

As Introduced

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

S. B. No. 355

Senator Fedor

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

A BILL

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

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

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

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

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

(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or

(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or

(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:

(i) For the purposes of divisions (A) (1) (a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an employer under division (A) (1) (a), (b), or (d) of this section.

(d) As a farm operator or a crew leader subsequent to December 31, 1977, had in employment individuals in agricultural

labor; and 48

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Employment" includes: 148

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

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

Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason	166
of section 26 U.S.C.A. 3306(c) (8) of that act and is not	167
excluded under division (B) (3) of this section;	168
(c) Domestic service performed after December 31, 1977,	169
for an employer, as provided in division (A) (1) (c) of this	170
section;	171
(d) Agricultural labor performed after December 31, 1977,	172
for a farm operator or a crew leader, as provided in division	173
(A) (1) (d) of this section;	174
(e) Subject to division (B) (2) (m) of this section, service	175
not covered under division (B) (1) of this section which is	176
performed after December 31, 1971:	177
(i) As an agent-driver or commission-driver engaged in	178
distributing meat products, vegetable products, fruit products,	179
bakery products, beverages other than milk, laundry, or dry-	180
cleaning services, for the individual's employer or principal;	181
(ii) As a traveling or city salesperson, other than as an	182
agent-driver or commission-driver, engaged on a full-time basis	183
in the solicitation on behalf of and in the transmission to the	184
salesperson's employer or principal except for sideline sales	185
activities on behalf of some other person of orders from	186
wholesalers, retailers, contractors, or operators of hotels,	187
restaurants, or other similar establishments for merchandise for	188
resale, or supplies for use in their business operations,	189
provided that for the purposes of division (B) (2) (e) (ii) of this	190
section, the services shall be deemed employment if the contract	191
of service contemplates that substantially all of the services	192
are to be performed personally by the individual and that the	193
individual does not have a substantial investment in facilities	194

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(xiii) The employer pays expenses for the individual performing services;	311 312
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	313 314
(xv) The individual performing services has not invested in the facilities used to perform services;	315 316
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	317 318 319
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	320 321
(xviii) The individual performing services does not make the services available to the general public;	322 323
(xix) The employer has a right to discharge the individual performing services;	324 325
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	326 327 328 329
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	330 331 332 333 334 335 336 337 338

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

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

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

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

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

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

(vi) The individual is responsible for substantially all 367

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

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

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

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

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

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

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

(i) As a publicly elected official; 393

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) As a publicly elected official; 591

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

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

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

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

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

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

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

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

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

unemployment. 630

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

days is prescribed by the director. 718

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

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

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

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

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

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

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

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

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

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

services for which remuneration is payable. 809

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

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

statewide average weekly wage was based. 840

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section 4141.28 of the Revised Code; 1011

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

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

(i) Filing an application for benefit rights; 1019

(ii) Making a weekly claim for benefits; 1020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) No individual shall be required to register with the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) The individual has completed similar services. 1192

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

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

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

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

for total or partial unemployment benefits. 1215

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

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

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

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

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

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

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

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

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

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

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

(I) Thirty days after separation; 1269

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or deceitful acts. 1364

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

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

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

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

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

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

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

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

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

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

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

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

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

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

as defined in division (CC) of section 4141.01 of the Revised 1453
Code, shall not be paid to any individual for any week of 1454
unemployment that begins during the period between two 1455
successive academic years or terms, or during a similar period 1456
between two regular but not successive terms or during a period 1457
of paid sabbatical leave provided for in the individual's 1458
contract, if the individual performs such services in the first 1459
of those academic years or terms and has a contract or a 1460
reasonable assurance that the individual will perform services 1461
in any such capacity for any such institution in the second of 1462
those academic years or terms. 1463

(b) Benefits based on service for an educational 1464
institution or an institution of higher education in other than 1465
an instructional, research, or principal administrative 1466
capacity, shall not be paid to any individual for any week of 1467
unemployment which begins during the period between two 1468
successive academic years or terms of the employing educational 1469
institution or institution of higher education, provided the 1470
individual performed those services for the educational 1471
institution or institution of higher education during the first 1472
such academic year or term and, there is a reasonable assurance 1473
that such individual will perform those services for any 1474
educational institution or institution of higher education in 1475
the second of such academic years or terms. 1476

If compensation is denied to any individual for any week 1477
under division (I) (1) (b) of this section and the individual was 1478
not offered an opportunity to perform those services for an 1479
institution of higher education or for an educational 1480
institution for the second of such academic years or terms, the 1481
individual is entitled to a retroactive payment of compensation 1482
for each week for which the individual timely filed a claim for 1483

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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