under this section. 696

Section 2. That existing section 4141.29 of the Revised 697
Code is hereby repealed. 698

Section 3. This act shall be known as the Strike Term 699
Access to Negotiation Duration Unemployment Protection Act 700
(STAND UP Act). 701

Section 4. Section 4141.29 of the Revised Code is 702
presented in this act as a composite of the section as amended 703
by both H.B. 49 and H.B. 158 of the 132nd General Assembly. The 704
General Assembly, applying the principle stated in division (B) 705
of section 1.52 of the Revised Code that amendments are to be 706
harmonized if reasonably capable of simultaneous operation, 707
finds that the composite is the resulting version of the section 708
in effect prior to the effective date of the section as 709
presented in this act. 710