

As Introduced

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S. B. No. 116

Senators Hackett, Reineke

**Cosponsors: Senators Antani, Cirino, Brenner, Hoagland, Huffman, S., Peterson,
Roegner, Romanchuk, Lang, Wilson**

A BILL

To amend section 4141.28 and to enact section 1
4141.286 of the Revised Code to require a person 2
to provide proof of identity at a local 3
employment office before receiving unemployment 4
compensation or pandemic unemployment assistance 5
and to declare an emergency. 6

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

Section 1. That section 4141.28 be amended and section 7
4141.286 of the Revised Code be enacted to read as follows: 8

Sec. 4141.28. BENEFITS 9

(A) FILINGS 10

Applications for determination of benefit rights and 11
claims for benefits shall be filed with the director of job and 12
family services. Such applications and claims also may be filed 13
with an employee of another state or federal agency charged with 14
the duty of accepting applications and claims for unemployment 15
benefits or with an employee of the unemployment insurance 16
commission of Canada. 17

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

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS

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

An individual filing an application for determination of
benefit rights shall disclose, at the time of filing, whether or
not the individual owes child support obligations.

(C) MASS LAYOFFS

An employer who lays off or separates within any seven-day
period fifty or more individuals because of lack of work shall
furnish notice to the director of the dates of layoff or

separation and the approximate number of individuals being laid 47
off or separated. The notice shall be furnished at least three 48
working days prior to the date of the first day of such layoff 49
or separation. In addition, at the time of the layoff or 50
separation the employer shall furnish to the individual and to 51
the director information necessary to determine the individual's 52
eligibility for unemployment compensation. 53

(D) DETERMINATION OF BENEFIT RIGHTS 54

The director shall promptly examine any application for 55
determination of benefit rights. On the basis of the information 56
available to the director under this chapter, the director shall 57
determine whether or not the application is valid, and if valid, 58
the date on which the benefit year shall commence and the weekly 59
benefit amount. The director shall promptly notify the 60
applicant, employers in the applicant's base period, and any 61
other interested parties of the determination and the reasons 62
for it. In addition, the determination issued to the claimant 63
shall include the total amount of benefits payable. The 64
determination issued to each chargeable base period employer 65
shall include the total amount of benefits that may be charged 66
to the employer's account. 67

If the director determines that an application is valid, 68
the director shall include in the determination sent to the 69
applicant a notice that the applicant shall not receive benefits 70
until the applicant presents either of the following to the 71
administrator of a public employment office maintained by the 72
director under section 4141.04 of the Revised Code: 73

(1) A driver's license; 74

(2) Two documents that contain the applicant's name and 75

address and that the registrar of motor vehicles would accept 76
for the purpose of issuing a driver's license. 77

The applicant shall present the documentation to the 78
administrator. The administrator shall notify the director when 79
the applicant has presented the documents. An applicant is not 80
required to present the documents to an administrator more than 81
once during a benefit year. 82

(E) CLAIM FOR BENEFITS 83

The director shall examine the first claim and any 84
additional claim for benefits. On the basis of the information 85
available, the director shall determine whether the claimant's 86
most recent separation and, to the extent necessary, prior 87
separations from work, allow the claimant to qualify for 88
benefits. Written notice of the determination granting or 89
denying benefits shall be sent to the claimant, the most recent 90
separating employer, and any other employer involved in the 91
determination, except that written notice is not required to be 92
sent to the claimant if the reason for separation is lack of 93
work and the claim is allowed. 94

If the director identifies an eligibility issue, the 95
director shall immediately send notice to the claimant of the 96
issue identified, specify the week or weeks involved, and 97
identify what the claimant must do to address the issue or who 98
the claimant may contact for more information. The claimant has 99
a minimum of five business days after the notice is sent to 100
respond to the information included in the notice, and after the 101
time allowed as determined by the director, the director shall 102
make a determination. The claimant's response may include a 103
request for a fact-finding interview when the eligibility issue 104
is raised by an informant or source other than the claimant, or 105

when the eligibility issue, if determined adversely, 106
disqualifies the claimant for the duration of the claimant's 107
period of unemployment. 108

When the determination of a continued claim for benefits 109
results in a disallowed claim, the director shall notify the 110
claimant of the disallowance and the reasons for it. 111

(F) ELIGIBILITY NOTICE 112

Any base period or subsequent employer of a claimant who 113
has knowledge of specific facts affecting the claimant's right 114
to receive benefits for any week may notify the director in 115
writing of those facts. The director shall prescribe a form for 116
such eligibility notice, but failure to use the form shall not 117
preclude the director's examination of any notice. 118

To be considered valid, an eligibility notice must: 119
contain in writing, a statement that identifies either a source 120
who has firsthand knowledge of the information or an informant 121
who can identify the source; provide specific and detailed 122
information that may potentially disqualify the claimant; 123
provide the name and address of the source or the informant; and 124
appear to the director to be reliable and credible. 125

An eligibility notice is timely filed if received or 126
postmarked prior to or within forty-five calendar days after the 127
end of the week with respect to which a claim for benefits is 128
filed by the claimant. An employer who timely files a valid 129
eligibility notice shall be an interested party to the claim for 130
benefits which is the subject of the notice. 131

The director shall consider the information contained in 132
the eligibility notice, together with other available 133
information. After giving the claimant notice and an opportunity 134

to respond, the director shall make a determination and inform 135
the notifying employer, the claimant, and other interested 136
parties of the determination. 137

(G) CORRECTED DETERMINATION 138

If the director finds within the fifty-two calendar weeks 139
beginning with the Sunday of the week during which an 140
application for benefit rights was filed or within the benefit 141
year that a determination made by the director was erroneous due 142
to an error in an employer's report or any typographical or 143
clerical error in the director's determination, or as shown by 144
correct remuneration information received by the director, the 145
director shall issue a corrected determination to all interested 146
parties. The corrected determination shall take precedence over 147
and void the prior determination of the director. The director 148
shall not issue a corrected determination when the commission or 149
a court has jurisdiction with respect to that determination. 150

(H) EFFECT OF COMMISSION DECISIONS 151

In making determinations, the director shall follow 152
decisions of the unemployment compensation review commission 153
which have become final with respect to claimants similarly 154
situated. 155

(I) PROMPT PAYMENTS 156

If benefits are allowed by the director, a hearing 157
officer, the commission, or a court, the director shall pay 158
benefits promptly, notwithstanding any further appeal, provided 159
that if benefits are denied on appeal, of which the parties have 160
notice and an opportunity to be heard, the director shall 161
withhold payment of benefits pending a decision on any further 162
appeal. 163

Sec. 4141.286. (A) When the director of job and family services notifies an individual that an application for pandemic unemployment assistance filed in accordance with section 15 U.S.C. 9021 is valid, the director shall also notify the individual that the individual shall not receive a payment until the individual presents one of the following to the administrator of a public employment office maintained by the director under section 4141.04 of the Revised Code:

(1) A driver's license;

(2) Two documents that contain the individual's name and address and that the registrar of motor vehicles would accept for the purpose of issuing a driver's license.

(B) The individual shall present the documentation to the administrator. The administrator shall notify the director when an individual has satisfied the requirement in division (A) of this section. An individual is not required to present documents to an administrator more than once during the period for which the individual is eligible for pandemic unemployment assistance.

Section 2. That existing section 4141.28 of the Revised Code is hereby repealed.

Section 3. (A) The Director of Job and Family Services shall not pay a claim for benefits under Chapter 4141. of the Revised Code or a claim for pandemic unemployment assistance under 15 U.S.C. 9021 that is pending on or before the effective date of this section until the individual named in the claim presents one of the following to the administrator of a public employment office maintained by the Director under section 4141.04 of the Revised Code:

(1) A driver's license;

(2) Two documents that contain the individual's name and 193
address and that the Registrar of Motor Vehicles would accept 194
for the purpose of issuing a driver's license. 195

(B) The applicant shall present the documentation to the 196
administrator. The Director shall notify an individual named in 197
a pending claim of the requirement of division (A) of this 198
section as soon as practicable after the effective date of this 199
section. 200

(C) The applicant shall present the documentation to the 201
administrator. The administrator shall notify the Director when 202
an individual named in a pending claim has satisfied the 203
requirement in division (A) of this section. 204

Section 4. This act is hereby declared to be an emergency 205
measure necessary for the immediate preservation of the public 206
peace, health, and safety. The reason for such necessity is to 207
protect the integrity of the unemployment compensation system 208
and the identities of those who use it. Therefore, this act 209
shall go into immediate effect. 210