

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 704**

**Representative Schaffer**

**Cosponsors: Representatives Koehler, Retherford, Becker, Hood, Antani,  
Blessing**

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**A BILL**

To amend sections 4141.28 and 4141.29 and to enact 1  
section 4141.294 of the Revised Code to require 2  
applicants for unemployment benefits to submit 3  
to a drug test under certain circumstances, to 4  
require the Director of Job and Family Services 5  
to operate an Ohio Works First drug testing 6  
pilot program, and to make an appropriation. 7

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

**Section 1.** That sections 4141.28 and 4141.29 be amended 8  
and section 4141.294 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 4141.28.** 11

BENEFITS 12

(A) FILINGS 13

Applications for determination of benefit rights and 14  
claims for benefits shall be filed with the director of job and 15  
family services. Such applications and claims also may be filed 16

with an employee of another state or federal agency charged with 17  
the duty of accepting applications and claims for unemployment 18  
benefits or with an employee of the unemployment insurance 19  
commission of Canada. 20

When an unemployed individual files an application for 21  
determination of benefit rights, the director shall furnish the 22  
individual with an explanation of the individual's appeal 23  
rights. The explanation shall describe clearly the different 24  
levels of appeal and explain where and when each appeal must be 25  
filed. 26

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 27

In filing an application, an individual shall furnish the 28  
director with the name and address of the individual's most 29  
recent separating employer and the individual's statement of the 30  
reason for separation from the employer. The director shall 31  
promptly notify the individual's most recent separating employer 32  
of the filing and request the reason for the individual's 33  
unemployment, unless that notice is not necessary under 34  
conditions the director establishes by rule. The director may 35  
request from the individual or any employer information 36  
necessary for the determination of the individual's right to 37  
benefits. The employer shall provide the information requested 38  
within ten working days after the request is sent. If necessary 39  
to ensure prompt determination and payment of benefits, the 40  
director shall base the determination on the information that is 41  
available. 42

An individual filing an application for determination of 43  
benefit rights shall disclose both of the following at the time 44  
of filing, ~~whether~~: 45

(1) Whether or not the individual owes child support 46  
obligations; 47

(2) Whether the individual was separated from the 48  
individual's most recent employer because of the unlawful use of 49  
a controlled substance, as defined in section 4141.294 of the 50  
Revised Code. 51

(C) MASS LAYOFFS 52

An employer who lays off or separates within any seven-day 53  
period fifty or more individuals because of lack of work shall 54  
furnish notice to the director of the dates of layoff or 55  
separation and the approximate number of individuals being laid 56  
off or separated. The notice shall be furnished at least three 57  
working days prior to the date of the first day of such layoff 58  
or separation. In addition, at the time of the layoff or 59  
separation the employer shall furnish to the individual and to 60  
the director information necessary to determine the individual's 61  
eligibility for unemployment compensation. 62

(D) DETERMINATION OF BENEFIT RIGHTS 63

The director shall promptly examine any application for 64  
determination of benefit rights. On the basis of the information 65  
available to the director under this chapter, the director shall 66  
determine whether or not the application is valid, and if valid, 67  
the date on which the benefit year shall commence and the weekly 68  
benefit amount. The director shall promptly notify the 69  
applicant, employers in the applicant's base period, and any 70  
other interested parties of the determination and the reasons 71  
for it. In addition, the determination issued to the claimant 72  
shall include the total amount of benefits payable. The 73  
determination issued to each chargeable base period employer 74

shall include the total amount of benefits that may be charged 75  
to the employer's account. 76

(E) CLAIM FOR BENEFITS 77

The director shall examine the first claim and any 78  
additional claim for benefits. On the basis of the information 79  
available, the director shall determine whether the claimant's 80  
most recent separation and, to the extent necessary, prior 81  
separations from work, allow the claimant to qualify for 82  
benefits. Written notice of the determination granting or 83  
denying benefits shall be sent to the claimant, the most recent 84  
separating employer, and any other employer involved in the 85  
determination, except that written notice is not required to be 86  
sent to the claimant if the reason for separation is lack of 87  
work and the claim is allowed. 88

If the director identifies an eligibility issue, the 89  
director shall send notice to the claimant of the issue 90  
identified and specify the week or weeks involved. The claimant 91  
has a minimum of five business days after the notice is sent to 92  
respond to the information included in the notice, and after the 93  
time allowed as determined by the director, the director shall 94  
make a determination. The claimant's response may include a 95  
request for a fact-finding interview when the eligibility issue 96  
is raised by an informant or source other than the claimant, or 97  
when the eligibility issue, if determined adversely, 98  
disqualifies the claimant for the duration of the claimant's 99  
period of unemployment. 100

When the determination of a continued claim for benefits 101  
results in a disallowed claim, the director shall notify the 102  
claimant of the disallowance and the reasons for it. 103

(F) ELIGIBILITY NOTICE 104

Any base period or subsequent employer of a claimant who 105  
has knowledge of specific facts affecting the claimant's right 106  
to receive benefits for any week may notify the director in 107  
writing of those facts. The director shall prescribe a form for 108  
such eligibility notice, but failure to use the form shall not 109  
preclude the director's examination of any notice. 110

To be considered valid, an eligibility notice must: 111  
contain in writing, a statement that identifies either a source 112  
who has firsthand knowledge of the information or an informant 113  
who can identify the source; provide specific and detailed 114  
information that may potentially disqualify the claimant; 115  
provide the name and address of the source or the informant; and 116  
appear to the director to be reliable and credible. 117

An eligibility notice is timely filed if received or 118  
postmarked prior to or within forty-five calendar days after the 119  
end of the week with respect to which a claim for benefits is 120  
filed by the claimant. An employer who timely files a valid 121  
eligibility notice shall be an interested party to the claim for 122  
benefits which is the subject of the notice. 123

The director shall consider the information contained in 124  
the eligibility notice, together with other available 125  
information. After giving the claimant notice and an opportunity 126  
to respond, the director shall make a determination and inform 127  
the notifying employer, the claimant, and other interested 128  
parties of the determination. 129

(G) CORRECTED DETERMINATION 130

If the director finds within the fifty-two calendar weeks 131  
beginning with the Sunday of the week during which an 132

application for benefit rights was filed or within the benefit 133  
year that a determination made by the director was erroneous due 134  
to an error in an employer's report or any typographical or 135  
clerical error in the director's determination, or as shown by 136  
correct remuneration information received by the director, the 137  
director shall issue a corrected determination to all interested 138  
parties. The corrected determination shall take precedence over 139  
and void the prior determination of the director. The director 140  
shall not issue a corrected determination when the commission or 141  
a court has jurisdiction with respect to that determination. 142

(H) EFFECT OF COMMISSION DECISIONS 143

In making determinations, the director shall follow 144  
decisions of the unemployment compensation review commission 145  
which have become final with respect to claimants similarly 146  
situated. 147

(I) PROMPT PAYMENTS 148

If benefits are allowed by the director, a hearing 149  
officer, the commission, or a court, the director shall pay 150  
benefits promptly, notwithstanding any further appeal, provided 151  
that if benefits are denied on appeal, of which the parties have 152  
notice and an opportunity to be heard, the director shall 153  
withhold payment of benefits pending a decision on any further 154  
appeal. 155

**Sec. 4141.29.** Each eligible individual shall receive 156  
benefits as compensation for loss of remuneration due to 157  
involuntary total or partial unemployment in the amounts and 158  
subject to the conditions stipulated in this chapter. 159

(A) No individual is entitled to a waiting period or 160  
benefits for any week unless the individual: 161

(1) Has filed a valid application for determination of benefit rights in accordance with section 4141.28 of the Revised Code;	162 163 164
(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;	165 166
(3) (a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.	167 168 169 170 171
(b) For purposes of division (A) (3) of this section, an individual has "registered" upon doing any of the following:	172 173
(i) Filing an application for benefit rights;	174
(ii) Making a weekly claim for benefits;	175
(iii) Reopening an existing claim following a period of employment or nonreporting.	176 177
(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A) (3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.	178 179 180 181 182 183 184
(d) The director may, for good cause, extend the period of registration.	185 186
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.	187 188 189

(4) (a) (i) Is able to work and available for suitable work 190  
and, except as provided in division (A) (4) (a) (ii) or (iii) of 191  
this section, is actively seeking suitable work either in a 192  
locality in which the individual has earned wages subject to 193  
this chapter during the individual's base period, or if the 194  
individual leaves that locality, then in a locality where 195  
suitable work normally is performed. 196

(ii) The director may waive the requirement that a 197  
claimant be actively seeking work when the director finds that 198  
the individual has been laid off and the employer who laid the 199  
individual off has notified the director within ten days after 200  
the layoff, that work is expected to be available for the 201  
individual within a specified number of days not to exceed 202  
forty-five calendar days following the last day the individual 203  
worked. In the event the individual is not recalled within the 204  
specified period, this waiver shall cease to be operative with 205  
respect to that layoff. 206

(iii) The director may waive the requirement that a 207  
claimant be actively seeking work if the director determines 208  
that the individual has been laid off and the employer who laid 209  
the individual off has notified the director in accordance with 210  
division (C) of section 4141.28 of the Revised Code that the 211  
employer has closed the employer's entire plant or part of the 212  
employer's plant for a purpose other than inventory or vacation 213  
that will cause unemployment for a definite period not exceeding 214  
twenty-six weeks beginning on the date the employer notifies the 215  
director, for the period of the specific shutdown, if all of the 216  
following apply: 217

(I) The employer and the individuals affected by the 218  
layoff who are claiming benefits under this chapter jointly 219



request the exemption.	220
(II) The employer provides that the affected individuals	221
shall return to work for the employer within twenty-six weeks	222
after the date the employer notifies the director.	223
(III) The director determines that the waiver of the	224
active search for work requirement will promote productivity and	225
economic stability within the state.	226
(iv) Division (A) (4) (a) (iii) of this section does not	227
exempt an individual from meeting the other requirements	228
specified in division (A) (4) (a) (i) of this section to be able to	229
work and otherwise fully be available for work. An exemption	230
granted under division (A) (4) (a) (iii) of this section may be	231
granted only with respect to a specific plant closing.	232
(b) (i) The individual shall be instructed as to the	233
efforts that the individual must make in the search for suitable	234
work, including that, within six months after October 11, 2013,	235
the individual shall register with the OhioMeansJobs web site,	236
except in any of the following circumstances:	237
(I) The individual is an individual described in division	238
(A) (4) (b) (iii) of this section;	239
(II) Where the active search for work requirement has been	240
waived under division (A) (4) (a) of this section;	241
(III) Where the active search for work requirement is	242
considered to be met under division (A) (4) (c), (d), or (e) of	243
this section.	244
(ii) An individual who is registered with the	245
OhioMeansJobs web site shall receive a weekly listing of	246
available jobs based on information provided by the individual	247

at the time of registration. For each week that the individual 248  
claims benefits, the individual shall keep a record of the 249  
individual's work search efforts and shall produce that record 250  
in the manner and means prescribed by the director. 251

(iii) No individual shall be required to register with the 252  
OhioMeansJobs web site if the individual is legally prohibited 253  
from using a computer, has a physical or visual impairment that 254  
makes the individual unable to use a computer, or has a limited 255  
ability to read, write, speak, or understand a language in which 256  
the OhioMeansJobs web site is available. 257

(iv) As used in division (A)(4)(b) of this section: 258

(I) "OhioMeansJobs web site" has the same meaning as in 259  
section 6301.01 of the Revised Code. 260

(II) "Registration" includes the creation, electronic 261  
posting, and maintenance of an active, searchable resume. 262

(c) An individual who is attending a training course 263  
approved by the director meets the requirement of this division, 264  
if attendance was recommended by the director and the individual 265  
is regularly attending the course and is making satisfactory 266  
progress. An individual also meets the requirements of this 267  
division if the individual is participating and advancing in a 268  
training program, as defined in division (P) of section 5709.61 269  
of the Revised Code, and if an enterprise, defined in division 270  
(B) of section 5709.61 of the Revised Code, is paying all or 271  
part of the cost of the individual's participation in the 272  
training program with the intention of hiring the individual for 273  
employment as a new employee, as defined in division (L) of 274  
section 5709.61 of the Revised Code, for at least ninety days 275  
after the individual's completion of the training program. 276

(d) An individual who becomes unemployed while attending a 277  
regularly established school and whose base period qualifying 278  
weeks were earned in whole or in part while attending that 279  
school, meets the availability and active search for work 280  
requirements of division (A) (4) (a) of this section if the 281  
individual regularly attends the school during weeks with 282  
respect to which the individual claims unemployment benefits and 283  
makes self available on any shift of hours for suitable 284  
employment with the individual's most recent employer or any 285  
other employer in the individual's base period, or for any other 286  
suitable employment to which the individual is directed, under 287  
this chapter. 288

(e) An individual who is a member in good standing with a 289  
labor organization that refers individuals to jobs meets the 290  
active search for work requirement specified in division (A) (4) 291  
(a) of this section if the individual provides documentation 292  
that the individual is eligible for a referral or placement upon 293  
request and in a manner prescribed by the director. 294

(f) Notwithstanding any other provisions of this section, 295  
no otherwise eligible individual shall be denied benefits for 296  
any week because the individual is in training approved under 297  
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 298  
U.S.C.A. 2296, nor shall that individual be denied benefits by 299  
reason of leaving work to enter such training, provided the work 300  
left is not suitable employment, or because of the application 301  
to any week in training of provisions in this chapter, or any 302  
applicable federal unemployment compensation law, relating to 303  
availability for work, active search for work, or refusal to 304  
accept work. 305

For the purposes of division (A) (4) (f) of this section, 306

"suitable employment" means with respect to an individual, work 307  
of a substantially equal or higher skill level than the 308  
individual's past adversely affected employment, as defined for 309  
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 310  
U.S.C.A. 2101, and wages for such work at not less than eighty 311  
per cent of the individual's average weekly wage as determined 312  
for the purposes of that federal act. 313

(5) Is unable to obtain suitable work. An individual who 314  
is provided temporary work assignments by the individual's 315  
employer under agreed terms and conditions of employment, and 316  
who is required pursuant to those terms and conditions to 317  
inquire with the individual's employer for available work 318  
assignments upon the conclusion of each work assignment, is not 319  
considered unable to obtain suitable employment if suitable work 320  
assignments are available with the employer but the individual 321  
fails to contact the employer to inquire about work assignments. 322

(6) Participates in reemployment services, such as job 323  
search assistance services, if the individual has been 324  
determined to be likely to exhaust benefits under this chapter, 325  
including compensation payable pursuant to 5 U.S.C.A. Chapter 326  
85, other than extended compensation, and needs reemployment 327  
services pursuant to the profiling system established by the 328  
director under division (K) of this section, unless the director 329  
determines that: 330

(a) The individual has completed such services; or 331

(b) There is justifiable cause for the claimant's failure 332  
to participate in such services. 333

Ineligibility for failure to participate in reemployment 334  
services as described in division (A) (6) of this section shall 335

be for the week or weeks in which the claimant was scheduled and 336  
failed to participate without justifiable cause. 337

(7) Participates in the reemployment and eligibility 338  
assessment program, or other reemployment services, as required 339  
by the director. As used in division (A)(7) of this section, 340  
"reemployment services" includes job search assistance 341  
activities, skills assessments, and the provision of labor 342  
market statistics or analysis. 343

(a) For purposes of division (A)(7) of this section, 344  
participation is required unless the director determines that 345  
either of the following circumstances applies to the individual: 346

(i) The individual has completed similar services. 347

(ii) Justifiable cause exists for the failure of the 348  
individual to participate in those services. 349

(b) Within six months after October 11, 2013, 350  
notwithstanding any earlier contact an individual may have had 351  
with a local OhioMeansJobs center, as defined in section 6301.01 352  
of the Revised Code, beginning with the eighth week after the 353  
week during which an individual first files a valid application 354  
for determination of benefit rights in the individual's benefit 355  
year, the individual shall report to a local OhioMeansJobs 356  
center for reemployment services in the manner prescribed by the 357  
director. 358

(c) An individual whose active search for work requirement 359  
has been waived under division (A)(4)(a) of this section or is 360  
considered to be satisfied under division (A)(4)(c), (d), or (e) 361  
of this section is exempt from the requirements of division (A) 362  
(7) of this section. 363

(B) An individual suffering total or partial unemployment 364

is eligible for benefits for unemployment occurring subsequent 365  
to a waiting period of one week and no benefits shall be payable 366  
during this required waiting period. Not more than one week of 367  
waiting period shall be required of any individual in any 368  
benefit year in order to establish the individual's eligibility 369  
for total or partial unemployment benefits. 370

(C) The waiting period for total or partial unemployment 371  
shall commence on the first day of the first week with respect 372  
to which the individual first files a claim for benefits at an 373  
employment office or other place of registration maintained or 374  
designated by the director or on the first day of the first week 375  
with respect to which the individual has otherwise filed a claim 376  
for benefits in accordance with the rules of the department of 377  
job and family services, provided such claim is allowed by the 378  
director. 379

(D) Notwithstanding division (A) of this section, no 380  
individual may serve a waiting period or be paid benefits under 381  
the following conditions: 382

(1) For any week with respect to which the director finds 383  
that: 384

(a) The individual's unemployment was due to a labor 385  
dispute other than a lockout at any factory, establishment, or 386  
other premises located in this or any other state and owned or 387  
operated by the employer by which the individual is or was last 388  
employed; and for so long as the individual's unemployment is 389  
due to such labor dispute. No individual shall be disqualified 390  
under this provision if either of the following applies: 391

(i) The individual's employment was with such employer at 392  
any factory, establishment, or premises located in this state, 393

owned or operated by such employer, other than the factory, 394  
establishment, or premises at which the labor dispute exists, if 395  
it is shown that the individual is not financing, participating 396  
in, or directly interested in such labor dispute; 397

(ii) The individual's employment was with an employer not 398  
involved in the labor dispute but whose place of business was 399  
located within the same premises as the employer engaged in the 400  
dispute, unless the individual's employer is a wholly owned 401  
subsidiary of the employer engaged in the dispute, or unless the 402  
individual actively participates in or voluntarily stops work 403  
because of such dispute. If it is established that the claimant 404  
was laid off for an indefinite period and not recalled to work 405  
prior to the dispute, or was separated by the employer prior to 406  
the dispute for reasons other than the labor dispute, or that 407  
the individual obtained a bona fide job with another employer 408  
while the dispute was still in progress, such labor dispute 409  
shall not render the employee ineligible for benefits. 410

(b) The individual has been given a disciplinary layoff 411  
for misconduct in connection with the individual's work. 412

(2) For the duration of the individual's unemployment if 413  
the director finds that: 414

(a) The individual quit work without just cause or has 415  
been discharged for just cause in connection with the 416  
individual's work, provided division (D) (2) of this section does 417  
not apply to the separation of a person under any of the 418  
following circumstances: 419

(i) Separation from employment for the purpose of entering 420  
the armed forces of the United States if the individual is 421  
inducted into the armed forces within one of the following 422

periods:	423
(I) Thirty days after separation;	424
(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.	425 426 427
(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;	428 429 430 431
(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D) (2) (a) (iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D) (2) (a) (iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D) (2) (a) (iii) of this section shall be charged to the account of the reimbursing employer and not to the	432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452



mutualized account, except as provided in division (D) (2) of 453  
section 4141.24 of the Revised Code. 454

(iv) When an individual has been issued a definite layoff 455  
date by the individual's employer and before the layoff date, 456  
the individual quits to accept other employment, the provisions 457  
of division (D) (2) (a) (iii) of this section apply and no 458  
disqualification shall be imposed under division (D) of this 459  
section. However, if the individual fails to meet the employment 460  
and earnings requirements of division (A) (2) of section 4141.291 461  
of the Revised Code, then the individual, pursuant to division 462  
(A) (5) of this section, shall be ineligible for benefits for any 463  
week of unemployment that occurs prior to the layoff date. 464

(b) The individual has refused without good cause to 465  
accept an offer of suitable work when made by an employer either 466  
in person or to the individual's last known address, or has 467  
refused or failed to investigate a referral to suitable work 468  
when directed to do so by a local employment office of this 469  
state or another state, provided that this division shall not 470  
cause a disqualification for a waiting week or benefits under 471  
the following circumstances: 472

(i) When work is offered by the individual's employer and 473  
the individual is not required to accept the offer pursuant to 474  
the terms of the labor-management contract or agreement; or 475

(ii) When the individual is attending a training course 476  
pursuant to division (A) (4) of this section except, in the event 477  
of a refusal to accept an offer of suitable work or a refusal or 478  
failure to investigate a referral, benefits thereafter paid to 479  
such individual shall not be charged to the account of any 480  
employer and, except as provided in division (B) (1) (b) of 481  
section 4141.241 of the Revised Code, shall be charged to the 482

mutualized account as provided in division (B) of section 483  
4141.25 of the Revised Code. 484

(c) Such individual quit work to marry or because of 485  
marital, parental, filial, or other domestic obligations. 486

(d) The individual became unemployed by reason of 487  
commitment to any correctional institution. 488

(e) The individual became unemployed because of dishonesty 489  
in connection with the individual's most recent or any base 490  
period work. Remuneration earned in such work shall be excluded 491  
from the individual's total base period remuneration and 492  
qualifying weeks that otherwise would be credited to the 493  
individual for such work in the individual's base period shall 494  
not be credited for the purpose of determining the total 495  
benefits to which the individual is eligible and the weekly 496  
benefit amount to be paid under section 4141.30 of the Revised 497  
Code. Such excluded remuneration and noncredited qualifying 498  
weeks shall be excluded from the calculation of the maximum 499  
amount to be charged, under division (D) of section 4141.24 and 500  
section 4141.33 of the Revised Code, against the accounts of the 501  
individual's base period employers. In addition, no benefits 502  
shall thereafter be paid to the individual based upon such 503  
excluded remuneration or noncredited qualifying weeks. 504

(f) The individual fails or refuses to submit to a drug 505  
test required by section 4141.294 of the Revised Code. 506

For purposes of division (D) (2) (e) of this section, 507  
"dishonesty" means the commission of substantive theft, fraud, 508  
or deceitful acts. 509

(E) No individual otherwise qualified to receive benefits 510  
shall lose the right to benefits by reason of a refusal to 511

accept new work if: 512

(1) As a condition of being so employed the individual 513  
would be required to join a company union, or to resign from or 514  
refrain from joining any bona fide labor organization, or would 515  
be denied the right to retain membership in and observe the 516  
lawful rules of any such organization. 517

(2) The position offered is vacant due directly to a 518  
strike, lockout, or other labor dispute. 519

(3) The work is at an unreasonable distance from the 520  
individual's residence, having regard to the character of the 521  
work the individual has been accustomed to do, and travel to the 522  
place of work involves expenses substantially greater than that 523  
required for the individual's former work, unless the expense is 524  
provided for. 525

(4) The remuneration, hours, or other conditions of the 526  
work offered are substantially less favorable to the individual 527  
than those prevailing for similar work in the locality. 528

(F) Subject to the special exceptions contained in 529  
division (A) (4) (f) of this section and section 4141.301 of the 530  
Revised Code, in determining whether any work is suitable for a 531  
claimant in the administration of this chapter, the director, in 532  
addition to the determination required under division (E) of 533  
this section, shall consider the degree of risk to the 534  
claimant's health, safety, and morals, the individual's physical 535  
fitness for the work, the individual's prior training and 536  
experience, the length of the individual's unemployment, the 537  
distance of the available work from the individual's residence, 538  
and the individual's prospects for obtaining local work. 539

(G) The "duration of unemployment" as used in this section 540

means the full period of unemployment next ensuing after a 541  
separation from any base period or subsequent work and until an 542  
individual has become reemployed in employment subject to this 543  
chapter, or the unemployment compensation act of another state, 544  
or of the United States, and until such individual has worked 545  
six weeks and for those weeks has earned or been paid 546  
remuneration equal to six times an average weekly wage of not 547  
less than: eighty-five dollars and ten cents per week beginning 548  
on June 26, 1990; and beginning on and after January 1, 1992, 549  
twenty-seven and one-half per cent of the statewide average 550  
weekly wage as computed each first day of January under division 551  
(B) (3) of section 4141.30 of the Revised Code, rounded down to 552  
the nearest dollar, except for purposes of division (D) (2) (c) of 553  
this section, such term means the full period of unemployment 554  
next ensuing after a separation from such work and until such 555  
individual has become reemployed subject to the terms set forth 556  
above, and has earned wages equal to one-half of the 557  
individual's average weekly wage or sixty dollars, whichever is 558  
less. 559

(H) If a claimant is disqualified under division (D) (2) 560  
(a), (c), or (d) of this section or found to be qualified under 561  
the exceptions provided in division (D) (2) (a) (i), (iii), or (iv) 562  
of this section or division (A) (2) of section 4141.291 of the 563  
Revised Code, then benefits that may become payable to such 564  
claimant, which are chargeable to the account of the employer 565  
from whom the individual was separated under such conditions, 566  
shall be charged to the mutualized account provided in section 567  
4141.25 of the Revised Code, provided that no charge shall be 568  
made to the mutualized account for benefits chargeable to a 569  
reimbursing employer, except as provided in division (D) (2) of 570  
section 4141.24 of the Revised Code. In the case of a 571

reimbursing employer, the director shall refund or credit to the 572  
account of the reimbursing employer any over-paid benefits that 573  
are recovered under division (B) of section 4141.35 of the 574  
Revised Code. Amounts chargeable to other states, the United 575  
States, or Canada that are subject to agreements and 576  
arrangements that are established pursuant to section 4141.43 of 577  
the Revised Code shall be credited or reimbursed according to 578  
the agreements and arrangements to which the chargeable amounts 579  
are subject. 580

(I) (1) Benefits based on service in employment as provided 581  
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 582  
Code shall be payable in the same amount, on the same terms, and 583  
subject to the same conditions as benefits payable on the basis 584  
of other service subject to this chapter; except that after 585  
December 31, 1977: 586

(a) Benefits based on service in an instructional, 587  
research, or principal administrative capacity in an institution 588  
of higher education, as defined in division (Y) of section 589  
4141.01 of the Revised Code; or for an educational institution 590  
as defined in division (CC) of section 4141.01 of the Revised 591  
Code, shall not be paid to any individual for any week of 592  
unemployment that begins during the period between two 593  
successive academic years or terms, or during a similar period 594  
between two regular but not successive terms or during a period 595  
of paid sabbatical leave provided for in the individual's 596  
contract, if the individual performs such services in the first 597  
of those academic years or terms and has a contract or a 598  
reasonable assurance that the individual will perform services 599  
in any such capacity for any such institution in the second of 600  
those academic years or terms. 601

(b) Benefits based on service for an educational 602  
institution or an institution of higher education in other than 603  
an instructional, research, or principal administrative 604  
capacity, shall not be paid to any individual for any week of 605  
unemployment which begins during the period between two 606  
successive academic years or terms of the employing educational 607  
institution or institution of higher education, provided the 608  
individual performed those services for the educational 609  
institution or institution of higher education during the first 610  
such academic year or term and, there is a reasonable assurance 611  
that such individual will perform those services for any 612  
educational institution or institution of higher education in 613  
the second of such academic years or terms. 614

If compensation is denied to any individual for any week 615  
under division (I) (1) (b) of this section and the individual was 616  
not offered an opportunity to perform those services for an 617  
institution of higher education or for an educational 618  
institution for the second of such academic years or terms, the 619  
individual is entitled to a retroactive payment of compensation 620  
for each week for which the individual timely filed a claim for 621  
compensation and for which compensation was denied solely by 622  
reason of division (I) (1) (b) of this section. An application for 623  
retroactive benefits shall be timely filed if received by the 624  
director or the director's deputy within or prior to the end of 625  
the fourth full calendar week after the end of the period for 626  
which benefits were denied because of reasonable assurance of 627  
employment. The provision for the payment of retroactive 628  
benefits under division (I) (1) (b) of this section is applicable 629  
to weeks of unemployment beginning on and after November 18, 630  
1983. The provisions under division (I) (1) (b) of this section 631  
shall be retroactive to September 5, 1982, only if, as a 632

condition for full tax credit against the tax imposed by the 633  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 634  
3301 to 3311, the United States secretary of labor determines 635  
that retroactivity is required by federal law. 636

(c) With respect to weeks of unemployment beginning after 637  
December 31, 1977, benefits shall be denied to any individual 638  
for any week which commences during an established and customary 639  
vacation period or holiday recess, if the individual performs 640  
any services described in divisions (I)(1)(a) and (b) of this 641  
section in the period immediately before the vacation period or 642  
holiday recess, and there is a reasonable assurance that the 643  
individual will perform any such services in the period 644  
immediately following the vacation period or holiday recess. 645

(d) With respect to any services described in division (I) 646  
(1)(a), (b), or (c) of this section, benefits payable on the 647  
basis of services in any such capacity shall be denied as 648  
specified in division (I)(1)(a), (b), or (c) of this section to 649  
any individual who performs such services in an educational 650  
institution or institution of higher education while in the 651  
employ of an educational service agency. For this purpose, the 652  
term "educational service agency" means a governmental agency or 653  
governmental entity that is established and operated exclusively 654  
for the purpose of providing services to one or more educational 655  
institutions or one or more institutions of higher education. 656

(e) Any individual employed by a county board of 657  
developmental disabilities shall be notified by the thirtieth 658  
day of April each year if the individual is not to be reemployed 659  
the following academic year. 660

(f) Any individual employed by a school district, other 661  
than a municipal school district as defined in section 3311.71 662

of the Revised Code, shall be notified by the first day of June 663  
each year if the individual is not to be reemployed the 664  
following academic year. 665

(2) No disqualification will be imposed, between academic 666  
years or terms or during a vacation period or holiday recess 667  
under this division, unless the director or the director's 668  
deputy has received a statement in writing from the educational 669  
institution or institution of higher education that the claimant 670  
has a contract for, or a reasonable assurance of, reemployment 671  
for the ensuing academic year or term. 672

(3) If an individual has employment with an educational 673  
institution or an institution of higher education and employment 674  
with a noneducational employer, during the base period of the 675  
individual's benefit year, then the individual may become 676  
eligible for benefits during the between-term, or vacation or 677  
holiday recess, disqualification period, based on employment 678  
performed for the noneducational employer, provided that the 679  
employment is sufficient to qualify the individual for benefit 680  
rights separately from the benefit rights based on school 681  
employment. The weekly benefit amount and maximum benefits 682  
payable during a disqualification period shall be computed based 683  
solely on the nonschool employment. 684

(J) Benefits shall not be paid on the basis of employment 685  
performed by an alien, unless the alien had been lawfully 686  
admitted to the United States for permanent residence at the 687  
time the services were performed, was lawfully present for 688  
purposes of performing the services, or was otherwise 689  
permanently residing in the United States under color of law at 690  
the time the services were performed, under section 212(d) (5) of 691  
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 692



1101:	693
(1) Any data or information required of individuals	694
applying for benefits to determine whether benefits are not	695
payable to them because of their alien status shall be uniformly	696
required from all applicants for benefits.	697
(2) In the case of an individual whose application for	698
benefits would otherwise be approved, no determination that	699
benefits to the individual are not payable because of the	700
individual's alien status shall be made except upon a	701
preponderance of the evidence that the individual had not, in	702
fact, been lawfully admitted to the United States.	703
(K) The director shall establish and utilize a system of	704
profiling all new claimants under this chapter that:	705
(1) Identifies which claimants will be likely to exhaust	706
regular compensation and will need job search assistance	707
services to make a successful transition to new employment;	708
(2) Refers claimants identified pursuant to division (K)	709
(1) of this section to reemployment services, such as job search	710
assistance services, available under any state or federal law;	711
(3) Collects follow-up information relating to the	712
services received by such claimants and the employment outcomes	713
for such claimant's subsequent to receiving such services and	714
utilizes such information in making identifications pursuant to	715
division (K) (1) of this section; and	716
(4) Meets such other requirements as the United States	717
secretary of labor determines are appropriate.	718
(L) Except as otherwise provided in division (A) (6) of	719
this section, ineligibility pursuant to division (A) of this	720

section shall begin on the first day of the week in which the 721  
claimant becomes ineligible for benefits and shall end on the 722  
last day of the week preceding the week in which the claimant 723  
satisfies the eligibility requirements. 724

(M) The director may adopt rules that the director 725  
considers necessary for the administration of division (A) of 726  
this section. 727

**Sec. 4141.294.** (A) As used in this section: 728

(1) "Controlled substance" means a substance listed on a 729  
schedule established under section 202 of the federal 730  
"Controlled Substances Act," 21 U.S.C. 812, 84 Stat. 1247, as 731  
amended. 732

(2) "Drug test" means either of the following that is 733  
conducted to determine whether a controlled substance is present 734  
in a biological specimen taken from an individual's body: 735

(a) A chemical test of an individual's urine; 736

(b) An oral fluid test that uses a swab. 737

(3) "Duration of unemployment" has the same meaning as in 738  
section 4141.29 of the Revised Code. 739

(4) (a) Except as provided in division (A) (4) (b) of this 740  
section, "fail a drug test" means that a drug test reveals the 741  
presence of a controlled substance in a biological specimen 742  
taken from an individual's body. 743

(b) An individual shall not be determined to have failed a 744  
drug test if the individual obtained the controlled substance 745  
pursuant to a prescription issued by a licensed health 746  
professional authorized to prescribe drugs and the individual 747  
injected, ingested, or inhaled the controlled substance in 748

accordance with the licensed health professional's directions. 749

(5) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 750  
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752

(B) The director of job and family services shall require an individual who has filed an application for determination of benefit rights to undergo a drug test to determine the individual's eligibility for benefits if both of the following apply: 753  
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(1) The director has reasonable cause to suspect that the individual has engaged in the unlawful use of a controlled substance. 758  
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760

(2) The director has determined that the individual was discharged from employment with the individual's most recent employer because of the unlawful use of a controlled substance. 761  
762  
763

(C) An individual who fails or refuses to submit to a drug test required under division (B) of this section shall be disqualified from unemployment compensation benefits pursuant to section 4141.29 of the Revised Code for the duration of the individual's unemployment. 764  
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(D) The director shall do both of the following: 769

(1) Ensure that a drug test conducted under this section meets or exceeds the standards of the mandatory guidelines for federal workplace drug testing programs published by the substance abuse and mental health services administration of the United States department of health; 770  
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(2) Adopt rules that the director considers necessary to administer this section. 775  
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**Section 2.** That existing sections 4141.28 and 4141.29 of 777  
the Revised Code are hereby repealed. 778

**Section 3.** (A) As used in this section: 779

(1) "Adult," "assistance group," and "Ohio Works First" 780  
have the same meanings as in section 5107.02 of the Revised 781  
Code. 782

(2) "Chemical dependency" means the use of a drug of abuse 783  
to the extent that the user becomes physically or 784  
psychologically dependent on the drug or endangers the user's 785  
health, safety, or welfare or that of others. 786

(3) "Drug of abuse" has the same meaning as in section 787  
3719.011 of the Revised Code. 788

(4) "Drug test" means either of the following that is 789  
conducted to determine whether a drug of abuse is present in a 790  
biological specimen taken from an individual's body: 791

(a) A chemical test of an individual's urine; 792

(b) An oral fluid test that uses a swab. 793

(5) (a) Except as provided in division (A) (5) (b) of this 794  
section, "fail a drug test" means that a drug test reveals the 795  
presence of a drug of abuse in a biological specimen taken from 796  
an individual's body. 797

(b) An individual shall not be determined to have failed a 798  
drug test if the individual obtained the drug of abuse pursuant 799  
to a prescription issued by a licensed health professional 800  
authorized to prescribe drugs and the individual injected, 801  
ingested, or inhaled the drug of abuse in accordance with the 802  
licensed health professional's directions. 803

(6) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(7) "Pass a drug test" means that a drug test does not reveal the presence of a drug of abuse in a biological specimen taken from an individual's body.

(8) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n).

(B) Not later than ninety days after the effective date of this section, the Director of Job and Family Services shall establish an Ohio Works First drug testing pilot program. The pilot program shall be operated for two years in three counties the Director selects, except that the Director may select a county only if the county's board of county commissioners volunteers to have the county included in the program. In selecting counties, the Director shall make reasonable efforts to have one rural, one suburban, and one urban county included in the program.

The county Department of Job and Family Services of each county included in the program shall conduct an assessment of each adult member of an assistance group that applies to participate in Ohio Works First to determine whether there is reasonable cause to suspect that any of the adults have a chemical dependency. The assessment shall be conducted in accordance with rules adopted under this section and as part of the process of determining under section 5107.12 of the Revised Code whether the assistance group is initially eligible to participate in Ohio Works First. The assessment shall not be conducted as part of an eligibility redetermination. If, pursuant to an assessment conducted under the pilot program,

there is reasonable cause to suspect that an adult has a 834  
chemical dependency, the county department shall require the 835  
adult to undergo a drug test. 836

(C) The cash assistance that an assistance group receives 837  
under Ohio Works First shall be provided to a protective payee 838  
approved by the county Department of Job and Family Services if 839  
an adult member of the assistance group refuses to cooperate 840  
with an assessment conducted under the pilot program, refuses to 841  
undergo a drug test when required to do so under the pilot 842  
program, or fails a drug test conducted under the pilot program. 843  
The protective payee may not be a member of the assistance 844  
group. The protective payee shall act as a representative of the 845  
assistance group and manage the assistance group's cash 846  
assistance on behalf of the assistance group. Except as provided 847  
in division (D) of this section, the assistance group's cash 848  
assistance shall be provided to the protective payee for one 849  
year. After the one-year period, the cash assistance shall be 850  
provided to the assistance group unless rules adopted under 851  
section 5107.05 of the Revised Code provide for the cash 852  
assistance to be provided to a protective payee due to another 853  
circumstance. 854

(D) The county Department of Job and Family Services of 855  
each county included in the pilot program shall refer an adult 856  
who fails a drug test conducted pursuant to division (B) of this 857  
section to the board of alcohol, drug addiction, and mental 858  
health services that serves the same county as the county 859  
department. If the adult, acting on the referral, requests 860  
services from the board to which the adult is referred, the 861  
board shall refer the adult to a community addiction services 862  
provider certified by the Department of Mental Health and 863  
Addiction Services under section 5119.36 of the Revised Code. 864

Not sooner than six months after the date that the cash 865  
assistance of the adult's assistance group begins to be provided 866  
to a protective payee pursuant to division (C) of this section, 867  
the adult may submit a request to the county department to have 868  
the assistance group's cash assistance cease to be provided to 869  
the protective payee and begin to be provided to the assistance 870  
group. The adult shall include with the request documentation 871  
that is acceptable to the county department and shows that the 872  
adult successfully completed the treatment provided by the 873  
community addiction services provider to which the adult was 874  
referred under this division. The county department may approve 875  
the request if the adult undergoes a drug test and passes the 876  
drug test. However, the county department shall disapprove the 877  
request if rules adopted under section 5107.05 of the Revised 878  
Code provide for the cash assistance to be provided to a 879  
protective payee due to another circumstance. If the adult fails 880  
to undergo a drug test or fails the drug test, the cash 881  
assistance shall continue to be provided to the protective payee 882  
for an additional year beginning on the date that is twelve 883  
months after the date that the cash assistance first began to be 884  
provided to the protective payee under division (C) of this 885  
section. 886

(E) An assistance group's cash assistance shall be 887  
provided to a protective payee for the period specified in 888  
division (C) or (D) of this section, as applicable, regardless 889  
of whether that period extends beyond the date the pilot program 890  
ends. 891

(F) The provision of an assistance group's cash assistance 892  
to a protective payee as required by this section does not 893  
excuse the members of the assistance group or any work-eligible 894  
individuals from compliance with any of the Ohio Works First 895

requirements applicable to them. 896

(G) The county Department of Job and Family Services of 897  
each county included in the pilot program shall determine which 898  
type of drug test to use under the program. An adult undergoing 899  
the drug test is responsible for the cost of the drug test if 900  
the adult fails the drug test. 901

(H) The Director of Job and Family Services shall adopt 902  
rules as necessary to implement the pilot program, including 903  
rules governing the assessments conducted under division (B) of 904  
this section. The rules shall be adopted in accordance with 905  
Chapter 119. of the Revised Code. 906

(I) (1) The Director of Job and Family Services shall 907  
prepare a report regarding the pilot program. The report shall 908  
include all of the following information: 909

(a) The number of adults for whom reasonable cause to 910  
suspect have a chemical dependency is found pursuant to 911  
assessments conducted under division (B) of this section; 912

(b) The number of adults required to undergo drug tests; 913

(c) The number of adults who failed drug tests; 914

(d) The cost of the drug tests; 915

(e) The total amount of time that Ohio Works First cash 916  
assistance is provided to protective payees under the pilot 917  
program as of the date the report is prepared; 918

(f) Regarding the adults referred to community addiction 919  
services providers under division (D) of this section, all of 920  
the following: 921

(i) The number of adults who completed treatment; 922



(ii) The number of adults employed as of the date the report is prepared;	923 924
(iii) In the case of the adults who are not employed at the time they completed treatment but become employed by the date the report is prepared, the average number of months it took the adults after completing treatment to become employed.	925 926 927 928
(2) The county Department of Job and Family Services of each county included in the pilot program shall provide any information the Director needs to prepare the report.	929 930 931
(3) Not later than ninety days after the conclusion of the pilot program, the Director shall submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.	932 933 934 935
<b>Section 4.</b> All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2018 and those in the second column are for fiscal year 2019. The appropriations made in this act are in addition to any other appropriations made for the FY 2018-FY 2019 biennium.	936 937 938 939 940 941 942 943
MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES	944
General Revenue Fund	945
GRF 336421 Continuum of Care Services \$100,000 \$100,000	946
TOTAL GRF General Revenue Fund \$100,000 \$100,000	947
TOTAL ALL BUDGET FUND GROUPS \$100,000 \$100,000	948
CONTINUUM OF CARE SERVICES	949

Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be used to provide drug treatment services to individuals seeking treatment under the Ohio Works First Drug Testing Pilot Program.

**Section 5.** Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in Am. Sub. H.B. 49 of the 132nd General Assembly.

The appropriations made in this act are subject to all provisions of Am. Sub. H.B. 49 of the 132nd General Assembly that are generally applicable to such appropriations.

**Section 6.** Sections 4 and 5 of this act, and the items of laws of which they are composed, are not subject to the referendum because they are or relate to an appropriation for current expenses within the meaning of Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore, go into immediate effect when this act becomes law.