

**As Passed by the Senate**

**124th General Assembly  
Regular Session  
2001-2002**

**S. B. No. 99**

**SENATORS Nein, Mumper, Spada**

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**A B I L L**

To amend sections 3121.01, 3121.07, 4141.01, 4141.06, 1  
4141.162, 4141.20, 4141.24, 4141.26, 4141.281, 2  
4141.301, 4141.35, and 4503.03; to amend, for the 3  
purpose of adopting new section numbers as 4  
indicated in parentheses, sections 4141.281 5  
(4141.283), 4141.282 (4141.284), and 4141.283 6  
(4141.285); to enact new sections 4141.28, 7  
4141.281, and 4141.282; and to repeal section 8  
4141.28 of the Revised Code to modify procedures 9  
for applying for determination of unemployment 10  
compensation benefits and claims for those 11  
benefits, to modify the procedures for appealing 12  
decisions relative to unemployment compensation 13  
benefits, to require that the information currently 14  
submitted by employers in two separate quarterly 15  
reports be merged into one report, and to 16  
correspondingly modify the threshold parameters for 17  
forfeiture penalties for late and improper filing 18  
of quarterly reports. 19

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

**Section 1.** That sections 3121.01, 3121.07, 4141.01, 4141.06, 20  
4141.162, 4141.20, 4141.24, 4141.26, 4141.281, 4141.301, 4141.35, 21

and 4503.03 be amended; sections 4141.281 (4141.283), 4141.282 22  
(4141.284), and 4141.283 (4141.285) be amended for the purpose of 23  
adopting new section numbers as indicated in parentheses; and new 24  
sections 4141.28, 4141.281, and 4141.282 of the Revised Code be 25  
enacted to read as follows: 26

**Sec. 3121.01.** As used in this chapter: 27

(A) "Court child support order," "court support order," and 28  
"personal earnings" have the same meanings as in section 3119.01 29  
of the Revised Code. 30

(B) "Default" means any failure to pay under a support order 31  
that is an amount greater than or equal to the amount of support 32  
payable under the support order for one month. 33

(C) "Financial institution" means a bank, savings and loan 34  
association, or credit union, or a regulated investment company or 35  
mutual fund. 36

(D) "Income" means any form of monetary payment, including 37  
personal earnings; workers' compensation payments; unemployment 38  
compensation benefits to the extent permitted by, and in 39  
accordance with, sections 3121.07 and ~~4141.282~~ 4141.284 of the 40  
Revised Code, and federal law governing the department of job and 41  
family services; pensions; annuities; allowances; private or 42  
governmental retirement benefits; disability or sick pay; 43  
insurance proceeds; lottery prize awards; federal, state, or local 44  
government benefits to the extent that the benefits can be 45  
withheld or deducted under the law governing the benefits; any 46  
form of trust fund or endowment; lump sum payments; and any other 47  
payment in money. 48

(E) "Payor" means any person or entity that pays or 49  
distributes income to an obligor, including an obligor if the 50  
obligor is self-employed; an employer; an employer paying an 51

obligor's workers' compensation benefits; the public employees  
retirement board; the governing entity of a municipal retirement  
system; the board of trustees of the Ohio police and fire pension  
fund; the state teachers retirement board; the school employees  
retirement board; the state highway patrol retirement board; a  
provider, as defined in section 3305.01 of the Revised Code; the  
bureau of workers' compensation; or any other person or entity  
other than the department of job and family services with respect  
to unemployment compensation benefits paid pursuant to Chapter  
4141. of the Revised Code.

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**Sec. 3121.07.** (A) If a child support enforcement agency  
discovers pursuant to an investigation conducted under section  
3123.02 of the Revised Code that an obligor under a child support  
order that it is administering may be receiving unemployment  
compensation benefits or if a child support enforcement agency  
receives notice or otherwise discovers that an obligor under a  
child support order may be receiving unemployment compensation  
benefits, the agency promptly shall conduct an investigation to  
determine whether the obligor is receiving unemployment  
compensation benefits and to determine the amount of the benefits.  
The investigation shall be completed within ten days of the  
agency's discovery or receipt of the notice.

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(B)(1) Upon completion of an investigation conducted under  
division (A) of this section, if the agency finds that the obligor  
is receiving unemployment compensation benefits, it shall, in  
accordance with Chapter 3121. of the Revised Code and section  
~~4141.282~~ 4141.284 of the Revised Code and federal law governing  
the department of job and family services, notify the department  
of job and family services to withhold or deduct an amount from  
the unemployment compensation benefits to pay child support  
obligations. Any deduction from a source in accordance with this  
section and section ~~4141.282~~ 4141.284 of the Revised Code is in

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addition to, and does not preclude, any withholding or deduction 84  
for purposes of child support under Chapters 3119., 3121., and 85  
3123. of the Revised Code. 86

The agency may not impose the processing charge pursuant to 87  
section 3119.27 of the Revised Code with respect to amounts 88  
withheld or deducted from unemployment compensation pursuant to 89  
this section. 90

(2)(a) The department of job and family services, in 91  
accordance with section ~~4141.282~~ 4141.284 of the Revised Code, 92  
shall deduct and withhold from unemployment compensation payable 93  
to the obligor, and pay to the appropriate child support 94  
enforcement entity, whichever of the following is applicable: 95

(i) Any amount required to be deducted and withheld from the 96  
unemployment compensation pursuant to legal process, as that term 97  
is defined in Title IV-D of the "Social Security Act," 88 Stat. 98  
2351 (1975), 42 U.S.C. 651 et seq., as amended, and properly 99  
served on the ~~administrator~~ director of job and family services, 100  
as described in section 4141.282 of the Revised Code; 101

(ii) When division (B)(2)(a)(i) of this section is 102  
inapplicable, an amount determined pursuant to an agreement 103  
submitted to the ~~administrator~~ director under Title IV-D of the 104  
"Social Security Act," 88 Stat. 2351, 42 U.S.C. 651 et seq., as 105  
amended, by the state or local child support enforcement agency; 106

(iii) If neither division (B)(2)(a)(i) nor (ii) of this 107  
section is applicable, then the amount specified by the 108  
individual. 109

(b) The amount of unemployment compensation subject to being 110  
withheld pursuant to division (B)(2)(a) of this section is that 111  
amount that remains payable to the individual after application of 112  
any recoupment provisions for recovery of overpayments and after 113  
deductions that have been made under Chapter 4141. of the Revised 114

Code for deductible income received by the individual. Effective 115  
for applications to establish unemployment compensation benefit 116  
rights filed after December 27, 1997, the amount withheld with 117  
respect to a week of unemployment benefits shall not exceed fifty 118  
per cent of the individual's weekly benefit amount as determined 119  
by the ~~administrator of the bureau of employment services~~ 120  
director. 121

(c) Any deduction and withholding pursuant to division (B) of 122  
this section from unemployment compensation payable to an obligor 123  
is subject to, and shall be in accordance with, section ~~4141.282~~ 124  
4141.284 of the Revised Code. 125

(C) The director ~~of job and family services~~ shall adopt rules 126  
in accordance with Chapter 119. of the Revised Code to implement 127  
this section, which rules shall be consistent with section 128  
~~4141.282~~ 4141.284 of the Revised Code and federal law governing 129  
the department. 130

**Sec. 4141.01.** As used in this chapter, unless the context 131  
otherwise requires: 132

(A)(1) "Employer" means the state, its instrumentalities, its 133  
political subdivisions and their instrumentalities, and any 134  
individual or type of organization including any partnership, 135  
limited liability company, association, trust, estate, joint-stock 136  
company, insurance company, or corporation, whether domestic or 137  
foreign, or the receiver, trustee in bankruptcy, trustee, or the 138  
successor thereof, or the legal representative of a deceased 139  
person who subsequent to December 31, 1971, or in the case of 140  
political subdivisions or their instrumentalities, subsequent to 141  
December 31, 1973: 142

(a) Had in employment at least one individual, or in the case 143  
of a nonprofit organization, subsequent to December 31, 1973, had 144  
not less than four individuals in employment for some portion of a 145

day in each of twenty different calendar weeks, in either the 146  
current or the preceding calendar year whether or not the same 147  
individual was in employment in each such day; or 148

(b) Except for a nonprofit organization, had paid for service 149  
in employment wages of fifteen hundred dollars or more in any 150  
calendar quarter in either the current or preceding calendar year; 151  
or 152

(c) Had paid, subsequent to December 31, 1977, for employment 153  
in domestic service in a local college club, or local chapter of a 154  
college fraternity or sorority, cash remuneration of one thousand 155  
dollars or more in any calendar quarter in the current calendar 156  
year or the preceding calendar year, or had paid subsequent to 157  
December 31, 1977, for employment in domestic service in a private 158  
home cash remuneration of one thousand dollars in any calendar 159  
quarter in the current calendar year or the preceding calendar 160  
year: 161

(i) For the purposes of divisions (A)(1)(a) and (b) of this 162  
section, there shall not be taken into account any wages paid to, 163  
or employment of, an individual performing domestic service as 164  
described in this division. 165

(ii) An employer under this division shall not be an employer 166  
with respect to wages paid for any services other than domestic 167  
service unless the employer is also found to be an employer under 168  
division (A)(1)(a), (b), or (d) of this section. 169

(d) As a farm operator or a crew leader subsequent to 170  
December 31, 1977, had in employment individuals in agricultural 171  
labor; and 172

(i) During any calendar quarter in the current calendar year 173  
or the preceding calendar year, paid cash remuneration of twenty 174  
thousand dollars or more for the agricultural labor; or 175

(ii) Had at least ten individuals in employment in 176

agricultural labor, not including agricultural workers who are 177  
aliens admitted to the United States to perform agricultural labor 178  
pursuant to sections 214(e) and 101(a)(15)(H) of the "Immigration 179  
and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 180

1101(a)(15)(H)(ii)(a), for some portion of a day in each of the 181  
twenty different calendar weeks, in either the current or 182  
preceding calendar year whether or not the same individual was in 183  
employment in each day; or 184

(e) Is not otherwise an employer as defined under division 185  
(A)(1)(a) or (b) of this section; and 186

(i) For which, within either the current or preceding 187  
calendar year, service, except for domestic service in a private 188  
home not covered under division (A)(1)(c) of this section, is or 189  
was performed with respect to which such employer is liable for 190  
any federal tax against which credit may be taken for 191  
contributions required to be paid into a state unemployment fund; 192

(ii) Which, as a condition for approval of this chapter for 193  
full tax credit against the tax imposed by the "Federal 194  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 195  
required, pursuant to such act to be an employer under this 196  
chapter; or 197

(iii) Who became an employer by election under division 198  
(A)(4) or (5) of this section and for the duration of such 199  
election; or 200

(f) In the case of the state, its instrumentalities, its 201  
political subdivisions, and their instrumentalities, had in 202  
employment, as defined in division (B)(2)(a) of this section, at 203  
least one individual; 204

(g) For the purposes of division (A)(1)(a) of this section, 205  
if any week includes both the thirty-first day of December and the 206  
first day of January, the days of that week before the first day 207

of January shall be considered one calendar week and the days 208  
beginning the first day of January another week. 209

(2) Each individual employed to perform or to assist in 210  
performing the work of any agent or employee of an employer is 211  
employed by such employer for all the purposes of this chapter, 212  
whether such individual was hired or paid directly by such 213  
employer or by such agent or employee, provided the employer had 214  
actual or constructive knowledge of the work. All individuals 215  
performing services for an employer of any person in this state 216  
who maintains two or more establishments within this state are 217  
employed by a single employer for the purposes of this chapter. 218

(3) An employer subject to this chapter within any calendar 219  
year is subject to this chapter during the whole of such year and 220  
during the next succeeding calendar year. 221

(4) An employer not otherwise subject to this chapter who 222  
files with the director of job and family services a written 223  
election to become an employer subject to this chapter for not 224  
less than two calendar years shall, with the written approval of 225  
such election by the director, become an employer subject to this 226  
chapter to the same extent as all other employers as of the date 227  
stated in such approval, and shall cease to be subject to this 228  
chapter as of the first day of January of any calendar year 229  
subsequent to such two calendar years only if at least thirty days 230  
prior to such first day of January the employer has filed with the 231  
director a written notice to that effect. 232

(5) Any employer for whom services that do not constitute 233  
employment are performed may file with the director a written 234  
election that all such services performed by individuals in the 235  
employer's employ in one or more distinct establishments or places 236  
of business shall be deemed to constitute employment for all the 237  
purposes of this chapter, for not less than two calendar years. 238  
Upon written approval of the election by the director, such 239



services shall be deemed to constitute employment subject to this 240  
chapter from and after the date stated in such approval. Such 241  
services shall cease to be employment subject to this chapter as 242  
of the first day of January of any calendar year subsequent to 243  
such two calendar years only if at least thirty days prior to such 244  
first day of January such employer has filed with the director a 245  
written notice to that effect. 246

(B)(1) "Employment" means service performed by an individual 247  
for remuneration under any contract of hire, written or oral, 248  
express or implied, including service performed in interstate 249  
commerce and service performed by an officer of a corporation, 250  
without regard to whether such service is executive, managerial, 251  
or manual in nature, and without regard to whether such officer is 252  
a stockholder or a member of the board of directors of the 253  
corporation, unless it is shown to the satisfaction of the 254  
director that such individual has been and will continue to be 255  
free from direction or control over the performance of such 256  
service, both under a contract of service and in fact. The 257  
director shall adopt rules to define "direction or control." 258

(2) "Employment" includes: 259

(a) Service performed after December 31, 1977, by an 260  
individual in the employ of the state or any of its 261  
instrumentalities, or any political subdivision thereof or any of 262  
its instrumentalities or any instrumentality of more than one of 263  
the foregoing or any instrumentality of any of the foregoing and 264  
one or more other states or political subdivisions and without 265  
regard to divisions (A)(1)(a) and (b) of this section, provided 266  
that such service is excluded from employment as defined in the 267  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 268  
3306(c)(7) and is not excluded under division (B)(3) of this 269  
section; or the services of employees covered by voluntary 270  
election, as provided under divisions (A)(4) and (5) of this 271

section;	272
(b) Service performed after December 31, 1971, by an individual in the employ of a religious, charitable, educational, or other organization which is excluded from the term "employment" as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 3306(c)(8) of that act and is not excluded under division (B)(3) of this section;	273 274 275 276 277 278 279
(c) Domestic service performed after December 31, 1977, for an employer, as provided in division (A)(1)(c) of this section;	280 281
(d) Agricultural labor performed after December 31, 1977, for a farm operator or a crew leader, as provided in division (A)(1)(d) of this section;	282 283 284
(e) Service not covered under division (B)(1) of this section which is performed after December 31, 1971:	285 286
(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages other than milk, laundry, or dry-cleaning services, for the individual's employer or principal;	287 288 289 290
(ii) As a traveling or city salesperson, other than as an agent-driver or commission-driver, engaged on a full-time basis in the solicitation on behalf of and in the transmission to the salesperson's employer or principal except for sideline sales activities on behalf of some other person of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale, or supplies for use in their business operations, provided that for the purposes of this division (B)(2)(e)(ii) of this section, the services shall be deemed employment if the contract of service contemplates that substantially all of the services are to be performed personally by the individual and that the	291 292 293 294 295 296 297 298 299 300 301 302

individual does not have a substantial investment in facilities  
used in connection with the performance of the services other than  
in facilities for transportation, and the services are not in the  
nature of a single transaction that is not a part of a continuing  
relationship with the person for whom the services are performed.

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

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(i) The service is localized in this state.

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

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

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or transitory in nature or consists of isolated transactions; 335

(h) Service of an individual who is a citizen of the United 336  
States, performed outside the United States except in Canada after 337  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 338  
and before the first day of January of the year following that in 339  
which the United States secretary of labor approves the Virgin 340  
Islands law for the first time, in the employ of an American 341  
employer, other than service which is "employment" under divisions 342  
(B)(2)(f) and (g) of this section or similar provisions of another 343  
state's law, if: 344

(i) The employer's principal place of business in the United 345  
States is located in this state; 346

(ii) The employer has no place of business in the United 347  
States, but the employer is an individual who is a resident of 348  
this state; or the employer is a corporation which is organized 349  
under the laws of this state, or the employer is a partnership or 350  
a trust and the number of partners or trustees who are residents 351  
of this state is greater than the number who are residents of any 352  
other state; or 353

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 354  
of this section is met but the employer has elected coverage in 355  
this state or the employer having failed to elect coverage in any 356  
state, the individual has filed a claim for benefits, based on 357  
such service, under this chapter. 358

(i) For the purposes of division (B)(2)(h) of this section, 359  
the term "American employer" means an employer who is an 360  
individual who is a resident of the United States; or a 361  
partnership, if two-thirds or more of the partners are residents 362  
of the United States; or a trust, if all of the trustees are 363  
residents of the United States; or a corporation organized under 364  
the laws of the United States or of any state, provided the term 365

"United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands. 366  
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(j) Notwithstanding any other provisions of divisions (B)(1) 368  
and (2) of this section, service, except for domestic service in a 369  
private home not covered under division (A)(1)(c) of this section, 370  
with respect to which a tax is required to be paid under any 371  
federal law imposing a tax against which credit may be taken for 372  
contributions required to be paid into a state unemployment fund, 373  
or service, except for domestic service in a private home not 374  
covered under division (A)(1)(c) of this section, which, as a 375  
condition for full tax credit against the tax imposed by the 376  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 377  
3311, is required to be covered under this chapter. 378

(k) Construction services performed by any individual under a 379  
construction contract, as defined in section 4141.39 of the 380  
Revised Code, if the director determines that the employer for 381  
whom services are performed has the right to direct or control the 382  
performance of the services and that the individuals who perform 383  
the services receive remuneration for the services performed. The 384  
director shall presume that the employer for whom services are 385  
performed has the right to direct or control the performance of 386  
the services if ten or more of the following criteria apply: 387

(i) The employer directs or controls the manner or method by 388  
which instructions are given to the individual performing 389  
services; 390

(ii) The employer requires particular training for the 391  
individual performing services; 392

(iii) Services performed by the individual are integrated 393  
into the regular functioning of the employer; 394

(iv) The employer requires that services be provided by a 395  
particular individual; 396

(v) The employer hires, supervises, or pays the wages of the individual performing services;	397 398
(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;	399 400 401
(vii) The employer requires the individual to perform services during established hours;	402 403
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	404 405 406
(ix) The employer requires the individual to perform services on the employer's premises;	407 408
(x) The employer requires the individual performing services to follow the order of work established by the employer;	409 410
(xi) The employer requires the individual performing services to make oral or written reports of progress;	411 412
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	413 414
(xiii) The employer pays expenses for the individual performing services;	415 416
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	417 418
(xv) The individual performing services has not invested in the facilities used to perform services;	419 420
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	421 422 423
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	424 425

(xviii) The individual performing services does not make the services available to the general public;	426 427
(xix) The employer has a right to discharge the individual performing services;	428 429
(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.	430 431 432
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:	433 434 435 436 437
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	438 439 440
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of this section;	441 442 443 444
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B)(2)(a) of this section when performed:	445 446 447
(i) As a publicly elected official;	448
(ii) As a member of a legislative body, or a member of the judiciary;	449 450
(iii) As a military member of the Ohio national guard;	451
(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;	452 453 454 455

(v) In a position which, under or pursuant to law, is 456  
designated as a major nontenured policymaking or advisory 457  
position, not in the classified service of the state, or a 458  
policymaking or advisory position the performance of the duties of 459  
which ordinarily does not require more than eight hours per week. 460

(d) In the employ of any governmental unit or instrumentality 461  
of the United States; 462

(e) Service performed after December 31, 1971: 463

(i) Service in the employ of an educational institution or 464  
institution of higher education, including those operated by the 465  
state or a political subdivision, if such service is performed by 466  
a student who is enrolled and is regularly attending classes at 467  
the educational institution or institution of higher education; or 468

(ii) By an individual who is enrolled at a nonprofit or 469  
public educational institution which normally maintains a regular 470  
faculty and curriculum and normally has a regularly organized body 471  
of students in attendance at the place where its educational 472  
activities are carried on as a student in a full-time program, 473  
taken for credit at the institution, which combines academic 474  
instruction with work experience, if the service is an integral 475  
part of the program, and the institution has so certified to the 476  
employer, provided that this subdivision shall not apply to 477  
service performed in a program established for or on behalf of an 478  
employer or group of employers; 479

(f) Service performed by an individual in the employ of the 480  
individual's son, daughter, or spouse and service performed by a 481  
child under the age of eighteen in the employ of the child's 482  
father or mother; 483

(g) Service performed for one or more principals by an 484  
individual who is compensated on a commission basis, who in the 485  
performance of the work is master of the individual's own time and 486



efforts, and whose remuneration is wholly dependent on the amount  
of effort the individual chooses to expend, and which service is  
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183  
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December  
31, 1971:

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

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

(h) Service performed after December 31, 1971:

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

(ii) By a duly ordained, commissioned, or licensed minister  
of a church in the exercise of the individual's ministry or by a  
member of a religious order in the exercise of duties required by  
such order; or

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

(i) Service performed after June 30, 1939, with respect to

which unemployment compensation is payable under the "Railroad  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

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

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

(l) Service performed in the employ of a voluntary employees'  
beneficial association providing for the payment of life,  
sickness, accident, or other benefits to the members of such  
association or their dependents or their designated beneficiaries,  
if admission to a membership in such association is limited to  
individuals who are officers or employees of a municipal or public  
corporation, of a political subdivision of the state, or of the  
United States and no part of the net earnings of such association  
inures, other than through such payments, to the benefit of any  
private shareholder or individual;

(m) Service performed by an individual in the employ of a  
foreign government, including service as a consular or other  
officer or employee or of a nondiplomatic representative;

(n) Service performed in the employ of an instrumentality 549  
wholly owned by a foreign government if the service is of a 550  
character similar to that performed in foreign countries by 551  
employees of the United States or of an instrumentality thereof 552  
and if the director finds that the secretary of state of the 553  
United States has certified to the secretary of the treasury of 554  
the United States that the foreign government, with respect to 555  
whose instrumentality exemption is claimed, grants an equivalent 556  
exemption with respect to similar service performed in the foreign 557  
country by employees of the United States and of instrumentalities 558  
thereof; 559

(o) Service with respect to which unemployment compensation 560  
is payable under an unemployment compensation system established 561  
by an act of congress; 562

(p) Service performed as a student nurse in the employ of a 563  
hospital or a nurses' training school by an individual who is 564  
enrolled and is regularly attending classes in a nurses' training 565  
school chartered or approved pursuant to state law, and service 566  
performed as an intern in the employ of a hospital by an 567  
individual who has completed a four years' course in a medical 568  
school chartered or approved pursuant to state law; 569

(q) Service performed by an individual under the age of 570  
eighteen in the delivery or distribution of newspapers or shopping 571  
news, not including delivery or distribution to any point for 572  
subsequent delivery or distribution; 573

(r) Service performed in the employ of the United States or 574  
an instrumentality of the United States immune under the 575  
constitution of the United States from the contributions imposed 576  
by this chapter, except that to the extent that congress permits 577  
states to require any instrumentalities of the United States to 578  
make payments into an unemployment fund under a state unemployment 579  
compensation act, this chapter shall be applicable to such 580

instrumentalities and to services performed for such 581  
instrumentalities in the same manner, to the same extent, and on 582  
the same terms as to all other employers, individuals, and 583  
services, provided that if this state is not certified for any 584  
year by the proper agency of the United States under section 3304 585  
of the "Internal Revenue Code of 1954," the payments required of 586  
such instrumentalities with respect to such year shall be refunded 587  
by the director from the fund in the same manner and within the 588  
same period as is provided in division (E) of section 4141.09 of 589  
the Revised Code with respect to contributions erroneously 590  
collected; 591

(s) Service performed by an individual as a member of a band 592  
or orchestra, provided such service does not represent the 593  
principal occupation of such individual, and which service is not 594  
subject to or required to be covered for full tax credit against 595  
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 596  
183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after 597  
December 31, 1971, for a nonprofit organization, this state or its 598  
instrumentalities, or a political subdivision or its 599  
instrumentalities, as part of an unemployment work-relief or 600  
work-training program assisted or financed in whole or in part by 601  
any federal agency or an agency of a state or political 602  
subdivision thereof, by an individual receiving the work-relief or 603  
work-training. 604

(t) Service performed in the employ of a day camp whose 605  
camping season does not exceed twelve weeks in any calendar year, 606  
and which service is not subject to the "Federal Unemployment Tax 607  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 608  
performed after December 31, 1971: 609

(i) In the employ of a hospital, if the service is performed 610  
by a patient of the hospital, as defined in division (W) of this 611  
section; 612

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

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

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

(v) Notwithstanding any other provisions of division (B)(3) of this section, services that are excluded under divisions (B)(3)(g), (j), (k), and (l) of this section shall not be excluded from employment when performed for a nonprofit organization, as defined in division (X) of this section, or for this state or its instrumentalities, or for a political subdivision or its instrumentalities;

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

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

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

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

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

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

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

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

(G)(1) "Wages" means remuneration paid to an employee by each of the employee's employers with respect to employment; except that wages shall not include that part of remuneration paid during

any calendar year to an individual by an employer or such 675  
employer's predecessor in interest in the same business or 676  
enterprise, which in any calendar year is in excess of eight 677  
thousand two hundred fifty dollars on and after January 1, 1992; 678  
eight thousand five hundred dollars on and after January 1, 1993; 679  
eight thousand seven hundred fifty dollars on and after January 1, 680  
1994; and nine thousand dollars on and after January 1, 1995. 681  
Remuneration in excess of such amounts shall be deemed wages 682  
subject to contribution to the same extent that such remuneration 683  
is defined as wages under the "Federal Unemployment Tax Act," 84 684  
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 685  
remuneration paid an employee by an employer with respect to 686  
employment in another state, upon which contributions were 687  
required and paid by such employer under the unemployment 688  
compensation act of such other state, shall be included as a part 689  
of remuneration in computing the amount specified in this 690  
division. 691

(2) Notwithstanding division (G)(1) of this section, if, as 692  
of the computation date for any calendar year, the director 693  
determines that the level of the unemployment compensation fund is 694  
sixty per cent or more below the minimum safe level as defined in 695  
section 4141.25 of the Revised Code, then, effective the first day 696  
of January of the following calendar year, wages subject to this 697  
chapter shall not include that part of remuneration paid during 698  
any calendar year to an individual by an employer or such 699  
employer's predecessor in interest in the same business or 700  
enterprise which is in excess of nine thousand dollars. The 701  
increase in the dollar amount of wages subject to this chapter 702  
under this division shall remain in effect from the date of the 703  
director's determination pursuant to division (G)(2) of this 704  
section and thereafter notwithstanding the fact that the level in 705  
the fund may subsequently become less than sixty per cent below 706

the minimum safe level.

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

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

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(a) Payments as provided in divisions (b)(2) to (b)(16) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

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

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

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

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(J) "Annual payroll" means the total amount of wages subject to contributions during a twelve-month period ending with the last

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day of the second calendar quarter of any calendar year. 738

(K) "Average annual payroll" means the average of the last 739  
three annual payrolls of an employer, provided that if, as of any 740  
computation date, the employer has had less than three annual 741  
payrolls in such three-year period, such average shall be based on 742  
the annual payrolls which the employer has had as of such date. 743

(L)(1) "Contributions" means the money payments to the state 744  
unemployment compensation fund required of employers by section 745  
4141.25 of the Revised Code and of the state and any of its 746  
political subdivisions electing to pay contributions under section 747  
4141.242 of the Revised Code. Employers paying contributions shall 748  
be described as "contributory employers." 749

(2) "Payments in lieu of contributions" means the money 750  
payments to the state unemployment compensation fund required of 751  
reimbursing employers under sections 4141.241 and 4141.242 of the 752  
Revised Code. 753

(M) An individual is "totally unemployed" in any week during 754  
which the individual performs no services and with respect to such 755  
week no remuneration is payable to the individual. 756

(N) An individual is "partially unemployed" in any week if, 757  
due to involuntary loss of work, the total remuneration payable to 758  
the individual for such week is less than the individual's weekly 759  
benefit amount. 760

(O) "Week" means the calendar week ending at midnight 761  
Saturday unless an equivalent week of seven consecutive calendar 762  
days is prescribed by the director. 763

(1) "Qualifying week" means any calendar week in an 764  
individual's base period with respect to which the individual 765  
earns or is paid remuneration in employment subject to this 766  
chapter. A calendar week with respect to which an individual earns 767  
remuneration but for which payment was not made within the base 768

period, when necessary to qualify for benefit rights, may be 769  
considered to be a qualifying week. The number of qualifying weeks 770  
which may be established in a calendar quarter shall not exceed 771  
the number of calendar weeks in the quarter. 772

(2) "Average weekly wage" means the amount obtained by 773  
dividing an individual's total remuneration for all qualifying 774  
weeks during the base period by the number of such qualifying 775  
weeks, provided that if the computation results in an amount that 776  
is not a multiple of one dollar, such amount shall be rounded to 777  
the next lower multiple of one dollar. 778

(P) "Weekly benefit amount" means the amount of benefits an 779  
individual would be entitled to receive for one week of total 780  
unemployment. 781

(Q)(1) "Base period" means the first four of the last five 782  
completed calendar quarters immediately preceding the first day of 783  
an individual's benefit year, except as provided in division 784  
(Q)(2) of this section. 785

(2) If an individual does not have sufficient qualifying 786  
weeks and wages in the base period to qualify for benefit rights, 787  
the individual's base period shall be the four most recently 788  
completed calendar quarters preceding the first day of the 789  
individual's benefit year. Such base period shall be known as the 790  
"alternate base period." If information as to weeks and wages for 791  
the most recent quarter of the alternate base period is not 792  
available to the director from the regular quarterly reports of 793  
wage information, which are systematically accessible, the 794  
director may, consistent with the provisions of section 4141.28 of 795  
the Revised Code, base the determination of eligibility for 796  
benefits on the affidavit of the claimant with respect to weeks 797  
and wages for that calendar quarter. The claimant shall furnish 798  
payroll documentation, where available, in support of the 799  
affidavit. The determination based upon the alternate base period 800

as it relates to the claimant's benefit rights, shall be amended  
when the quarterly report of wage information from the employer is  
timely received and that information causes a change in the  
determination. As provided in division (B)~~(1)(b)~~ of section  
4141.28 of the Revised Code, any benefits paid and charged to an  
employer's account, based upon a claimant's affidavit, shall be  
adjusted effective as of the beginning of the claimant's benefit  
year. No calendar quarter in a base period or alternate base  
period shall be used to establish a subsequent benefit year.

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

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

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(R)(1) "Benefit year" with respect to an individual means the  
fifty-two week period beginning with the first day of that week  
with respect to which the individual first files a valid  
application for determination of benefit rights, and thereafter  
the fifty-two week period beginning with the first day of that  
week with respect to which the individual next files a valid  
application for determination of benefit rights after the  
termination of the individual's last preceding benefit year,  
except that the application shall not be considered valid unless  
the individual has had employment in six weeks that is subject to  
this chapter or the unemployment compensation act of another  
state, or the United States, and has, since the beginning of the  
individual's previous benefit year, in the employment earned three  
times the average weekly wage determined for the previous benefit  
year. The "benefit year" of a combined wage claim, as described in

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division (H) of section 4141.43 of the Revised Code, shall be the  
benefit year prescribed by the law of the state in which the claim  
is allowed. Any application for determination of benefit rights  
made in accordance with section 4141.28 of the Revised Code is  
valid if the individual filing such application is unemployed, has  
been employed by an employer or employers subject to this chapter  
in at least twenty qualifying weeks within the individual's base  
period, and has earned or been paid remuneration at an average  
weekly wage of not less than twenty-seven and one-half per cent of  
the statewide average weekly wage for such weeks. For purposes of  
determining whether an individual has had sufficient employment  
since the beginning of the individual's previous benefit year to  
file a valid application, "employment" means the performance of  
services for which remuneration is payable.

(2) Effective for ~~applications filed on and after March 3,~~  
~~2002~~ benefit years beginning on and after December 28, 2003, any  
application for determination of benefit rights made in accordance  
with section 4141.28 of the Revised Code is valid if the  
individual satisfies the criteria described in division (R)(1) of  
this section, and if the reason for the individual's separation  
from employment is not disqualifying pursuant to division (D)(2)  
of section 4141.29 or section 4141.291 of the Revised Code. A  
disqualification imposed pursuant to division (D)(2) of section  
4141.29 or section 4141.291 of the Revised Code must be removed as  
provided in those sections as a requirement of establishing a  
valid application for benefit ~~rights filed on and after March 3,~~  
~~2002~~ years beginning on and after December 28, 2003.

(3) The statewide average weekly wage shall be calculated by  
the director once a year based on the twelve-month period ending  
the thirtieth day of June, as set forth in division (B)(3) of  
section 4141.30 of the Revised Code, rounded down to the nearest

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dollar. Increases or decreases in the amount of remuneration  
required to have been earned or paid in order for individuals to  
have filed valid applications shall become effective on Sunday of  
the calendar week in which the first day of January occurs that  
follows the twelve-month period ending the thirtieth day of June  
upon which the calculation of the statewide average weekly wage  
was based.

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

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

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

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

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

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(1) On a farm, in the employ of any person, in connection  
with cultivating the soil, or in connection with raising or  
harvesting any agricultural or horticultural commodity, including

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the raising, shearing, feeding, caring for, training, and 896  
management of livestock, bees, poultry, and fur-bearing animals 897  
and wildlife; 898

(2) In the employ of the owner or tenant or other operator of 899  
a farm in connection with the operation, management, conservation, 900  
improvement, or maintenance of such farm and its tools and 901  
equipment, or in salvaging timber or clearing land of brush and 902  
other debris left by hurricane, if the major part of such service 903  
is performed on a farm; 904

(3) In connection with the production or harvesting of any 905  
commodity defined as an agricultural commodity in section 15 (g) 906  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 907  
U.S.C. 1141j, as amended, or in connection with the ginning of 908  
cotton, or in connection with the operation or maintenance of 909  
ditches, canals, reservoirs, or waterways, not owned or operated 910  
for profit, used exclusively for supplying and storing water for 911  
farming purposes; 912

(4) In the employ of the operator of a farm in handling, 913  
planting, drying, packing, packaging, processing, freezing, 914  
grading, storing, or delivering to storage or to market or to a 915  
carrier for transportation to market, in its unmanufactured state, 916  
any agricultural or horticultural commodity, but only if the 917  
operator produced more than one half of the commodity with respect 918  
to which such service is performed; 919

(5) In the employ of a group of operators of farms, or a 920  
cooperative organization of which the operators are members, in 921  
the performance of service described in division (V)(4) of this 922  
section, but only if the operators produced more than one-half of 923  
the commodity with respect to which the service is performed; 924

(6) Divisions (V)(4) and (5) of this section shall not be 925  
deemed to be applicable with respect to service performed: 926

(a) In connection with commercial canning or commercial 927  
freezing or in connection with any agricultural or horticultural 928  
commodity after its delivery to a terminal market for distribution 929  
for consumption; or 930

(b) On a farm operated for profit if the service is not in 931  
the course of the employer's trade or business. 932

As used in division (V) of this section, "farm" includes 933  
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 934  
plantations, ranches, nurseries, ranges, greenhouses, or other 935  
similar structures used primarily for the raising of agricultural 936  
or horticultural commodities and orchards. 937

(W) "Hospital" means an institution which has been registered 938  
or licensed by the Ohio department of health as a hospital. 939  
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(X) "Nonprofit organization" means an organization, or group 941  
of organizations, described in section 501(c)(3) of the "Internal 942  
Revenue Code of 1954," and exempt from income tax under section 943  
501(a) of that code. 944

(Y) "Institution of higher education" means a public or 945  
nonprofit educational institution which: 946

(1) Admits as regular students only individuals having a 947  
certificate of graduation from a high school, or the recognized 948  
equivalent; 949

(2) Is legally authorized in this state to provide a program 950  
of education beyond high school; and 951

(3) Provides an educational program for which it awards a 952  
bachelor's or higher degree, or provides a program which is 953  
acceptable for full credit toward such a degree, a program of 954  
post-graduate or post-doctoral studies, or a program of training 955  
to prepare students for gainful employment in a recognized 956

occupation. 957

For the purposes of this division, all colleges and 958  
universities in this state are institutions of higher education. 959

(Z) For the purposes of this chapter, "states" includes the 960  
District of Columbia, the Commonwealth of Puerto Rico, and the 961  
Virgin Islands. 962

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 963  
this section, an individual who is an alien admitted to the United 964  
States to perform service in agricultural labor pursuant to 965  
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 966  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 967

(BB)(1) "Crew leader" means an individual who furnishes 968  
individuals to perform agricultural labor for any other employer 969  
or farm operator, and: 970

(a) Pays, either on the individual's own behalf or on behalf 971  
of the other employer or farm operator, the individuals so 972  
furnished by the individual for the service in agricultural labor 973  
performed by them; 974

(b) Has not entered into a written agreement with the other 975  
employer or farm operator under which the agricultural worker is 976  
designated as in the employ of the other employer or farm 977  
operator. 978

(2) For the purposes of this chapter, any individual who is a 979  
member of a crew furnished by a crew leader to perform service in 980  
agricultural labor for any other employer or farm operator shall 981  
be treated as an employee of the crew leader if: 982

(a) The crew leader holds a valid certificate of registration 983  
under the "Farm Labor Contractor Registration Act of 1963," 90 984  
Stat. 2668, 7 U.S.C. 2041; or 985

(b) Substantially all the members of the crew operate or 986



maintain tractors, mechanized harvesting or crop-dusting 987  
equipment, or any other mechanized equipment, which is provided by 988  
the crew leader; and 989

(c) If the individual is not in the employment of the other 990  
employer or farm operator within the meaning of division (B)(1) of 991  
this section. 992

(3) For the purposes of this division, any individual who is 993  
furnished by a crew leader to perform service in agricultural 994  
labor for any other employer or farm operator and who is not 995  
treated as in the employment of the crew leader under division 996  
(BB)(2) of this section shall be treated as the employee of the 997  
other employer or farm operator and not of the crew leader. The 998  
other employer or farm operator shall be treated as having paid 999  
cash remuneration to the individual in an amount equal to the 1000  
amount of cash remuneration paid to the individual by the crew 1001  
leader, either on the crew leader's own behalf or on behalf of the 1002  
other employer or farm operator, for the service in agricultural 1003  
labor performed for the other employer or farm operator. 1004

(CC) "Educational institution" means an institution other 1005  
than an institution of higher education as defined in division (Y) 1006  
of this section which: 1007

(1) Offers participants, trainees, or students an organized 1008  
course of study or training designed to transfer to them 1009  
knowledge, skills, information, doctrines, attitudes, or abilities 1010  
from, by, or under the guidance of an instructor or teacher; and 1011

(2) Is approved, chartered, or issued a permit to operate as 1012  
a school by the state board of education or other government 1013  
agency that is authorized within the state to approve, charter, or 1014  
issue a permit for the operation of a school. 1015

For the purposes of this division, the courses of study or 1016  
training which the institution offers may be academic, technical, 1017

trade, or preparation for gainful employment in a recognized 1018  
occupation. 1019

**Sec. 4141.06.** There is hereby created an unemployment 1020  
compensation review commission consisting of three full-time 1021  
members appointed by the governor, with the advice and consent of 1022  
the senate. Terms of office shall be staggered and shall be for 1023  
six years, commencing on the twenty-eighth day of February and 1024  
ending on the twenty-seventh day of February. Each member shall 1025  
hold office from the date of appointment until the end of the term 1026  
for which the member was appointed. Any member appointed to fill a 1027  
vacancy occurring prior to the expiration of the term for which 1028  
the member's predecessor was appointed shall hold office for the 1029  
remainder of such term. Any member shall continue in office 1030  
subsequent to the expiration date of the member's term until the 1031  
member's successor takes office, or until a period of sixty days 1032  
has elapsed, whichever occurs first. The chairperson of the 1033  
commission and each member shall be paid a salary fixed pursuant 1034  
to section 124.14 of the Revised Code. The governor, at any time, 1035  
may remove any member for inefficiency, neglect of duty, 1036  
malfeasance, misfeasance, or nonfeasance in office. 1037

Not more than one of the appointees to the commission shall 1038  
be a person who, on account of the appointee's previous vocation, 1039  
employment, or affiliations, can be classed as a representative of 1040  
employers, and not more than one of the appointees shall be a 1041  
person who, on account of the appointee's previous vocation, 1042  
employment, or affiliations, can be classed as a representative of 1043  
employees. Not more than two of the members of the commission 1044  
shall belong to the same political party. No member of the 1045  
commission shall hold any position of trust or profit or engage in 1046  
any occupation or business interfering or inconsistent with the 1047  
member's duties as a member and no member shall serve on any 1048  
committee of any political party. The commission shall elect a 1049

chairperson and a vice-chairperson. The vice-chairperson shall 1050  
exercise the powers of the chairperson in the chairperson's 1051  
absence. 1052

No commission member shall participate in the disposition of 1053  
any appeal in which the member has an interest in the controversy. 1054  
Challenges to the interest of any commission member may be made by 1055  
any interested party defined in division (I) of section 4141.01 of 1056  
the Revised Code and shall be in writing. All challenges shall be 1057  
decided by the chairperson of the advisory council, who, if the 1058  
challenge is found to be well taken, shall advise the governor, 1059  
who shall appoint a member of the advisory council representing 1060  
the same affiliations to act and receive the same compensation for 1061  
serving in place of such member. 1062

The commission may appoint a secretary to hold office at its 1063  
pleasure. The secretary shall have such powers and shall perform 1064  
such duties as the commission prescribes and shall keep a record 1065  
of the proceedings of the commission and of its determinations. 1066  
The secretary shall receive a salary fixed pursuant to section 1067  
124.14 of the Revised Code. Notwithstanding division (A)(8) of 1068  
section 124.11 of the Revised Code, each member of the commission 1069  
may appoint a private secretary who shall be in the classified 1070  
service of the state and hold office at the pleasure of such 1071  
member. 1072

Two members of the commission constitute a quorum and no 1073  
action of the commission is valid unless it has the concurrence of 1074  
at least two members. A vacancy on the commission does not impair 1075  
the right of a quorum to exercise all the rights and perform all 1076  
the duties of the commission. 1077

~~Hearings before the commission are held at the hearing 1078  
officer level and the review level. Unless otherwise provided in 1079  
this chapter, initial hearings involving claims for compensation 1080  
and other unemployment compensation issues are conducted at the 1081~~

~~hearing officer level by hearing officers appointed by the 1082  
commission. Hearings at the review level are conducted by hearing 1083  
officers appointed by the commission, by members of the commission 1084  
acting either individually or collectively, and by members of the 1085  
commission and hearing officers acting jointly. In all hearings 1086  
conducted at the review level, the commission shall designate the 1087  
hearing officer or officers who are to conduct the hearing. When 1088  
the term "hearing officer" is used in reference to hearings 1089  
conducted at the review level, the term includes members of the 1090  
commission. All decisions issued at the review level are issued by 1091  
the commission. 1092~~

The commission and its hearing officers shall hear appeals 1093  
arising from determinations of the director of job and family 1094  
services involving claims for compensation and other unemployment 1095  
compensation issues. The commission shall adopt, amend, or rescind 1096  
rules of procedure, and undertake such investigations, and take 1097  
such action required for the hearing and disposition of appeals as 1098  
it deems necessary and consistent with this chapter. The rules 1099  
adopted by the commission shall be effective to the extent that 1100  
the rules are consistent with this chapter. 1101

The commission, subject to Chapter 124. of the Revised Code, 1102  
and with the approval of the governor, shall appoint such hearing 1103  
officers as are necessary. The hearing officers shall be 1104  
classified by the department of administrative services. Any 1105  
promotions or increases in compensation of the hearing officers 1106  
may be recommended by the commission subject to classifications 1107  
which are made by the department of administrative services. The 1108  
members of the commission and hearing officers may conduct 1109  
hearings for unemployment compensation appeals coming before the 1110  
commission. The members and hearing officers may exercise all 1111  
powers provided by section 4141.17 of the Revised Code. 1112

The commission, subject to Chapter 124. of the Revised Code, 1113

may employ such support personnel as are needed to carry out the  
duties of the commission. The salaries of such employees are fixed  
pursuant to section 124.14 of the Revised Code. The commission  
shall further provide itself and its employees with such offices,  
equipment, and supplies as are necessary, using those already  
provided for the department of job and family services wherever  
possible.

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The commission shall have access to only the records of the  
department of job and family services that are necessary for the  
administration of this chapter and needed in the performance of  
its official duties. The commission shall have the right to  
request of the director necessary information from any work unit  
of the department having that information.

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The commission shall prepare and submit to the director an  
annual budget financing the costs necessary to administer its  
duties under this chapter. The fund request shall relate to, but  
not be limited to, the United States department of labor's  
allocations for the commission's functions. The director shall  
approve the commission's request unless funds are insufficient to  
finance the request. The director shall notify the commission of  
the amount of funds available for its operation, as soon as  
possible, but not later than thirty days after receiving the  
allocation from the United States department of labor.

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In the event that the director determines that sufficient  
funds are not available to approve the request as submitted and a  
revised budget is not agreed to within thirty days of the  
director's notification to the commission, the director of budget  
and management shall review and determine the funding levels for  
the commission and notify the commission and the director of the  
determination by the director of budget and management.

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**Sec. 4141.162.** (A) The director of job and family services

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shall establish an income and eligibility verification system that 1145  
complies with section 1137 of the "Social Security Act." The 1146  
programs included in the system are all of the following: 1147

(1) Unemployment compensation pursuant to section 3304 of the 1148  
"Internal Revenue Code of 1954"; 1149

(2) The state programs funded in part under part A of Title 1150  
IV of the "Social Security Act" and administered under Chapters 1151  
5107. and 5108. of the Revised Code; 1152

(3) Medicaid pursuant to Title XIX of the "Social Security 1153  
Act"; 1154

(4) Food stamps pursuant to the "Food Stamp Act of 1977," 91 1155  
Stat. 958, 7 U.S.C.A. 2011, as amended; 1156

(5) Any Ohio program under a plan approved under Title I, X, 1157  
XIV, or XVI of the "Social Security Act." 1158

Wage information provided by employers to the director shall 1159  
be furnished to the income and eligibility verification system. 1160  
Such information shall be used by the director to determine 1161  
eligibility of individuals for unemployment compensation benefits 1162  
and the amount of those benefits and used by the agencies that 1163  
administer the programs identified in divisions (A)(2) to (5) of 1164  
this section to determine or verify eligibility for or the amount 1165  
of benefits under those programs. 1166

The director shall fully implement the use of wage 1167  
information to determine eligibility for and the amount of 1168  
unemployment compensation benefits by September 30, 1988. 1169

Information furnished under the system shall also be made 1170  
available to the appropriate state or local child support 1171  
enforcement agency for the purposes of an approved plan under 1172  
Title IV-D of the "Social Security Act" and to the appropriate 1173  
federal agency for the purposes of Titles II and XVI of the 1174

"Social Security Act." 1175

(B) The director shall adopt rules as necessary under which 1176  
the department of job and family services and other state agencies 1177  
that the director determines must participate in order to ensure 1178  
compliance with section 1137 of the "Social Security Act" exchange 1179  
information with each other or authorized federal agencies about 1180  
individuals who are applicants for or recipients of benefits under 1181  
any of the programs enumerated in division (A) of this section. 1182  
The rules shall extend to all of the following: 1183

(1) A requirement for standardized formats and procedures for 1184  
a participating agency to request and receive information about an 1185  
individual, which information shall include the individual's 1186  
social security number; 1187

(2) A requirement that all applicants for and recipients of 1188  
benefits under any program enumerated in division (A) of this 1189  
section be notified at the time of application, and periodically 1190  
thereafter, that information available through the system may be 1191  
shared with agencies that administer other benefit programs and 1192  
utilized in establishing or verifying eligibility or benefit 1193  
amounts under the other programs enumerated in division (A) of 1194  
this section; 1195

(3) A requirement that information is made available only to 1196  
the extent necessary to assist in the valid administrative needs 1197  
of the program receiving the information and is targeted for use 1198  
in ways which are most likely to be productive in identifying and 1199  
preventing ineligibility and incorrect payments; 1200

(4) A requirement that information is adequately protected 1201  
against unauthorized disclosures for purposes other than to 1202  
establish or verify eligibility or benefit amounts under the 1203  
programs enumerated in division (A) of this section; 1204

(5) A requirement that a program providing information is 1205

reimbursed by the program using the information for the actual 1206  
costs of furnishing the information and that the director be 1207  
reimbursed by the participating programs for any actual costs 1208  
incurred in operating the system; 1209

(6) Requirements for any other matters necessary to ensure 1210  
the effective, efficient, and timely exchange of necessary 1211  
information or that the director determines must be addressed in 1212  
order to ensure compliance with the requirements of section 1137 1213  
of the "Social Security Act." 1214

(C) Each participating agency shall furnish to the income and 1215  
eligibility verification system established in division (A) of 1216  
this section that information, which the director, by rule, 1217  
determines is necessary in order to comply with section 1137 of 1218  
the "Social Security Act." 1219

(D) Notwithstanding the information disclosure requirements 1220  
of this section and section 4141.21 and division (A) of section 1221  
~~4141.282~~ 4141.284 of the Revised Code, the director shall 1222  
administer those provisions of law so as to comply with section 1223  
1137 of the "Social Security Act." 1224

(E) Requirements in section 4141.21 of the Revised Code with 1225  
respect to confidentiality of information obtained in the 1226  
administration of Chapter 4141. of the Revised Code and any 1227  
sanctions imposed for improper disclosure of such information 1228  
shall apply to the redisclosure of information disclosed under 1229  
this section. 1230

**Sec. 4141.20.** (A) Every employer, including those not 1231  
otherwise subject to this chapter, shall furnish the director of 1232  
job and family services upon request all information required by 1233  
the director to carry out the requirements of this chapter. Every 1234  
employer receiving from the director any blank with direction to 1235  
fill it out shall cause it to be properly filled out, in the 1236



manner prescribed by the director, so as to answer fully and 1237  
correctly all questions therein propounded, and shall furnish all 1238  
the information therein sought, or, if unable to do so, that 1239  
employer shall give the director in writing good and sufficient 1240  
reason for such failure. 1241

The director may require that such information be verified 1242  
under oath and returned to the director within the period fixed by 1243  
the director or by law. The director or any person employed by the 1244  
director for that purpose may examine under oath any such 1245  
employer, or the officer, agent, or employee of that employer, for 1246  
the purpose of ascertaining any information that the employer is 1247  
required by this chapter to furnish to the director. Any employer 1248  
who fails to furnish information as is required by the director 1249  
under authority of this section shall forfeit five hundred dollars 1250  
to be collected in a civil action brought against the employer in 1251  
the name of the state. 1252

(B) Effective with the calendar quarter beginning April 1, 1253  
1987, every contributory employer shall file a quarterly 1254  
contribution report and a quarterly report of wages. The quarterly 1255  
reports shall be filed no later than the last day of the first 1256  
month following the close of the calendar quarter for which the 1257  
quarterly reports are being filed. The employer shall enter on the 1258  
quarterly contribution report the total and taxable remuneration 1259  
paid to all employees during the quarter. The employer shall enter 1260  
on the quarterly report of wages the name and social security 1261  
number of each individual employed during the calendar quarter, 1262  
the total remuneration paid the individual, the number of weeks 1263  
during the quarter for which the individual was paid remuneration, 1264  
and any other information as required by section 1137 of the 1265  
"Social Security Act." ~~The director shall furnish the form or 1266~~  
~~forms on which the quarterly reports are to be submitted or the 1267~~  
~~employer may use other methods of reporting, including electronic 1268~~

~~information transmission methods, as approved by the director.~~ 1269

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Effective until the calendar quarter beginning January 1, 1271  
1993, in case of failure to file the quarterly contribution report 1272  
or the report of wages containing all the required contribution 1273  
and wage information within the time prescribed by this section, 1274  
there shall be assessed a forfeiture amounting to ten per cent of 1275  
the contributions due; provided such forfeiture shall not be less 1276  
than twenty-five nor more than two hundred fifty dollars. The 1277  
director may waive the forfeiture only with respect to the report 1278  
of wages, and the waiver may be approved only if the employer 1279  
shows good cause for failure to file the required information. 1280

Effective with the calendar quarter beginning January 1, 1281  
1993, in case of failure to file the quarterly contribution report 1282  
containing all the required information within the time prescribed 1283  
by this section, there shall be assessed a forfeiture amounting to 1284  
twenty-five one-hundredths of one per cent of the total 1285  
remuneration paid by the employer, provided such forfeiture shall 1286  
not be less than thirty nor more than five hundred dollars per 1287  
quarterly contribution report. The director may waive the 1288  
forfeiture only if the employer provides to the director a written 1289  
statement showing good cause for failure to file the required 1290  
quarterly contribution report. 1291

Effective with the calendar quarter beginning January 1, 1292  
1993, in case of failure to file the quarterly report of wages 1293  
containing all the required information within the time prescribed 1294  
by this section, there shall be assessed a forfeiture amounting to 1295  
twenty-five one-hundredths of one per cent of the total 1296  
remuneration paid by the employer, provided such forfeiture shall 1297  
be not less than thirty nor more than five hundred dollars per 1298  
quarterly report of wages. The director may waive the forfeiture 1299  
only if the employer provides to the director a written statement 1300

showing good cause for failure to file the required quarterly  
report of wages. 1301  
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(C) Effective with the calendar quarter beginning April 1, 1303  
1987, every employer liable for payments in lieu of contributions 1304  
shall file a quarterly payroll report and a quarterly report of 1305  
wages. The employer shall file the quarterly reports no later than 1306  
the last day of the first month following the close of the 1307  
calendar quarter for which the quarterly reports are being filed. 1308  
The employer shall enter on the quarterly payroll report the total 1309  
remuneration paid to all employees during the quarter and the 1310  
total wages that would have been taxable had the employer been 1311  
subject to contributions. The employer shall enter on the 1312  
quarterly report of wages the name and social security number of 1313  
each individual employed during the calendar quarter, the total 1314  
remuneration paid the individual, the number of weeks during the 1315  
quarter for which the individual was paid remuneration, and any 1316  
other information as required by section 1137 of the "Social 1317  
Security Act." ~~The director shall furnish the form or forms on~~ 1318  
~~which the quarterly reports are to be submitted or the employer~~ 1319  
~~may use other methods of reporting, including electronic~~ 1320  
~~information transmission methods, as approved by the~~ 1321  
~~administrator.~~ 1322

Effective until the calendar quarter beginning January 1, 1323  
1993, in case of failure to file the quarterly payroll report or 1324  
the report of wages containing all of the required payroll or wage 1325  
information within the time prescribed by this section, the 1326  
employer shall be assessed a forfeiture of twenty-five dollars per 1327  
report. The director may waive the forfeiture only with respect to 1328  
the report of wages, and such waiver may be approved only if the 1329  
employer shows good cause for failure to file the required 1330  
information. 1331

Effective with the calendar quarter beginning January 1, 1332

1993, in case of failure to file the quarterly payroll report 1333  
containing all the required wage information within the time 1334  
prescribed by this section, the employer shall be assessed a 1335  
forfeiture amounting to twenty-five one-hundredths of one per cent 1336  
of the total remuneration paid by the employer, provided such 1337  
forfeiture shall not be less than thirty nor more than five 1338  
hundred dollars per quarterly payroll report. The director may 1339  
waive the forfeiture only if the employer provides to the director 1340  
a written statement showing good cause for failure to file the 1341  
required quarterly payroll report. 1342

Effective with the calendar quarter beginning January 1, 1343  
1993, in case of failure to file the quarterly report of wages 1344  
containing all the required information within the time prescribed 1345  
by this section, there shall be assessed a forfeiture amounting to 1346  
twenty-five one-hundredths of one per cent of the total 1347  
remuneration paid by the employer, provided such forfeiture shall 1348  
be not less than thirty nor more than five hundred dollars per 1349  
quarterly report of wages. The director may waive the forfeiture 1350  
only if the employer provides to the director a written statement 1351  
showing good cause for failure to file the required quarterly 1352  
report of wages. 1353

(D) Effective with the calendar quarter beginning January 1, 1354  
2002, every contributory employer shall file a quarterly 1355  
contribution and wage report. The quarterly report shall be filed 1356  
not later than the last day of the first month following the close 1357  
of the calendar quarter for which the quarterly report is being 1358  
filed. The employer shall enter on the quarterly report the total 1359  
and taxable remuneration paid to all employees during the quarter, 1360  
the name and social security number of each individual employed 1361  
during the calendar quarter, the total remuneration paid the 1362  
individual, the number of weeks during the quarter for which the 1363  
individual was paid remuneration, and any other information as 1364

required by section 1137 of the "Social Security Act." 1365

Effective with the calendar quarter beginning January 1, 1366  
2002, in case of failure to properly file the quarterly 1367  
contribution and wage report containing all the required 1368  
contribution and wage information within the time prescribed by 1369  
this section, the director shall assess a forfeiture amounting to 1370  
twenty-five one-hundredths of one per cent of the total 1371  
remuneration reported by the employer, provided such forfeiture 1372  
shall not be less than fifty nor more than one thousand dollars. 1373

(E) Effective with the calendar quarter beginning January 1, 1374  
2002, every employer liable for payments in lieu of contributions 1375  
shall file a quarterly payroll and wage report. The quarterly 1376  
report shall be filed not later than the last day of the first 1377  
month following the close of the calendar quarter for which the 1378  
quarterly report is being filed. The employer shall enter on the 1379  
quarterly report the total remuneration paid to all employees 1380  
during the quarter, the total wages that would have been taxable 1381  
had the employer been subject to contributions, the name and 1382  
social security number of each individual employed during the 1383  
calendar quarter, the total remuneration paid the individual, the 1384  
number of weeks during the quarter for which the individual was 1385  
paid remuneration, and any other information as required by 1386  
section 1137 of the "Social Security Act." 1387

Effective with the calendar quarter beginning January 1, 1388  
2002, in case of failure to properly file the quarterly payroll 1389  
and wage report containing all the required payroll and wage 1390  
information within the time prescribed by this section, the 1391  
director shall assess a forfeiture amounting to twenty-five 1392  
one-hundredths of one per cent of the total remuneration reported 1393  
by the employer, provided such forfeiture shall not be less than 1394  
fifty nor more than one thousand dollars. 1395

(F) The director may waive a forfeiture assessed under 1396

division (D) or (E) of this section if the employer provides to 1397  
the director, within four years after the date the forfeiture was 1398  
assessed, a written statement showing good cause for failure to 1399  
properly file the required information. 1400

(G) The director shall furnish the form or forms on which 1401  
quarterly reports required under this section are to be submitted, 1402  
or the employer may use other methods of reporting, including 1403  
electronic information transmission methods, as approved by the 1404  
director. 1405

(H) All forfeitures required by this section shall be paid 1406  
into the unemployment compensation special administrative fund as 1407  
provided in section 4141.11 of the Revised Code. 1408

**Sec. 4141.24.** (A)(1) The director of job and family services 1409  
shall maintain a separate account for each employer and, except as 1410  
otherwise provided in division (B) of section 4141.25 of the 1411  
Revised Code respecting mutualized contributions, shall credit 1412  
such employer's account with all the contributions, or payments in 1413  
lieu of contributions, which the employer has paid on the 1414  
employer's own behalf. 1415

(2) If, as of the computation date, a contributory employer's 1416  
account shows a negative balance computed as provided in division 1417  
(A)(3) of section 4141.25 of the Revised Code, less any 1418  
contributions due and unpaid on such date, which negative balance 1419  
is in excess of the limitations imposed by divisions (A)(2)(a), 1420  
(b), and (c) of this section and if the employer's account is 1421  
otherwise eligible for the transfer, then before the employer's 1422  
contribution rate is computed for the next succeeding contribution 1423  
period, an amount equal to the amount of the excess eligible for 1424  
transfer shall be permanently transferred from the account of such 1425  
employer and charged to the mutualized account provided in 1426  
division (B) of section 4141.25 of the Revised Code. 1427

(a) If as of any computation date, a contributory employer's account shows a negative balance in excess of ten per cent of the employer's average annual payroll, then before the employer's contribution rate is computed for the next succeeding contribution period, an amount equal to the amount of the excess shall be transferred from the account as provided in this division. No contributory employer's account may have any excess transferred pursuant to division (A)(2)(a) of this section, unless the employer's account has shown a positive balance for at least two consecutive computation dates prior to the computation date with respect to which the transfer is proposed. Each time a transfer is made pursuant to division (A)(2)(a) of this section, the employer's account is ineligible for any additional transfers under that division, until the account shows a positive balance for at least two consecutive computation dates subsequent to the computation date of which the most recent transfer occurs pursuant to division (A)(2)(a), (b), or (c) of this section.

(b) If at the next computation date after the computation date at which a transfer from the account occurs pursuant to division (A)(2)(a) of this section, a contributory employer's account shows a negative balance in excess of fifteen per cent of the employer's average annual payroll, then before the employer's contribution rate is computed for the next succeeding contribution period an amount equal to the amount of the excess shall be permanently transferred from the account as provided in this division.

(c) If at the next computation date subsequent to the computation date at which a transfer from a contributory employer's account occurs pursuant to division (A)(2)(b) of this section, the employer's account shows a negative balance in excess of twenty per cent of the employer's average annual payroll, then before the employer's contribution rate is computed for the next

succeeding contribution period, an amount equal to the amount of 1460  
the excess shall be permanently transferred from the account as 1461  
provided in this division. 1462

(d) If no transfer occurs pursuant to division (A)(2)(b) or 1463  
(c) of this section, the employer's account is ineligible for any 1464  
additional transfers under division (A)(2) until the account 1465  
requalifies for a transfer pursuant to division (A)(2)(a) of this 1466  
section. 1467

(B) Any employer may make voluntary payments in addition to 1468  
the contributions required under this chapter, in accordance with 1469  
rules established by the director. Such payments shall be included 1470  
in the employer's account as of the computation date, provided 1471  
they are received by the director by the thirty-first day of 1472  
December following such computation date. Such voluntary payment, 1473  
when accepted from an employer, will not be refunded in whole or 1474  
in part. In determining whether an employer's account has a 1475  
positive balance on two consecutive computation dates and is 1476  
eligible for transfers under division (A)(2) of this section, the 1477  
director shall exclude any voluntary payments made subsequent to 1478  
the last transfer made under division (A)(2) of this section. 1479

(C) All contributions to the fund shall be pooled and 1480  
available to pay benefits to any individual entitled to benefits 1481  
irrespective of the source of such contributions. 1482

(D)(1) For the purposes of this section and sections 4141.241 1483  
and 4141.242 of the Revised Code, an employer's account shall be 1484  
charged only for benefits based on remuneration paid by such 1485  
employer. Benefits paid to an eligible individual shall be charged 1486  
against the account of each employer within the claimant's base 1487  
period in the proportion to which wages attributable to each 1488  
employer of the claimant bears to the claimant's total base period 1489  
wages. Charges to the account of a base period employer with whom 1490  
the claimant is employed part-time at the time the claimant's 1491



application for a determination of benefits rights is filed shall 1492  
be charged to the mutualized account when all of the following 1493  
conditions are met: 1494

(a) The claimant also worked part-time for the employer 1495  
during the base period of the claim. 1496

(b) The claimant is unemployed due to loss of other 1497  
employment. 1498

(c) The employer is not a reimbursing employer under section 1499  
4141.241 or 4141.242 of the Revised Code. 1500

(2) Notwithstanding division (D)(1) of this section, charges 1501  
to the account of any employer, including any reimbursing 1502  
employer, shall be charged to the mutualized account if it finally 1503  
is determined by a court on appeal that the employer's account is 1504  
not chargeable for the benefits. 1505

(3) Any benefits paid to a claimant under section 4141.28 of 1506  
the Revised Code prior to a final determination of the claimant's 1507  
right to the benefits shall be charged to the employer's account 1508  
as provided in division (D)(1) of this section, provided that if 1509  
there is no final determination of the claim by the subsequent 1510  
thirtieth day of June, the employer's account shall be credited 1511  
with the total amount of benefits that has been paid prior to that 1512  
date, based on the determination that has not become final. The 1513  
total amount credited to the employer's account shall be charged 1514  
to a suspense account, which shall be maintained as a separate 1515  
bookkeeping account and administered as a part of this section, 1516  
and shall not be used in determining the account balance of the 1517  
employer for the purpose of computing the employer's contribution 1518  
rate under section 4141.25 of the Revised Code. 1519

If it is finally determined that the claimant is entitled to 1520  
all or a part of the benefits in dispute, the suspense account 1521  
shall be credited and the appropriate employer's account charged 1522

with the benefits. If it is finally determined that the claimant 1523  
is not entitled to all or any portion of the benefits in dispute, 1524  
the benefits shall be credited to the suspense account and a 1525  
corresponding charge made to the mutualized account established in 1526  
division (B) of section 4141.25 of the Revised Code, provided 1527  
that, except as otherwise provided in this section, if benefits 1528  
are chargeable to an employer or group of employers who is 1529  
required or elects to make payments to the fund in lieu of 1530  
contributions under section 4141.241 of the Revised Code, the 1531  
benefits shall be charged to the employer's account in the manner 1532  
provided in division (D)(1) of this section and division (B) of 1533  
section 4141.241 of the Revised Code, and no part of the benefits 1534  
may be charged to the suspense account provided in this division. 1535

To the extent that benefits that have been paid to a claimant 1536  
and charged to the employer's account are found not to be due the 1537  
claimant and are recovered by the director as provided in section 1538  
4141.35 of the Revised Code, they shall be credited to the 1539  
employer's account. 1540

(4) The director shall notify each employer at least once 1541  
each month of the benefits charged to the employer's account since 1542  
the last preceding notice; except that for the purposes of 1543  
sections 4141.241 and 4141.242 of the Revised Code which provides 1544  
the billing of employers on a payment in lieu of a contribution 1545  
basis, the director may prescribe a quarterly or less frequent 1546  
notice of benefits charged to the employer's account. Such notice 1547  
will show a summary of the amount of benefits paid which were 1548  
charged to the employer's account. This notice shall not be deemed 1549  
a determination of the claimant's eligibility for benefits. Any 1550  
employer so notified, however, may file within fifteen days after 1551  
the mailing date of the notice, an exception to charges appearing 1552  
on the notice on the grounds that such charges are not in 1553  
accordance with this section. The director shall promptly examine 1554

the exception to such charges and shall notify the employer of the  
director's decision thereon, which decision shall become final  
unless appealed to the unemployment compensation review commission  
in the manner provided in section 4141.26 of the Revised Code. For  
the purposes of this division, an exception is considered timely  
filed when it has been received as provided in division ~~(I)(2)~~  
(D)(1) of section ~~4141.28~~ 4141.281 of the Revised Code.

(E) The director shall terminate and close the account of any  
contributory employer who has been subject to this chapter if the  
enterprise for which the account was established is no longer in  
operation and it has had no payroll and its account has not been  
chargeable with benefits for a period of five consecutive years.  
The amount of any positive balance, computed as provided in  
division (A)(3) of section 4141.25 of the Revised Code, in an  
account closed and terminated as provided in this section shall be  
credited to the mutualized account as provided in division  
(B)(2)(b) of section 4141.25 of the Revised Code. The amount of  
any negative balance, computed as provided in division (A)(3) of  
section 4141.25 of the Revised Code, in an account closed and  
terminated as provided in this section shall be charged to the  
mutualized account as provided in division (B)(1)(b) of section  
4141.25 of the Revised Code. The amount of any positive balance or  
negative balance, credited or charged to the mutualized account  
after the termination and closing of an employer's account, shall  
not thereafter be considered in determining the contribution rate  
of such employer. The closing of an employer's account as provided  
in this division shall not relieve such employer from liability  
for any unpaid contributions or payment in lieu of contributions  
which are due for periods prior to such closing.

If the director finds that a contributory employer's business  
is closed solely because of the entrance of one or more of the

owners, officers, or partners, or the majority stockholder, into  
the armed forces of the United States, or any of its allies, or of  
the United Nations after July 1, 1950, such employer's account  
shall not be terminated and if the business is resumed within two  
years after the discharge or release of such persons from active  
duty in the armed forces, the employer's experience shall be  
deemed to have been continuous throughout such period. The reserve  
ratio of any such employer shall be the total contributions paid  
by such employer minus all benefits, including benefits paid to  
any individual during the period such employer was in the armed  
forces, based upon wages paid by the employer prior to the  
employer's entrance into the armed forces divided by the average  
of the employer's annual payrolls for the three most recent years  
during the whole of which the employer has been in business.

(F) If an employer transfers the employer's business or  
otherwise reorganizes such business, the successor in interest  
shall assume the resources and liabilities of such employer's  
account, and continue the payment of all contributions, or  
payments in lieu of contributions, due under this chapter. If an  
employer acquires substantially all of the assets in a trade or  
business of another employer, or a clearly segregable and  
identifiable portion of an employer's enterprise, and immediately  
after the acquisition employs in the employer's trade or business  
substantially the same individuals who immediately prior to the  
acquisition were employed in the trade or business or in the  
separate unit of such trade or business of such predecessor  
employer, then, upon application to the director signed by the  
predecessor employer and the acquiring employer, the employer  
acquiring such enterprise is the successor in interest. In the  
case of a transfer of a portion of an employer's enterprise, only  
that part of the experience with unemployment compensation and  
payrolls that is directly attributable to the segregated and

identifiable part shall be transferred and used in computing the 1620  
contribution rate of the successor employer on the next 1621  
computation date. The director by rule may prescribe procedures 1622  
for effecting transfers of experience as provided for in this 1623  
section. 1624

(G) For the purposes of this section, two or more employers 1625  
who are parties to or the subject of a merger, consolidation, or 1626  
other form of reorganization effecting a change in legal identity 1627  
or form are deemed to be a single employer if the director finds 1628  
that immediately after such change the employing enterprises of 1629  
the predecessor employers are continued solely through a single 1630  
employer as successor thereto, and immediately after such change 1631  
such successor is owned or controlled by substantially the same 1632  
interests as the predecessor employers, and the successor has 1633  
assumed liability for all contributions required of the 1634  
predecessor employers, and the consideration of such two or more 1635  
employers as a single employer for the purposes of this section 1636  
would not be inequitable. 1637

(H) No rate of contribution less than two and seven-tenths 1638  
per cent shall be permitted a contributory employer succeeding to 1639  
the experience of another contributory employer pursuant to this 1640  
section for any period subsequent to such succession, except in 1641  
accordance with rules prescribed by the director, which rules 1642  
shall be consistent with federal requirements for additional 1643  
credit allowance in section 3303 of the "Internal Revenue Code of 1644  
1954" and consistent with this chapter, except that such rules may 1645  
establish a computation date for any such period different from 1646  
the computation date generally prescribed by this chapter, and may 1647  
define "calendar year" as meaning a twelve-consecutive-month 1648  
period ending on the same day of the year as that on which such 1649  
computation date occurs. 1650

(I) The director may prescribe rules for the establishment, 1651

1652 maintenance, and dissolution of common contribution rates for two  
1653 or more contributory employers, and in accordance with such rules  
1654 and upon application by two or more employers shall establish such  
1655 common rate to be computed by merging the several contribution  
1656 rate factors of such employers for the purpose of establishing a  
1657 common contribution rate applicable to all such employers.

**Sec. 4141.26.** (A) As soon as practicable after the first day 1658  
of September but not later than the first day of December of each 1659  
year, the director of job and family services shall notify each 1660  
employer of the employer's contribution rate as determined for the 1661  
next ensuing contribution period pursuant to section 4141.25 of 1662  
the Revised Code provided the employer has furnished the director, 1663  
by the first day of September following the computation date, with 1664  
the wage information for all past periods necessary for the 1665  
computation of the contribution rate. 1666

(B)(1) In the case of contribution rates applicable to 1667  
contribution periods beginning on or before December 31, 1992, if 1668  
the employer has not furnished the necessary wage information, the 1669  
employer's contribution rate for such contribution period shall be 1670  
the maximum rate provided in such section, except that, if the 1671  
employer files the necessary wage information by the end of the 1672  
thirtieth day following the issuance of the maximum rate notice, 1673  
the employer's rate then shall be computed as provided in section 1674  
4141.25 of the Revised Code. 1675

(2) In the case of contribution rates applicable to 1676  
contribution periods beginning on or after January 1, 1993, and 1677  
before January 1, 1995, if the employer has not furnished the 1678  
necessary wage information, the employer's contribution rate for 1679  
such contribution period shall not be computed as provided in 1680  
section 4141.25 of the Revised Code, but instead shall be assigned 1681  
at the maximum rate provided in that section, with the following 1682

exceptions: 1683

(a) If the employer files the necessary wage information by 1684  
December thirty-first of the year immediately preceding the 1685  
contribution period for which the rate is to be effective, the 1686  
employer's rate then shall be computed as provided in division (A) 1687  
of section 4141.25 of the Revised Code. 1688

(b) The director may waive the maximum contribution rate 1689  
assigned pursuant to division (B)(2) of this section if the 1690  
employer meets all of the following conditions within thirty days 1691  
after the director mails the notice of the maximum contribution 1692  
rate assigned pursuant to division (B)(2) of this section: 1693

(i) Provides to the director a written request for waiver of 1694  
the maximum contribution rate, clearly demonstrating that failure 1695  
to timely furnish the wage information as required by division (A) 1696  
of this section was a result of circumstances beyond the control 1697  
of the employer or the employer's agent, except that negligence on 1698  
the part of the employer shall not be considered beyond the 1699  
control of the employer or the employer's agent; 1700

(ii) Furnishes to the director all of the wage information as 1701  
required by division (A) of this section and all quarterly reports 1702  
due pursuant to section 4141.20 of the Revised Code; 1703

(iii) Pays in full all contributions, payments in lieu of 1704  
contributions, interest, forfeiture, and fines for each quarter 1705  
for which such payments are due. 1706

(3) In the case of contribution rates applicable to 1707  
contribution periods beginning on or after January 1, 1995, if the 1708  
employer has not timely furnished the necessary wage information 1709  
as required by division (A) of this section, the employer's 1710  
contribution rate for such contribution period shall not be 1711  
computed as provided in section 4141.25 of the Revised Code, but 1712  
instead shall be assigned a contribution rate equal to one hundred 1713

twenty-five per cent of the maximum rate provided in that section, 1714  
with the following exceptions: 1715

(a) If the employer files the necessary wage information by 1716  
the thirty-first day of December of the year immediately preceding 1717  
the contribution period for which the rate is to be effective, the 1718  
employer's rate shall be computed as provided in division (A) of 1719  
section 4141.25 of the Revised Code; 1720

(b) The director may waive the contribution rate assigned 1721  
pursuant to division (B)(3) of this section if the employer meets 1722  
all of the following conditions within thirty days after the 1723  
director mails to the employer the notice of the contribution rate 1724  
assigned pursuant to division (B)(3) of this section: 1725

(i) Provides to the director a written request for waiver of 1726  
the contribution rate, clearly demonstrating that the failure to 1727  
timely furnish the wage information as required by division (A) of 1728  
this section was a result of circumstances beyond the control of 1729  
the employer or the employer's agent, except that negligence on 1730  
the part of the employer shall not be considered to be beyond the 1731  
control of the employer or the employer's agent; 1732

(ii) Furnishes to the director all of the wage information as 1733  
required by division (A) of this section and all quarterly reports 1734  
due pursuant to section 4141.20 of the Revised Code; 1735

(iii) Pays in full all contributions, payments in lieu of 1736  
contributions, interest, forfeiture, and fines for each quarter 1737  
for which such payments are due. 1738

(c) The director shall revise the contribution rate of an 1739  
employer who has not timely furnished the necessary wage 1740  
information as required by division (A) of this section, who has 1741  
been assigned a contribution rate pursuant to division (B)(3) of 1742  
this section, and who does not meet the requirements of division 1743  
(B)(3)(a) or (b) of this section, if the employer furnishes the 1744



necessary wage information to the director within thirty-six 1745  
months following the thirty-first day of December of the year 1746  
immediately preceding the contribution period for which the rate 1747  
is to be effective. The revised rate under division (B)(3)(c) of 1748  
this section shall be equal to one hundred twenty per cent of the 1749  
contribution rate that would have resulted if the employer had 1750  
timely furnished the necessary wage information under division (A) 1751  
of this section. 1752

(4) The director shall deny an employer's request for a 1753  
waiver of the requirement that the employer's contribution rate be 1754  
the maximum rate under division (B)(2)(b) of this section, or be 1755  
the rate assigned under division (B)(3)(b) of this section, or for 1756  
a revision of the employer's rate as provided in division 1757  
(B)(3)(c) of this section if the director finds that the 1758  
employer's failure to timely file the necessary wage information 1759  
was due to an attempt to evade payment. 1760

(5) The director shall round the contribution rates the 1761  
director determines under this division to the nearest tenth of 1762  
one per cent. 1763

(C) If, as a result of the computation pursuant to division 1764  
(B) of this section, the employer's account shows a negative 1765  
balance in excess of the applicable limitations, in that 1766  
computation, the excess above applicable limitations shall not be 1767  
transferred from the account as provided in division (A)(2) of 1768  
section 4141.24 of the Revised Code. 1769

(D) The rate determined pursuant to this section and section 1770  
4141.25 of the Revised Code shall become binding upon the employer 1771  
unless: 1772

(1) The employer makes a voluntary contribution as provided 1773  
in division (B) of section 4141.24 of the Revised Code, whereupon 1774  
the director shall issue the employer a revised contribution rate 1775

notice if the contribution changes the employer's rate; or 1776

(2) Within thirty days after the mailing of notice of the 1777  
employer's rate or a revision of it to the employer's last known 1778  
address or, in the absence of mailing of such notice, within 1779  
thirty days after the delivery of such notice, the employer files 1780  
an application with the director for reconsideration of the 1781  
director's determination of such rate setting forth reasons for 1782  
such request. The director shall promptly examine the application 1783  
for reconsideration and shall notify the employer of the 1784  
director's reconsidered decision, which shall become final unless, 1785  
within thirty days after the mailing of such notice by certified 1786  
mail, return receipt requested, the employer files an application 1787  
for review of such decision with the unemployment compensation 1788  
review commission. The commission shall promptly examine the 1789  
application for review of the director's decision and shall grant 1790  
such employer an opportunity for a fair hearing. The proceeding at 1791  
the hearing before the commission shall be recorded in the means 1792  
and manner prescribed by the commission. For the purposes of this 1793  
division, the review is considered timely filed when it has been 1794  
received as provided in division ~~(F)~~(2)(D)(1) of section ~~4141.28~~ 1795  
4141.281 of the Revised Code. 1796

The employer and the director shall be promptly notified of 1797  
the commission's decision, which shall become final unless, within 1798  
thirty days after the mailing of notice of it to the employer's 1799  
last known address by certified mail, return receipt requested, 1800  
or, in the absence of mailing, within thirty days after delivery 1801  
of such notice, an appeal is taken by the employer or the director 1802  
to the court of common pleas of Franklin county. Such appeal shall 1803  
be taken by the employer or the director by filing a notice of 1804  
appeal with the clerk of such court and with the commission. Such 1805  
notice of appeal shall set forth the decision appealed and the 1806  
errors in it complained of. Proof of the filing of such notice 1807

with the commission shall be filed with the clerk of such court. 1808

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The commission, upon written demand filed by the appellant 1810

and within thirty days after the filing of such demand, shall file 1811

with the clerk a certified transcript of the record of the 1812

proceedings before the commission pertaining to the determination 1813

or order complained of, and the appeal shall be heard upon such 1814

record certified to the commission. In such appeal, no additional 1815

evidence shall be received by the court, but the court may order 1816

additional evidence to be taken before the commission, and the 1817

commission, after hearing such additional evidence, shall certify 1818

such additional evidence to the court or it may modify its 1819

determination and file such modified determination, together with 1820

the transcript of the additional record, with the court. After an 1821

appeal has been filed in the court, the commission, by petition, 1822

may be made a party to such appeal. Such appeal shall be given 1823

precedence over other civil cases. The court may affirm the 1824

determination or order complained of in the appeal if it finds, 1825

upon consideration of the entire record, that the determination or 1826

order is supported by reliable, probative, and substantial 1827

evidence and is in accordance with law. In the absence of such a 1828

finding, it may reverse, vacate, or modify the determination or 1829

order or make such other ruling as is supported by reliable, 1830

probative, and substantial evidence and is in accordance with law. 1831

The judgment of the court shall be final and conclusive unless 1832

reversed, vacated, or modified on appeal. An appeal may be taken 1833

from the decision of the court of common pleas of Franklin county. 1834

(E) The appeal provisions of division (D) of this section 1835

apply to all other determinations and orders of the director 1836

affecting the liability of an employer to pay contributions or the 1837

amount of such contributions, determinations respecting 1838

application for refunds of contributions, determinations 1839

respecting applications for classification of employment as 1840  
seasonal under section 4141.33 of the Revised Code, and exceptions 1841  
to charges of benefits to an employer's account as provided in 1842  
division (D) of section 4141.24 of the Revised Code. 1843

(F) The validity of any general order or rule of the director 1844  
adopted pursuant to this chapter or of any final order or action 1845  
of the unemployment compensation review commission respecting any 1846  
such general order or rule may be determined by the court of 1847  
common pleas of Franklin county, and such general order, rule, or 1848  
action may be sustained or set aside by the court on an appeal to 1849  
it which may be taken by any person affected by the order, rule, 1850  
or action in the manner provided by law. Such appeal to the court 1851  
of common pleas of Franklin county shall be filed within thirty 1852  
days after the date such general order, rule, or action was 1853  
publicly released by the director or the commission. Either party 1854  
to such action may appeal from the court of common pleas of 1855  
Franklin county as in ordinary civil cases. 1856

(G) Notwithstanding any determination made in pursuance of 1857  
sections 4141.23 to 4141.26 of the Revised Code, no individual who 1858  
files a claim for benefits shall be denied the right to a fair 1859  
hearing as provided in section ~~4141.28~~ 4141.281 of the Revised 1860  
Code, or the right to have a claim determined on the merits of it. 1861

(H)(1) Notwithstanding division (D) of this section, if the 1862  
director finds that an omission or error in the director's records 1863  
or employer reporting caused the director to issue an erroneous 1864  
determination or order affecting contribution rates, the liability 1865  
of an employer to pay contributions or the amount of such 1866  
contributions, determinations respecting applications for refunds 1867  
of contributions, determinations respecting applications for 1868  
classification of seasonal status under section 4141.33 of the 1869  
Revised Code, or exceptions to charges of benefits to an 1870  
employer's account as provided in division (D) of section 4141.24 1871

of the Revised Code, the director may issue a corrected 1872  
determination or order correcting the erroneous determination or 1873  
order, except as provided in division (H)(2) of this section. 1874

(2) The director may not issue a corrected determination or 1875  
order correcting an erroneous determination or order if both of 1876  
the following apply: 1877

(a) The erroneous determination or order was caused solely by 1878  
an omission or error of the director; 1879

(b) A correction of the erroneous determination or order 1880  
would adversely affect the employer or any of the employers that 1881  
were parties in interest to the erroneous determination or order. 1882

A corrected determination or order issued under this division 1883  
takes precedence over and renders void the erroneous determination 1884  
or order and is appealable as provided in division (D) of this 1885  
section. 1886

**Sec. 4141.28.** 1887

BENEFITS 1888

(A) FILINGS 1889

Applications for determination of benefit rights and claims 1890  
for benefits shall be filed with the director of job and family 1891  
services. Such applications and claims also may be filed with an 1892  
employee of another state or federal agency charged with the duty 1893  
of accepting applications and claims for unemployment benefits or 1894  
with an employee of the unemployment insurance commission of 1895  
Canada. 1896

When an unemployed individual files an application for 1897  
determination of benefit rights, the director shall furnish the 1898  
individual with an explanation of the individual's appeal rights. 1899  
The explanation shall describe clearly the different levels of 1900  
appeal and explain where and when each appeal must be filed. 1901

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 1902

In filing an application, an individual shall furnish the 1903  
director with the name and address of the individual's most recent 1904  
separating employer and the individual's statement of the reason 1905  
for separation from the employer. The director shall promptly 1906  
notify the individual's most recent separating employer of the 1907  
filing and request the reason for the individual's unemployment, 1908  
unless that notice is not necessary under conditions the director 1909  
establishes by rule. The director may request from the individual 1910  
or any employer information necessary for the determination of the 1911  
individual's right to benefits. The employer shall provide the 1912  
information requested within ten working days after the request is 1913  
sent. If necessary to ensure prompt determination and payment of 1914  
benefits, the director shall base the determination on the 1915  
information that is available. 1916

An individual filing an application for determination of 1917  
benefit rights shall disclose, at the time of filing, whether or 1918  
not the individual owes child support obligations. 1919

(C) MASS LAYOFFS 1920

An employer who lays off or separates within any seven-day 1921  
period fifty or more individuals because of lack of work shall 1922  
furnish notice to the director of the dates of layoff or 1923  
separation and the approximate number of individuals being laid 1924  
off or separated. The notice shall be furnished at least three 1925  
working days prior to the date of the first day of such layoff or 1926  
separation. In addition, at the time of the layoff or separation 1927  
the employer shall furnish to the individual and to the director 1928  
information necessary to determine the individual's eligibility 1929  
for unemployment compensation. 1930

(D) DETERMINATION OF BENEFIT RIGHTS 1931

The director shall promptly examine any application for 1932

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

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(E) CLAIM FOR BENEFITS

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

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

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claimant for the duration of the claimant's period of 1965  
unemployment. 1966

When the determination of a continued claim for benefits 1967  
results in a disallowed claim, the director shall notify the 1968  
claimant of the disallowance and the reasons for it. 1969

(F) ELIGIBILITY NOTICE 1970

Any base period or subsequent employer of a claimant who has 1971  
knowledge of specific facts affecting the claimant's right to 1972  
receive benefits for any week may notify the director in writing 1973  
of those facts. The director shall prescribe a form for such 1974  
eligibility notice, but failure to use the form shall not preclude 1975  
the director's examination of any notice. 1976

To be considered valid, an eligibility notice must: contain 1977  
in writing, a statement that identifies either a source who has 1978  
firsthand knowledge of the information or an informant who can 1979  
identify the source; provide specific and detailed information 1980  
that may potentially disqualify the claimant; provide the name and 1981  
address of the source or the informant; and appear to the director 1982  
to be reliable and credible. 1983

An eligibility notice is timely filed if received or 1984  
postmarked prior to or within forty-five calendar days after the 1985  
end of the week with respect to which a claim for benefits is 1986  
filed by the claimant. An employer who timely files a valid 1987  
eligibility notice shall be an interested party to the claim for 1988  
benefits which is the subject of the notice. 1989

The director shall consider the information contained in the 1990  
eligibility notice, together with other available information. 1991  
After giving the claimant notice and an opportunity to respond, 1992  
the director shall make a determination and inform the notifying 1993  
employer, the claimant, and other interested parties of the 1994  
determination. 1995



(G) CORRECTED DETERMINATION

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If the director finds within the benefit year that a determination made by the director was erroneous due to an error in an employer's report or any typographical or clerical error in the director's determination, or as shown by correct remuneration information received by the director, the director shall issue a corrected determination to all interested parties. The corrected determination shall take precedence over and void the prior determination of the director. The director shall not issue a corrected determination when the commission or a court has jurisdiction with respect to that determination.

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(H) EFFECT OF COMMISSION DECISIONS

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

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(I) PROMPT PAYMENTS

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

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**Sec. 4141.281.**

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APPEALS

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(A) APPEAL FILED

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Any party notified of a determination of benefit rights or a claim for benefits determination may appeal within twenty-one calendar days after the written determination was sent to the party or within an extended period as provided under division (D)(9) of this section.

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(B) REDETERMINATION

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Within twenty-one days after receipt of the appeal, the  
director of job and family services shall issue a redetermination  
or transfer the appeal to the unemployment compensation review  
commission. A redetermination under this section is appealable in  
the same manner as an initial determination by the director.

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(C) REVIEW COMMISSION

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(1) JURISDICTION

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The commission shall provide an opportunity for a fair  
hearing to the interested parties of appeals over which the  
commission has jurisdiction. The commission has jurisdiction over  
an appeal on transfer or on direct appeal to the commission. If  
the commission concludes that a pending appeal does not warrant a  
hearing, the commission may remand the appeal to the director for  
redetermination. The commission retains jurisdiction until the  
appeal is remanded to the director or a final decision is issued  
and appealed to court, or the time to request a review or to  
appeal a decision of a hearing officer or the commission is  
expired.

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(2) CONDUCT OF HEARINGS

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Hearings before the commission are held at the hearing  
officer level and the review level. Unless otherwise provided in  
this chapter, initial hearings involving claims for compensation  
and other unemployment compensation issues are conducted at the  
hearing officer level by hearing officers appointed by the  
commission. Hearings at the review level are conducted by hearing  
officers appointed by the commission, by members of the commission  
acting either individually or collectively, and by members of the  
commission and hearing officers acting jointly. In all hearings  
conducted at the review level, the commission shall designate the  
hearing officer or officers who are to conduct the hearing. When

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the term "hearing officer" is used in reference to hearings 2057  
conducted at the review level, the term includes members of the 2058  
commission. All decisions issued at the review level are issued by 2059  
the commission. 2060

Provisions contained in the remainder of this paragraph apply 2061  
to hearings at both the hearing officer level and the review 2062  
level. The principles of due process in administrative hearings 2063  
shall be applied to all hearings conducted under the authority of 2064  
the commission. In conducting hearings, all hearing officers shall 2065  
control the conduct of the hearing, exclude irrelevant or 2066  
cumulative evidence, and give weight to the kind of evidence on 2067  
which reasonably prudent persons are accustomed to rely in the 2068  
conduct of serious affairs. Hearing officers have an affirmative 2069  
duty to question parties and witnesses in order to ascertain the 2070  
relevant facts and to fully and fairly develop the record. Hearing 2071  
officers are not bound by common law or statutory rules of 2072  
evidence or by technical or formal rules of procedure. No person 2073  
shall impose upon the claimant or the employer any burden of proof 2074  
as is required in a court of law. The proceedings at hearings 2075  
shall be recorded by mechanical means or otherwise as may be 2076  
prescribed by the commission. In the absence of further 2077  
proceedings, the record need not be transcribed. After considering 2078  
all of the evidence, a hearing officer shall issue a written 2079  
decision that sets forth the facts as the hearing officer finds 2080  
them to be, cites the applicable law, and gives the reasoning for 2081  
the decision. 2082

(3) HEARING OFFICER LEVEL 2083

When an appeal is transferred to the commission by the 2084  
director, the commission shall notify all interested parties of 2085  
the time and place of the hearing and assign the appeal for a 2086  
hearing by a hearing officer. The hearings shall be de novo, 2087  
except that the director's file pertaining to a case shall be 2088

included in the record to be considered. 2089

Following a hearing, the hearing officer shall affirm, 2090  
modify, or reverse the determination of the director in the manner 2091  
that appears just and proper. The hearing officer's written 2092  
decision shall be sent to all interested parties. The decision 2093  
shall state the right of an interested party to request a review 2094  
by the commission. 2095

A request for review shall be filed within twenty-one days 2096  
after the decision was sent to the party, or within an extended 2097  
period as provided under division (D)(9) of this section. The 2098  
hearing officer's decision shall become final unless a request for 2099  
review is filed and allowed or the commission removes the appeal 2100  
to itself within twenty-one days after the hearing officer's 2101  
decision is sent. 2102

(4) REVIEW LEVEL 2103

At the review level, the commission may affirm, modify, or 2104  
reverse previous determinations by the director or at the hearing 2105  
officer level. At the review level, the commission may affirm, 2106  
modify, or reverse a hearing officer's decision or remand the 2107  
decision to the hearing officer level for further hearing. The 2108  
commission shall consider an appeal at the review level under the 2109  
following circumstances: when an appeal is required to be heard 2110  
initially at the review level under this chapter; when the 2111  
commission on its own motion removes an appeal to itself within 2112  
twenty-one days after the hearing officer's decision is sent; when 2113  
the assigned hearing officer refers an appeal to the commission 2114  
before the hearing officer's decision is sent; or when an 2115  
interested party files a request for review with the commission 2116  
within twenty-one days after the hearing officer's decision is 2117  
sent. 2118

(5) COMMISSION EXAMINATION 2119

The commission shall consider a request for review by an interested party, including the reasons for the request. The commission may adopt rules prescribing the methods for requesting a review. The commission may allow or disallow the request for review. The disallowance of a request for review constitutes a final decision by the commission.

(6) REVIEW PROCEDURE

If the commission allows a request for review, the commission shall notify all interested parties of that fact and provide a reasonable period of time, as the commission defines by rule, in which interested parties may file a response. After that period of time, the commission, based on the record before it, may do one of the following: affirm the decision of the hearing officer; provide for the appeal to be heard or reheard at the hearing officer or review level; provide for the appeal to be heard at the review level as a potential precedential decision; or provide for the decision to be rewritten without further hearing at the review level. When a further hearing is provided or the decision is rewritten, the commission may affirm, modify, or reverse the previous decision.

(7) NOTICES

The commission shall send written notice to all interested parties when it orders an appeal to be heard or reheard. The notice shall include the reasons for the hearing or rehearing.

(8) PRECEDENTIAL

An appeal the commission identifies as potentially precedential shall be heard at the review level. In the notice for that type of hearing, the commission shall notify the director, all interested parties, and any other parties, as the commission determines appropriate, that the appeal is designated as potentially precedential. After the hearing, parties shall be

given the opportunity to submit briefs on the issue or issues 2151  
involved. The commission may designate a decision as precedential 2152  
after issuing the decision or at any point in the appeal process, 2153  
even if the commission does not initially identify the appeal as 2154  
potentially precedential. 2155

(9) MASS APPEALS 2156

When the commission determines that it has five appeals 2157  
pending that have common facts or common issues, the commission 2158  
may transfer the appeals to the review level on its own motion to 2159  
be heard as a mass appeal, including appeals from claimants 2160  
separated due to a labor dispute, on the condition that there are 2161  
fewer than twenty-five claimants involved. 2162

To facilitate a mass hearing, the commission may allow an 2163  
authorized agent to accept notice of hearing on behalf of 2164  
claimants. An authorized agent may waive this notice of hearing 2165  
and also the sending of decisions to individual claimants 2166  
represented by the agent. 2167

(D) SPECIAL PROVISIONS 2168

(1) TIMELINESS OF APPEALS 2169

The date of the mailing provided by the director or the 2170  
commission is sufficient evidence upon which to conclude that a 2171  
determination, redetermination, or decision was sent to the party 2172  
on that date. Appeals may be filed with the director, commission, 2173  
with an employee of another state or federal agency charged with 2174  
the duty of accepting claims, or with the unemployment insurance 2175  
commission of Canada. Any timely written notice by an interested 2176  
party indicating a desire to appeal shall be accepted. 2177

The director, commission, or authorized agent must receive 2178  
the appeal within the specified appeal period in order for the 2179  
appeal to be deemed timely filed, except that: if the United 2180  
States postal service is used as the means of delivery, the 2181

enclosing envelope must have a postmark date or postal meter 2182  
postmark that is on or before the last day of the specified appeal 2183  
period; and where the postmark is illegible or missing, the appeal 2184  
is timely filed if received not later than the end of the fifth 2185  
calendar day following the last day of the specified appeal 2186  
period. 2187

The director and the commission may adopt rules pertaining to 2188  
alternate methods of filing appeals under this section. 2189

(2) WAIVER 2190

Interested parties may waive, in writing, a hearing at either 2191  
the hearing officer or review level. If the parties waive a 2192  
hearing, the hearing officer shall issue a decision based on the 2193  
evidence of record. 2194

(3) TELEPHONE HEARINGS 2195

Hearing officers may conduct hearings at either the hearing 2196  
officer or review level in person or by telephone. The commission 2197  
shall adopt rules that designate the circumstances under which 2198  
hearing officers may conduct a hearing by telephone or grant a 2199  
party to the hearing the opportunity to object to a hearing by 2200  
telephone. An interested party whose hearing would be by telephone 2201  
may elect to have an in-person hearing, provided that the party 2202  
agrees to have the hearing at the time and place the commission 2203  
determines pursuant to rule. 2204

(4) EVENING HEARINGS 2205

Where a party requests that a hearing at either the hearing 2206  
officer or review level be scheduled in the evening because the 2207  
party is employed during the day, the commission shall schedule 2208  
the hearing during hours that the party is not employed. If a 2209  
conflict concerning a request for an evening hearing and an 2210  
in-person hearing arises, the commission shall schedule the 2211  
hearing by telephone during evening hours. 2212

(5) NO APPEARANCE -- APPELLANT 2213

For hearings at either the hearing officer or review level, 2214  
if the appealing party fails to appear at the hearing, the hearing 2215  
officer shall dismiss the appeal. The commission shall vacate the 2216  
dismissal upon a showing that written notice of the hearing was 2217  
not sent to that party's last known address, or good cause for the 2218  
appellant's failure to appear is shown to the commission within 2219  
fourteen days after the hearing date. 2220

If the commission finds that the appealing party's reason for 2221  
failing to appear does not constitute good cause for failing to 2222  
appear, the commission shall send written notice of that finding, 2223  
and the appealing party may request a hearing to present testimony 2224  
on the issue of good cause for failing to appear. The appealing 2225  
party shall file a request for a hearing on the issue of good 2226  
cause for failing to appear within ten days after the commission 2227  
sends written notice indicating a finding of no good cause for 2228  
failing to appear. 2229

(6) NO APPEARANCE -- APPELLEE 2230

For hearings at either the hearing officer or review level, 2231  
if the appellee fails to appear at the hearing, the hearing 2232  
officer shall proceed with the hearing and shall issue a decision 2233  
based on the evidence of record. The commission shall vacate the 2234  
decision upon a showing that written notice of the hearing was not 2235  
sent to the appellee's last known address, or good cause for the 2236  
appellee's failure to appear is shown to the commission within 2237  
fourteen days after the hearing date. 2238

(7) AGENT 2239

Any appeal or request for review may be executed on behalf of 2240  
any party or any group of claimants by an agent. 2241

(8) COLLATERAL ESTOPPEL 2242



No finding of fact or law, decision, or order of the 2243  
director, hearing officer, or the commission under this section or 2244  
section 4141.28 of the Revised Code shall be given collateral 2245  
estoppel or res judicata effect in any separate or subsequent 2246  
judicial, administrative, or arbitration proceeding, other than a 2247  
proceeding arising under this chapter. 2248

(9) EXTENSION OF APPEAL PERIODS 2249

The time for filing an appeal or a request for review under 2250  
this section or a court appeal under section 4141.282 of the 2251  
Revised Code shall be extended in the manner described in the 2252  
following four sentences. When the last day of an appeal period is 2253  
a Saturday, Sunday, or legal holiday, the appeal period is 2254  
extended to the next work day after the Saturday, Sunday, or legal 2255  
holiday. When an interested party provides certified medical 2256  
evidence stating that the interested party's physical condition or 2257  
mental capacity prevented the interested party from filing an 2258  
appeal or request for review under this section within the 2259  
appropriate twenty-one-day period, the appeal period is extended 2260  
to twenty-one days after the end of the physical or mental 2261  
condition, and the appeal or request for review is considered 2262  
timely filed if filed within that extended period. When an 2263  
interested party provides evidence, which evidence may consist of 2264  
testimony from the interested party, that is sufficient to 2265  
establish that the party did not actually receive the 2266  
determination or decision within the applicable appeal period 2267  
under this section, and the director or the commission finds that 2268  
the interested party did not actually receive the determination or 2269  
decision within the applicable appeal period, then the appeal 2270  
period is extended to twenty-one days after the interested party 2271  
actually receives the determination or decision. When an 2272  
interested party provides evidence, which evidence may consist of 2273  
testimony from the interested party, that is sufficient to 2274

establish that the party did not actually receive a decision 2275  
within the thirty-day appeal period provided in section 4141.282 2276  
of the Revised Code, and a court of common pleas finds that the 2277  
interested party did not actually receive the decision within that 2278  
thirty-day appeal period, then the appeal period is extended to 2279  
thirty days after the interested party actually receives the 2280  
decision. 2281

**Sec. 4141.282.** 2282

APPEAL TO COURT 2283

(A) THIRTY-DAY DEADLINE FOR APPEAL 2284

Any interested party, within thirty days after written notice 2285  
of the final decision of the unemployment compensation review 2286  
commission was sent to all interested parties, may appeal the 2287  
decision of the commission to the court of common pleas. 2288

(B) WHERE TO FILE THE APPEAL 2289

An appellant shall file the appeal with the court of common 2290  
pleas of the county where the appellant, if an employee, is a 2291  
resident or was last employed or, if an employer, is a resident or 2292  
has a principal place of business in this state. 2293

(C) PERFECTING THE APPEAL 2294

The timely filing of the notice of appeal shall be the only 2295  
act required to perfect the appeal and vest jurisdiction in the 2296  
court. The notice of appeal shall identify the decision appealed 2297  
from. 2298

(D) INTERESTED PARTIES 2299

The commission shall provide on its final decision the names 2300  
and addresses of all interested parties. The appellant shall name 2301  
all interested parties as appellees in the notice of appeal. The 2302  
director of job and family services is always an interested party 2303

<u>and shall be named as an appellee in the notice of appeal.</u>	2304
<u>(E) SERVICE OF THE NOTICE OF APPEAL</u>	2305
<u>Upon filing the notice of appeal with the clerk of the court,</u>	2306
<u>the clerk shall serve a copy of the notice of appeal upon all</u>	2307
<u>appellees, including the director.</u>	2308
<u>(F) DUTIES OF THE COMMISSION</u>	2309
<u>The commission, within forty-five days after a notice of</u>	2310
<u>appeal is filed, shall file with the clerk a certified transcript</u>	2311
<u>of the record of the proceedings at issue before the commission.</u>	2312
<u>The commission also shall provide a copy of the transcript to the</u>	2313
<u>appellant's attorney or to the appellant, if the appellant is not</u>	2314
<u>represented by counsel, and to any appellee who requests a copy.</u>	2315
<u>(G) COURT BRIEFING SCHEDULES</u>	2316
<u>The court shall provide for the filing of briefs by the</u>	2317
<u>parties, whether by local rule, scheduling order, or otherwise.</u>	2318
<u>(H) REVIEW BY THE COURT OF COMMON PLEAS</u>	2319
<u>The court shall hear the appeal upon receipt of the certified</u>	2320
<u>record provided by the commission. If the court finds that the</u>	2321
<u>decision of the commission was unlawful, unreasonable, or against</u>	2322
<u>the manifest weight of the evidence, it shall reverse, vacate, or</u>	2323
<u>modify the decision, or remand the matter to the commission.</u>	2324
<u>Otherwise, the court shall affirm the decision of the commission.</u>	2325
<u>(I) FAILURE TO FILE APPEAL WITHIN THIRTY DAYS</u>	2326
<u>If an appeal is filed after the thirty-day appeal period, the</u>	2327
<u>court of common pleas shall conduct a hearing to determine whether</u>	2328
<u>the appeal was timely filed under division (D)(9) of section</u>	2329
<u>4141.281 of the Revised Code. At the hearing, additional evidence</u>	2330
<u>may be introduced and oral arguments may be presented regarding</u>	2331
<u>the timeliness of the filing of the appeal.</u>	2332

If the court of common pleas determines that the appeal was filed within the time allowed, the court shall after that make its decision on the merits of the appeal. The determination on timeliness by the court of common pleas may be appealed to the court of appeals as in civil cases, and such appeal shall be consolidated with any appeal from the decision by the court of common pleas on the merits of the appeal.

**Sec. ~~4141.281~~ 4141.283.** (A) Whenever the director of job and family services has reason to believe that the unemployment of twenty-five or more individuals relates to a labor dispute, the director, within five calendar days after their claims are filed, shall schedule a hearing concerning the reason for unemployment. Notice of the hearing shall be sent to all interested parties, including the duly authorized representative of the parties, ~~as provided in division (D)(1) of section 4141.28 of the Revised Code.~~ The hearing date shall be scheduled so as to provide at least ten days' prior notice of the time and date of the hearing. A similar hearing, in such cases, may be scheduled when there is a dispute as to the duration or ending date of the labor dispute.

(B) The director shall appoint a hearing officer to conduct the hearing of the case under division (A) of this section. The hearing officer is not bound by common law or statutory rules of evidence or by technical or formal rules of procedure, but shall take any steps that are reasonable and necessary to obtain the facts and determine whether the claimants are entitled to benefits under the law. The failure of any interested party to appear at the hearing shall not preclude a decision based upon all the facts available to the hearing officer. The proceeding at the hearing shall be recorded by mechanical means or by other means prescribed by the director. The record need not be transcribed unless an application for appeal is filed on the decision and the chairperson of the unemployment compensation review commission

requests a transcript of the hearing within fourteen days after  
the application for appeal is received by the commission. The  
director shall prescribe rules concerning the conduct of the  
hearings and all related matters and appoint an attorney to direct  
the operation of this function.

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(C) The director shall issue the hearing officer's decisions  
and reasons therefor on the case within ten calendar days after  
the hearing. The hearing officer's decision issued by the director  
is final unless an application for appeal is filed with the ~~review~~  
commission within twenty-one days after the decision was mailed to  
all interested parties. The director, within the twenty-one-day  
appeal period, may remove and vacate the decision and issue a  
revised determination and appeal date.

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(D) Upon receipt of the application for appeal, the full  
~~review~~ commission shall review the director's decision, and then  
schedule a further hearing on the case, disallow the application  
without further hearing, or modify or reverse the director's  
decision. The ~~review~~ commission shall review the director's  
decision within fourteen days after receipt of the decision or the  
receipt of a transcript requested under division (B) of this  
section, whichever is later.

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(1) When a further hearing is granted, the commission shall  
make the director's decision and record of the case, as certified  
by the director, a part of the record and shall consider the  
director's decision and record in arriving at a decision on the  
case. The commission's decision affirming, modifying, or reversing  
the director's decision, following the further appeal, shall be  
mailed to all interested parties within fourteen days after the  
hearing.

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(2) A decision to disallow a further appeal or to modify or  
reverse the director's decision shall be mailed to all interested  
parties within fourteen days after the commission makes the

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decision. A disallowance is deemed an affirmation of the 2397  
director's decision. 2398

(3) The time limits specified in this section may be extended 2399  
by agreement of all interested parties or for cause beyond the 2400  
control of the director or the commission. 2401

(E) An appeal of the commission's decision issued under 2402  
division (D) of this section may be taken to the court of common 2403  
pleas as provided in ~~division (N) of section 4141.28~~ 4141.282 of 2404  
the Revised Code. 2405

(F) A labor dispute decision involving fewer than twenty-five 2406  
individuals shall be determined under ~~division (D)(1) of section~~ 2407  
4141.28 of the Revised Code, and the ~~review~~ commission shall 2408  
determine any appeal from the decision pursuant to ~~division (M) of~~ 2409  
~~that~~ section 4141.281 of the Revised Code and within the time 2410  
limits provided in division (D) of this section. 2411

**Sec. ~~4141.282~~ 4141.284.** (A) When a claim for unemployment 2412  
compensation is filed by an individual who owes child support 2413  
obligations, the director of job and family services shall notify 2414  
the state or local child support enforcement agency enforcing the 2415  
obligation only if the claimant has been determined to be eligible 2416  
for unemployment compensation. 2417

(B) The director shall deduct and withhold from unemployment 2418  
compensation payable to an individual who owes child support 2419  
obligations: 2420

(1) Any amount required to be deducted and withheld from the 2421  
unemployment compensation pursuant to legal process, as that term 2422  
is defined in section 459(i)(5) of the "Social Security Act," as 2423  
amended by the "Personal Responsibility and Work Opportunity 2424  
Reconciliation Act of 1996," 100 Stat. 2105, 42 U.S.C. 659, and 2425  
properly served upon the director, as described in division (C) of 2426

this section; or 2427

(2) Where division (B)(1) of this section is inapplicable, in 2428  
the amount determined pursuant to an agreement submitted to the 2429  
director under section 454(19)(B)(i) of the "Social Security Act," 2430  
88 Stat. 2351, 42 U.S.C. 654, as amended, by the state or local 2431  
child support enforcement agency; or 2432

(3) If neither division (B)(1) nor (2) of this section is 2433  
applicable, then in the amount specified by the individual. 2434

(C) The director shall receive all legal process described in 2435  
division (B)(1) of this section from each local child support 2436  
enforcement agency, which legal process was issued by the agency 2437  
under section 3121.07 of the Revised Code or otherwise was issued 2438  
by the agency. 2439

(D) The amount of unemployment compensation subject to being 2440  
withheld pursuant to division (B) of this section is that amount 2441  
that remains payable to the individual after application of any 2442  
recoupment provisions for recovery of overpayments and after 2443  
deductions that have been made under this chapter for deductible 2444  
income received by the individual. 2445

(E) Any amount deducted and withheld under division (B) of 2446  
this section shall be paid to the appropriate state or local child 2447  
support enforcement agency in the following manner: 2448

(1) The director shall determine the amounts that are to be 2449  
deducted and withheld on a per county basis. 2450

(2) For each county, the director shall forward to the local 2451  
child support enforcement agency of the county, the amount 2452  
determined for that county under division (E)(1) of this section 2453  
for disbursement to the obligees or assignees of such support 2454  
obligations. 2455

(F) Any amount deducted and withheld under division (B) of 2456

this section shall for all purposes be treated as if it were paid 2457  
to the individual as unemployment compensation and paid by the 2458  
individual to the state or local child support agency in 2459  
satisfaction of the individual's child support obligations. 2460

(G) This section applies only if appropriate arrangements 2461  
have been made for reimbursement by the state or local child 2462  
support enforcement agency for the administrative costs incurred 2463  
by the director under this section which are associated with or 2464  
attributable to child support obligations being enforced by the 2465  
state or local child support enforcement agency. 2466

(H) As used in this section: 2467

(1) "Child support obligations" means only obligations that 2468  
are being enforced pursuant to a plan described in section 454 of 2469  
the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as 2470  
amended, which has been approved by the United States secretary of 2471  
health and human services under part D of Title IV of the "Social 2472  
Security Act," 88 Stat. 2351, 42 U.S.C. 651, as amended. 2473

(2) "State child support enforcement agency" means the work 2474  
unit within the department of job and family services, or the 2475  
state agency of another state, designated as the single state 2476  
agency for the administration of the program of child support 2477  
enforcement pursuant to part D of Title IV of the "Social Security 2478  
Act," 88 Stat. 2351, 42 U.S.C. 651, as amended. 2479

(3) "Local child support enforcement agency" means a child 2480  
support enforcement agency or any other agency of a political 2481  
subdivision of the state operating pursuant to a plan mentioned in 2482  
division (H)(1) of this section. 2483

(4) "Unemployment compensation" means any compensation 2484  
payable under this chapter including amounts payable by the 2485  
director pursuant to an agreement under any federal law providing 2486  
for compensation, assistance, or allowances with respect to 2487



unemployment.

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**Sec. ~~4141.283~~ 4141.285.** Where a claim for benefits is 2489  
directly attributable to unemployment caused by a major disaster, 2490  
as declared by the president of the United States pursuant to the 2491  
"Disaster Relief Act of 1970," 84 Stat. 1745, 42 U.S.C.A. 4402, 2492  
and the individual filing the claim would otherwise have been 2493  
eligible for disaster unemployment assistance under that act, then 2494  
upon application by the employer, any benefits paid on the claim 2495  
shall not be charged to the account of the employer who would have 2496  
been charged on that claim but instead shall be charged to the 2497  
mutualized account described in section 4141.25 of the Revised 2498  
Code, provided that this division is not applicable to an employer 2499  
electing reimbursing status under section 4141.241 of the Revised 2500  
Code, except reimbursing employers for whom benefit charges are 2501  
charged to the mutualized account pursuant to division (D)(2) of 2502  
section 4141.24 of the Revised Code. 2503

**Sec. 4141.301.** (A) As used in this section, unless the 2504  
context clearly requires otherwise: 2505

(1) "Extended benefit period" means a period which: 2506

(a) Begins with the third week after a week for which there 2507  
is a state "on" indicator; and 2508

(b) Ends with either of the following weeks, whichever occurs 2509  
later: 2510

(i) The third week after the first week for which there is a 2511  
state "off" indicator; or 2512

(ii) The thirteenth consecutive week of such period. 2513

Except, that no extended benefit period may begin by reason 2514  
of a state "on" indicator before the fourteenth week following the 2515  
end of a prior extended benefit period which was in effect with 2516

respect to this state. 2517

(2) There is a "~~state/on~~ state 'on' indicator" for this 2518  
state for a week if the director of job and family services 2519  
determines, in accordance with the regulations of the United 2520  
States secretary of labor, that for the period consisting of such 2521  
week and the immediately preceding twelve weeks, the rate of 2522  
insured unemployment, not seasonally adjusted, under Chapter 4141. 2523  
of the Revised Code: 2524

(a) Equalled or exceeded one hundred twenty per cent of the 2525  
average of such rates for the corresponding thirteen-week period 2526  
ending in each of the preceding two calendar years, and for weeks 2527  
beginning before September 25, 1982, equalled or exceeded four per 2528  
cent and for weeks beginning after September 25, 1982, equalled or 2529  
exceeded five per cent; 2530

(b) For weeks of unemployment beginning after December 31, 2531  
1977, and before September 25, 1982, such rate of insured 2532  
unemployment: 2533

(i) Met the criteria set forth in division (A)(2)(a) of this 2534  
section; or 2535

(ii) Equalled or exceeded five per cent. 2536

(c) For weeks of unemployment beginning after September 25, 2537  
1982, such rate of insured unemployment: 2538

(i) Met the criteria set forth in division (A)(2)(a) of this 2539  
section; or 2540

(ii) Equalled or exceeded six per cent. 2541

(3) A "state 'off' indicator" exists for the state for a week 2542  
if the director determines, in accordance with the regulations of 2543  
the United States secretary of labor, that for the period 2544  
consisting of such week and the immediately preceding twelve 2545  
weeks, the rate of insured unemployment, not seasonally adjusted, 2546

under Chapter 4141. of the Revised Code:	2547
(a) Was less than one hundred twenty per cent of the average	2548
of such rates for the corresponding thirteen-week period ending in	2549
each of the preceding two calendar years, or for weeks beginning	2550
before September 25, 1982, was less than four per cent and for	2551
weeks beginning after September 25, 1982, was less than five per	2552
cent;	2553
(b) For weeks of unemployment beginning after December 31,	2554
1977 and before September 25, 1982, such rate of insured	2555
unemployment:	2556
(i) Was less than five per cent; and	2557
(ii) Met the criteria set forth in division (A)(3)(a) of this	2558
section.	2559
(c) For weeks of unemployment beginning after September 25,	2560
1982, such rate of insured unemployment:	2561
(i) Was less than six per cent; and	2562
(ii) Met the criteria set forth in division (A)(3)(a) of this	2563
section.	2564
(4) "Rate of insured unemployment," for purposes of divisions	2565
(A)(2) and (3) of this section, means the percentage derived by	2566
dividing:	2567
(a) The average weekly number of individuals filing claims	2568
for regular compensation in this state for weeks of unemployment	2569
with respect to the most recent thirteen-consecutive-week period,	2570
as determined by the director on the basis of the director's	2571
reports to the United States secretary of labor, by	2572
(b) The average monthly employment covered under Chapter	2573
4141. of the Revised Code, for the first four of the most recent	2574
six completed calendar quarters ending before the end of such	2575
thirteen-week period.	2576

(5) "Regular benefits" means benefits payable to an individual, as defined in division (C) of section 4141.01 of the Revised Code, or under any other state law, including dependents' allowance and benefits payable to federal civilian employees and to ex-servicepersons pursuant to the "Act of September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, other than extended benefits, and additional benefits as defined in division (A)(10) of this section.

(6) "Extended benefits" means benefits, including benefits payable to federal civilian employees and to ex-servicepersons pursuant to the "Act of September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, and additional benefits, payable to an individual under the provisions of this section for weeks of unemployment in the individual's eligibility period.

(7) "Eligibility period" of an individual means the period consisting of the weeks in the individual's benefit year which begin in an extended benefit period and, if the individual's benefit year ends within the extended benefit period, any weeks thereafter which begin in the period.

(8) "Exhaustee" means an individual who, with respect to any week of unemployment in the individual's eligibility period:

(a) Has received prior to the week, all of the regular benefits that were available to the individual under Chapter 4141. of the Revised Code, or any other state law, including dependents' allowance and benefits payable to federal civilian employees and ex-servicepersons under the "Act of September 6, 1966," 80 Stat. 585, 5 U.S.C.A. 8501, in the individual's current benefit year that includes the week;

(b) Has received, prior to the week, all of the regular benefits that were available to the individual under this chapter or any other state law, including dependents' allowances and

regular benefits available to federal civilian employees and 2608  
ex-servicemen under the "Act of September 6, 1966," 80 Stat. 2609  
585, 5 U.S.C.A. 8501, in the individual's current benefit year 2610  
that includes the week, after the cancellation of some or all of 2611  
the individual's wage credits or the total or partial reduction of 2612  
the individual's right to regular benefits, provided that, for the 2613  
purposes of divisions (A)(8)(a) and (8)(b) of this section, an 2614  
individual shall be deemed to have received in the individual's 2615  
current benefit year all of the regular benefits that were either 2616  
payable or available to the individual even though: 2617

(i) As a result of a pending appeal with respect to wages or 2618  
employment, or both, that were not included in the original 2619  
monetary determination with respect to the individual's current 2620  
benefit year, the individual may subsequently be determined to be 2621  
entitled to more regular benefits, or 2622

(ii) By reason of section 4141.33 of the Revised Code, or the 2623  
seasonal employment provisions of another state law, the 2624  
individual is not entitled to regular benefits with respect to the 2625  
week of unemployment, although the individual may be entitled to 2626  
regular benefits with respect to future weeks of unemployment in 2627  
either the next season or off season in the individual's current 2628  
benefit year, and the individual is otherwise an "exhaustee" 2629  
within the meaning of this section with respect to the right to 2630  
regular benefits under state law seasonal employment provisions 2631  
during either the season or off season in which that week of 2632  
unemployment occurs, or 2633

(iii) Having established a benefit year, no regular benefits 2634  
are payable to the individual during the year because the 2635  
individual's wage credits were cancelled or the individual's right 2636  
to regular benefits was totally reduced as the result of the 2637  
application of a disqualification; or 2638

(c) The individual's benefit year having expired prior to the 2639

week, has no, or insufficient, wages or weeks of employment on the 2640  
basis of which the individual could establish in any state a new 2641  
benefit year that would include the week, or having established a 2642  
new benefit year that includes the week, the individual is 2643  
precluded from receiving regular benefits by reason of a state law 2644  
which meets the requirements of section 3304 (a)(7) of the 2645  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301 to 2646  
3311; and 2647

(i) Has no right for the week to unemployment benefits or 2648  
allowances, as the case may be, under the Railroad Unemployment 2649  
Insurance Act, the Trade Act of 1974, and other federal laws as 2650  
are specified in regulations issued by the United States secretary 2651  
of labor; and 2652

(ii) Has not received and is not seeking for the week 2653  
unemployment benefits under the unemployment compensation law of 2654  
the Virgin Islands, prior to the day after that on which the 2655  
secretary of labor approves the unemployment compensation law of 2656  
the Virgin Islands, or of Canada; or if the individual is seeking 2657  
benefits and the appropriate agency finally determines that the 2658  
individual is not entitled to benefits under the law for the week. 2659

(9) "State law" means the unemployment insurance law of any 2660  
state, approved by the United States secretary of labor under 2661  
section 3304 of the Internal Revenue Code of 1954. 2662

(10) "Additional benefits" means benefits totally financed by 2663  
a state and payable to exhaustees by reason of high unemployment 2664  
or by reason of other special factors under the provisions of any 2665  
state law. 2666

(B) Except when the result would be inconsistent with the 2667  
other provisions of this section, as provided in the regulations 2668  
of the director, the provisions of Chapter 4141. of the Revised 2669  
Code, which apply to claims for, or the payment of, regular 2670

benefits, shall apply to claims for, and the payment of, extended 2671  
benefits. 2672

(C) Any individual shall be eligible to receive extended 2673  
benefits with respect to any week of unemployment in the 2674  
individual's eligibility period only if the director finds that, 2675  
with respect to such week: 2676

(1) The individual is an "exhaustee" as defined in division 2677  
(A)(8) of this section; and 2678

(2) The individual has satisfied the requirements of Chapter 2679  
4141. of the Revised Code, for the receipt of regular benefits 2680  
that are applicable to individuals claiming extended benefits, 2681  
including not being subject to a disqualification for the receipt 2682  
of benefits. 2683

(D) The weekly extended benefit amount payable to an 2684  
individual for a week of total unemployment in the individual's 2685  
eligibility period shall be the same as the weekly benefit amount 2686  
payable to the individual during the individual's applicable 2687  
benefit year. 2688

(E) The total extended benefit amount payable to any eligible 2689  
individual with respect to the individual's applicable benefit 2690  
year shall be the lesser of the following amounts: 2691

(1) Fifty per cent of the total amount of regular benefits, 2692  
including dependents' allowances which were payable to the 2693  
individual under Chapter 4141. of the Revised Code, in the 2694  
individual's applicable benefit year; 2695

(2) Thirteen times the individual's weekly benefit amount, 2696  
including dependents' allowances, which was payable to the 2697  
individual under Chapter 4141. of the Revised Code, for a week of 2698  
total unemployment in the applicable benefit year; provided, that 2699  
in making the computation under divisions (E)(1) and (2) of this 2700  
section, any amount which is not a multiple of one dollar shall be 2701

rounded to the next lower multiple of one dollar. 2702

(F)(1) Except as provided in division (F)(2) of this section, 2703  
an individual eligible for extended benefits pursuant to an 2704  
interstate claim filed in any state under the interstate benefit 2705  
payment plan shall not be paid extended benefits for any week in 2706  
which an extended benefit period is not in effect in such state. 2707  
2708

(2) Division (F)(1) of this section does not apply with 2709  
respect to the first two weeks for which extended compensation is 2710  
payable to an individual, as determined without regard to this 2711  
division, pursuant to an interstate claim filed under the 2712  
interstate benefit payment plan from the total extended benefit 2713  
amount payable to that individual in the individual's applicable 2714  
benefit year. 2715

(3) Notwithstanding any other provisions of this section, if 2716  
the benefit year of any individual ends within an extended benefit 2717  
period, the remaining balance of extended benefits that the 2718  
individual would, but for this section, be entitled to receive in 2719  
that extended benefit period, with respect to weeks of 2720  
unemployment beginning after the end of the benefit year, shall be 2721  
reduced, but not below zero, by the product of the number of weeks 2722  
for which the individual received any amounts as trade 2723  
readjustment allowances within that benefit year, multiplied by 2724  
the individual's weekly benefit amount for extended benefits. 2725

(G)(1) Whenever an extended benefit period is to become 2726  
effective in this state, as a result of a state "on" indicator, or 2727  
an extended benefit period is to be terminated in this state as a 2728  
result of a state "off" indicator, the director shall make an 2729  
appropriate public announcement. 2730

(2) Computations required by division (A)(4) of this section 2731  
shall be made by the director, in accordance with the regulations 2732



prescribed by the United States secretary of labor.

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(H)(1)(a) The director shall promptly examine any application for extended benefits filed and, under this section, determine whether the application is to be allowed or disallowed and, if allowed, the weekly and total extended benefits payable and the effective date of the application. The claimant, the claimant's most recent employer, and any other employer in the base period of the claim upon which the extended benefits are based, and who was chargeable for regular benefits based on such claim, shall be notified of such determination.

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(b) The determination issued to the most recent or other base period employer shall include the total amount of extended benefits that may be charged to the employer's account. Such potential charge amount shall be an amount equal to one-fourth of the regular benefits chargeable to the employer's account on the regular claim upon which extended benefits are based except that, effective January 1, 1979, the potential charge amount to the state and its instrumentalities and its political subdivisions and their instrumentalities shall be an amount equal to one-half of the regular benefits chargeable to their accounts on such claim. If regular benefits were chargeable to the mutualized account, in lieu of an employer's account, then the extended benefits which are based on such prior mutualized benefits shall also be charged to the mutualized account.

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(c) As extended benefits are paid to eligible individuals:

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(i) One-half of such benefits will be charged to an extended benefit account to which reimbursement payments of one-half of extended benefits, received from the federal government as described in division (J) of this section, will be credited; and

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(ii) One-half of the extended benefits shall be charged to the accounts of base period employers and the mutualized account

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in the same proportion as was provided for on the regular claim; 2764  
or 2765

(iii) The full amount of extended benefits shall be charged 2766  
to the accounts of the state and its instrumentalities, and its 2767  
political subdivisions and their instrumentalities. Employers 2768  
making payments in lieu of contributions shall be charged in 2769  
accordance with division (B)(1) of section 4141.241 of the Revised 2770  
Code. 2771

(d) If the application for extended benefits is disallowed, a 2772  
determination shall be issued to the claimant, which determination 2773  
shall set forth the reasons for the disallowance. Determinations 2774  
issued under this division, whether allowed or disallowed, shall 2775  
be subject to reconsideration and appeal in accordance with 2776  
section ~~4141.28~~ 4141.281 of the Revised Code. 2777

(2) Any additional or continued claims, as described in 2778  
division (F) of section 4141.01 of the Revised Code, filed by an 2779  
individual at the beginning of, or during, the individual's 2780  
extended benefit period shall be determined under division ~~(D)~~(E) 2781  
of section 4141.28 of the Revised Code, and such determination 2782  
shall be subject to reconsideration and appeal in accordance with 2783  
section ~~4141.28~~ 4141.281 of the Revised Code. 2784

(I) Notwithstanding division (B) of this section, payment of 2785  
extended benefits under this section shall not be made to any 2786  
individual for any week of unemployment in the individual's 2787  
eligibility period during which the individual fails to accept any 2788  
offer of suitable work, as defined in division (I)(2) of this 2789  
section, or fails to apply for any suitable work to which the 2790  
individual was referred by the director, or fails to actively 2791  
engage in seeking work, as prescribed in division (I)(4) of this 2792  
section. 2793

(1) If any individual is ineligible for extended benefits for 2794

any week by reason of a failure described in this division, the individual shall be ineligible to receive extended benefits beginning with the week in which the failure occurred and continuing until the individual has been employed during each of four subsequent weeks and the total remuneration earned by the individual for this employment is equal to or more than four times the individual's weekly extended benefit amount, and has met all other eligibility requirements of this section, in order to establish entitlement to extended benefits.

(2) For purposes of this section, the term "suitable work" means, with respect to an individual, any work which is within the individual's capabilities, provided that with respect to the position all of the following requirements are met:

(a) It offers the individual gross average weekly remuneration of more than the sum of:

(i) The individual's extended weekly benefit amount; and

(ii) The amount of supplemental unemployment compensation benefits, as defined in section 501(c)(17)(D) of the "Internal Revenue Code of 1954," 80 Stat. 1515, 26 U.S.C.A. 501, payable to the individual for the week of unemployment.

(b) It pays equal to or more than the higher of:

(i) The minimum wage provided by section 6(a)(1) of the "Fair Labor Standards Act of 1938," 91 Stat. 1245, 29 U.S.C.A. 206, without regard to any exemption; or

(ii) Any applicable state or local minimum wage.

(c) It is offered to the individual in writing or is listed with the employment office maintained or designated by the director.

(3) Extended benefits shall not be denied under this division to any individual for any week by reason of a failure to accept an

offer of, or apply for suitable work if either of the following 2825  
conditions apply: 2826

(a) The failure would not result in a denial of benefits to a 2827  
regular benefit claimant under section 4141.29 of the Revised Code 2828  
to the extent that section 4141.29 of the Revised Code is not 2829  
inconsistent with division (I)(2) of this section; 2830

(b) The individual furnishes evidence satisfactory to the 2831  
director that the individual's prospects for obtaining work in the 2832  
individual's customary occupation within a reasonably short period 2833  
are good. If the evidence is deemed satisfactory, the 2834  
determination as to whether any work is suitable work with respect 2835  
to this individual and whether the individual is ineligible or 2836  
disqualified shall be based upon the meaning of "suitable work" 2837  
and other provisions in section 4141.29 of the Revised Code. 2838

(4) For purposes of this section, an individual shall be 2839  
treated as actively engaged in seeking work during any week if: 2840

(a) The individual has engaged in a systematic and sustained 2841  
effort to obtain work during that week; and 2842

(b) The individual provides tangible evidence to the director 2843  
that the individual has engaged in the effort during that week. 2844  
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(5) The director shall refer applicants for extended benefits 2846  
to job openings that meet the requirements of divisions (E) and 2847  
(F) of section 4141.29 of the Revised Code, and in the case of 2848  
applicants whose prospects are determined not to be good under 2849  
division (I)(3)(b) of this section to any suitable work which 2850  
meets the criteria in divisions (I)(2) and (3)(a) of this section. 2851  
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(6) Individuals denied extended or regular benefits under 2853  
division (D)(1)(b) of section 4141.29 of the Revised Code because 2854  
of being given a disciplinary layoff for misconduct must, after 2855

the date of disqualification, work the length of time and earn the 2856  
amount of remuneration specified in division (I)(1) of this 2857  
section, and meet all other eligibility requirements of this 2858  
section, in order to establish entitlement to extended benefits. 2859

(J) All payments of extended benefits made pursuant to this 2860  
section shall be paid out of the unemployment compensation fund, 2861  
provided by section 4141.09 of the Revised Code, and all payments 2862  
of the federal share of extended benefits that are received as 2863  
reimbursements under section 204 of the "Federal-State Extended 2864  
Unemployment Compensation Act of 1970," 84 Stat. 696, 26 U.S.C.A. 2865  
3306, shall be deposited in such unemployment compensation fund 2866  
and shall be credited to the extended benefit account established 2867  
by division (G) of this section. Any refund of extended benefits, 2868  
because of prior overpayment of such benefits, may be made from 2869  
the unemployment compensation fund. 2870

(K) In the administration of the provisions of this section 2871  
which are enacted to conform with the requirements of the 2872  
"Federal-State Extended Unemployment Compensation Act of 1970," 84 2873  
Stat. 696, 26 U.S.C.A. 3306, the director shall take such action 2874  
consistent with state law, as may be necessary: 2875

(1) To ensure that the provisions are so interpreted and 2876  
applied as to meet the requirements of the federal act as 2877  
interpreted by the United States department of labor; and 2878

(2) To secure to this state the full reimbursement of the 2879  
federal share of extended benefits paid under this section that 2880  
are reimbursable under the federal act. 2881

**Sec. 4141.35.** (A) If the director of job and family services 2882  
finds that any fraudulent misrepresentation has been made by an 2883  
applicant for or a recipient of benefits with the object of 2884  
obtaining benefits to which the applicant or recipient was not 2885  
entitled, and in addition to any other penalty or forfeiture under 2886

this chapter, then the director: 2887

(1) Shall within four years after the end of the benefit year 2888  
in which the fraudulent misrepresentation was made reject or 2889  
cancel such person's entire weekly claim for benefits that was 2890  
fraudulently claimed, or the person's entire benefit rights if the 2891  
misrepresentation was in connection with the filing of the 2892  
claimant's application for determination of benefit rights; 2893

(2) Shall by order declare that, for each application for 2894  
benefit rights and for each weekly claim canceled, such person 2895  
shall be ineligible for two otherwise valid weekly claims for 2896  
benefits, claimed within six years subsequent to the discovery of 2897  
such misrepresentation; 2898

(3) By order shall require that the total amount of benefits 2899  
rejected or canceled under division (A)(1) of this section be 2900  
repaid to the director before such person may become eligible for 2901  
further benefits, and shall withhold such unpaid sums from future 2902  
benefit payments accruing and otherwise payable to such claimant. 2903  
Effective with orders issued on or after January 1, 1993, if such 2904  
benefits are not repaid within thirty days after the director's 2905  
order becomes final, interest on the amount remaining unpaid shall 2906  
be charged to the person at a rate and calculated in the same 2907  
manner as provided under section 4141.23 of the Revised Code. When 2908  
a person ordered to repay benefits has repaid all overpaid 2909  
benefits according to a plan approved by the director, the 2910  
director may cancel the amount of interest that accrued during the 2911  
period of the repayment plan. The director may take action in the 2912  
courts of this state to collect benefits and interest as provided 2913  
in sections 4141.23 and 4141.27 of the Revised Code, in regard to 2914  
the collection of unpaid contributions, using the final repayment 2915  
order as the basis for such action. No administrative or legal 2916  
proceedings for the collection of such benefits or interest due 2917  
shall be initiated after the expiration of six years from the date 2918

on which the director's order requiring repayment became final and 2919  
the amount of any benefits or interest not recovered at that time, 2920  
and any liens thereon, shall be canceled as uncollectible. 2921

(4) May take action to collect benefits fraudulently obtained 2922  
under the unemployment compensation law of any other state or the 2923  
United States or Canada. Such action may be initiated in the 2924  
courts of this state in the same manner as provided for unpaid 2925  
contributions in section 4141.41 of the Revised Code. 2926  
2927

(5) May take action to collect benefits that have been 2928  
fraudulently obtained from the director, interest pursuant to 2929  
division (A)(3) of this section, and court costs, through 2930  
attachment proceedings under Chapter 2715. of the Revised Code and 2931  
garnishment proceedings under Chapter 2716. of the Revised Code. 2932

(B) If the director finds that an applicant for benefits has 2933  
been credited with a waiting period or paid benefits to which the 2934  
applicant was not entitled for reasons other than fraudulent 2935  
misrepresentation, the director shall: 2936

(1)(a) Within six months after the determination under which 2937  
the claimant was credited with that waiting period or paid 2938  
benefits becomes final pursuant to section 4141.28 of the Revised 2939  
Code, or within three years after the end of the benefit year in 2940  
which such benefits were claimed, whichever is later, by order 2941  
cancel such waiting period and require that such benefits be 2942  
repaid to the director or be withheld from any benefits to which 2943  
such applicant is or may become entitled before any additional 2944  
benefits are paid, provided that the repayment or withholding 2945  
shall not be required where the overpayment is the result of the 2946  
director's correcting ~~or amending~~ a prior decision due to a 2947  
typographical or clerical error in the director's prior decision, 2948  
or an error in an employer's report under division (G)~~(2)~~ of 2949  
section 4141.28 of the Revised Code. 2950

(b) The limitation specified in division (B)(1)(a) of this section shall not apply to cases involving the retroactive payment of remuneration covering periods for which benefits were previously paid to the claimant. However, in such cases, the director's order requiring repayment shall not be issued unless the director is notified of such retroactive payment within six months from the date the retroactive payment was made to the claimant.

(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a)(4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(3) If the amounts required to be repaid under division (B) of this section are not recovered within three years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible.

(C) The ~~reconsideration and~~ appeal provisions of ~~section 4141.28~~ sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of appeal under division (B)(2) of this section shall be limited to this state's authority to recover overpayment of benefits.

(D) If an individual makes a full repayment or a repayment that is less than the full amount required by this section, the



director shall apply the repayment to the mutualized account under 2983  
division (B) of section 4141.25 of the Revised Code, except that 2984  
the director shall credit the repayment to the accounts of the 2985  
individual's base period employers that previously have not been 2986  
credited for the amount of improperly paid benefits charged 2987  
against their accounts based on the proportion of benefits charged 2988  
against the accounts as determined pursuant to division (D) of 2989  
section 4141.24 of the Revised Code. 2990

The director shall deposit any repayment collected under this 2991  
section that the director determines to be payment of interest or 2992  
court costs into the unemployment compensation special 2993  
administrative fund established pursuant to section 4141.11 of the 2994  
Revised Code. 2995

**Sec. 4503.03.** (A) The registrar of motor vehicles may 2996  
designate the county auditor in each county a deputy registrar. If 2997  
the population of a county is forty thousand or less according to 2998  
the last federal census and if the county auditor is designated by 2999  
the registrar as a deputy registrar, no other person need be 3000  
designated in the county to act as a deputy registrar. In all 3001  
other instances, the registrar shall contract with one or more 3002  
other persons in each county to act as deputy registrars. Deputy 3003  
registrars shall accept applications for the annual license tax 3004  
for any vehicle not taxed under section 4503.63 of the Revised 3005  
Code and shall assign distinctive numbers in the same manner as 3006  
the registrar. Such deputies shall be located in such locations in 3007  
the county as the registrar sees fit. There shall be at least one 3008  
deputy registrar in each county. 3009

Deputy registrar contracts are subject to the provisions of 3010  
division (B) of section 125.081 of the Revised Code. 3011

(B) The registrar shall not contract with any person to act 3012  
as a deputy registrar if the person or, where applicable, ~~his~~ the 3013

person's spouse or a member of ~~his~~ the person's immediate family 3014  
has made, within the current calendar year or any one of the 3015  
previous three calendar years, one or more contributions totaling 3016  
in excess of one hundred dollars to any person or entity included 3017  
in division (A)(2) of section 102.021 of the Revised Code. As used 3018  
in this division, "immediate family" has the same meaning as in 3019  
division (D) of section 102.01 of the Revised Code and "entity" 3020  
includes any political party and any "continuing association" as 3021  
defined in division (B)(4) of section 3517.01 of the Revised Code 3022  
or "political action committee" as defined in division (B)(8) of 3023  
that section that is primarily associated with that political 3024  
party. For purposes of this division, contributions to any 3025  
continuing association or any political action committee that is 3026  
primarily associated with a political party shall be aggregated 3027  
with contributions to that political party. 3028

The contribution limitations contained in this division do 3029  
not apply to any county auditor. 3030

The registrar shall not contract with either of the following 3031  
to act as a deputy registrar: 3032

(1) Any elected public official other than a county auditor 3033  
acting in ~~his~~ the county auditor's official capacity; 3034

(2) Any person holding a current, valid contract to conduct 3035  
motor vehicle inspections under section 3704.14 of the Revised 3036  
Code. 3037

(C) ~~Deputy~~ (1) Except as provided in division (C)(2) of this 3038  
section, deputy registrars are independent contractors and neither 3039  
they nor their employees are employees of this state, except that 3040  
nothing in this section shall affect the status of county auditors 3041  
as public officials, nor the status of their employees as 3042  
employees of any of the counties of this state, which are 3043  
political subdivisions of this state. Each deputy registrar shall 3044  
be responsible for the payment of all unemployment compensation 3045

premiums, all workers' compensation premiums, social security 3046  
contributions, and any and all taxes for which ~~he~~ the deputy 3047  
registrar is legally responsible. Each deputy registrar shall 3048  
comply with all applicable federal, state, and local laws 3049  
requiring the withholding of income taxes or other taxes from the 3050  
compensation of ~~his~~ the deputy registrar's employees. Each deputy 3051  
registrar shall maintain during the entire term of ~~his~~ the deputy 3052  
registrar's contract a policy of business liability insurance 3053  
satisfactory to the registrar and shall hold the department of 3054  
public safety, the director of public safety, the bureau of motor 3055  
vehicles, and the registrar harmless upon any and all claims for 3056  
damages arising out of the operation of the deputy registrar 3057  
agency. 3058

(2) For purposes of Chapter 4141. of the Revised Code, 3059  
determinations concerning the employment of deputy registrars and 3060  
their employees shall be made under Chapter 4141. of the Revised 3061  
Code. 3062

(D) With the approval of the director, the registrar shall 3063  
adopt rules governing the terms of the contract between the 3064  
registrar and each deputy registrar and specifications for the 3065  
services to be performed. The rules shall include specifications 3066  
relating to the amount of bond to be given as provided in this 3067  
section; the size and location of the deputy's office; the leasing 3068  
of equipment necessary to conduct the vision screenings required 3069  
under section 4507.12 of the Revised Code, and training in the use 3070  
of the equipment. The specifications shall permit and encourage 3071  
every deputy registrar to inform the public of the location of ~~his~~ 3072  
the deputy registrar's office and hours of operation by means of 3073  
public service announcements and allow any deputy registrar to 3074  
advertise in regard to the operation of the deputy registrar's 3075  
office. The rules also shall include specifications for the hours 3076  
the deputy's office is to be open to the public and shall require 3077

as a minimum that one deputy's office in each county be open to 3078  
the public for at least four hours each weekend, provided that if 3079  
only one deputy's office is located within the boundary of the 3080  
county seat, that office is the office that shall be open for the 3081  
four-hour period each weekend, and that every deputy's office in 3082  
each county shall be open to the public until six-thirty p.m. on 3083  
at least one weeknight each week. The rules also shall include 3084  
specifications providing that every deputy in each county, upon 3085  
request, provide any person with information about the location 3086  
and office hours of all deputy registrars in the county and that 3087  
every deputy registrar prominently display within ~~his~~ the deputy 3088  
registrar's office, the toll-free telephone number of the bureau. 3089  
The rules shall not prohibit the award of a deputy registrar 3090  
contract to a nonprofit corporation formed under the laws of this 3091  
state. The rules shall prohibit any deputy registrar from 3092  
operating more than one such office at any time, except that the 3093  
rules may permit a nonprofit corporation formed for the purposes 3094  
of providing automobile-related services to its members or the 3095  
public and that provides such services from more than one location 3096  
in this state to operate a deputy registrar office at any such 3097  
location, provided that the nonprofit corporation operates no more 3098  
than one deputy registrar office in any one county. The rules may 3099  
include such other specifications as the registrar and director 3100  
consider necessary to provide a high level of service. 3101

As used in this section and in section 4507.01 of the Revised 3102  
Code, "nonprofit corporation" has the same meaning as in section 3103  
1702.01 of the Revised Code. 3104

(E) Unless otherwise terminated and except for interim 3105  
contracts of less than one year, contracts with deputy registrars 3106  
shall be for a term of at least two years, but no more than three 3107  
years and all contracts effective on or after July 1, 1996, shall 3108  
be for a term of more than two years, but not more than three 3109

years. All contracts with deputy registrars shall expire on the 3110  
thirtieth day of June in the year of their expiration. The auditor 3111  
of state may examine the accounts, reports, systems, and other 3112  
data of each deputy registrar at least every two years. The 3113  
registrar, with the approval of the director, shall immediately 3114  
remove a deputy who violates any provision of the Revised Code 3115  
related to ~~his~~ the duties as a deputy, any rule adopted by the 3116  
registrar, or a term of ~~his~~ the deputy's contract with the 3117  
registrar. The registrar also may remove a deputy who, in the 3118  
opinion of the registrar, has engaged in any conduct that is 3119  
either unbecoming to one representing this state or is 3120  
inconsistent with the efficient operation of the deputy's office. 3121  
Upon removal of a deputy registrar for contract violation, the 3122  
auditor of state shall examine the accounts, records, systems, and 3123  
other data of the deputy registrar so removed. 3124

If the registrar, with the approval of the director, 3125  
determines that there is good cause to believe that a deputy 3126  
registrar or a person proposing for a deputy registrar contract 3127  
has engaged in any conduct that would require the denial or 3128  
termination of the deputy registrar contract, the registrar may 3129  
require the production of such books, records, and papers as ~~he~~ 3130  
the registrar determines are necessary, and may take the 3131  
depositions of witnesses residing within or outside the state in 3132  
the same manner as is prescribed by law for the taking of 3133  
depositions in civil actions in the court of common pleas, and for 3134  
that purpose the registrar may issue a subpoena for any witness or 3135  
a subpoena duces tecum to compel the production of any books, 3136  
records, or papers, directed to the sheriff of the county where 3137  
the witness resides or is found. Such a subpoena shall be served 3138  
and returned in the same manner as a subpoena in a criminal case 3139  
is served and returned. The fees and mileage of the sheriff and 3140  
witnesses shall be the same as that allowed in the court of common 3141

pleas in criminal cases and shall be paid from the fund in the 3142  
state treasury for the use of the agency in the same manner as 3143  
other expenses of the agency are paid. 3144

In any case of disobedience or neglect of any subpoena served 3145  
on any person or the refusal of any witness to testify to any 3146  
matter regarding which ~~he~~ the witness lawfully may be 3147  
interrogated, the court of common pleas of any county where the 3148  
disobedience, neglect, or refusal occurs or any judge thereof, on 3149  
application by the registrar, shall compel obedience by attachment 3150  
proceedings for contempt, as in the case of disobedience of the 3151  
requirements of a subpoena issued from such court, or a refusal to 3152  
testify therein. 3153

Nothing in this division shall be construed to require a 3154  
hearing of any nature prior to the termination of any deputy 3155  
registrar contract by the registrar, with the approval of the 3156  
director, for cause. 3157

(F) Except as provided in section 2743.03 of the Revised 3158  
Code, no court, other than the court of common pleas of Franklin 3159  
county, has jurisdiction of any action against the department of 3160  
public safety, the director, the bureau, or the registrar to 3161  
restrain the exercise of any power or authority nor to entertain 3162  
any action for declaratory judgment in the selection and 3163  
appointment of, or contracting with, deputy registrars. Neither 3164  
the department, the director, the bureau, nor the registrar is 3165  
liable in any action at law for damages sustained by any person 3166  
because of any acts of the department, the director, the bureau, 3167  
or the registrar, nor any employee of the department or bureau in 3168  
the performance of ~~his~~ official duties in the selection and 3169  
appointment of, and contracting with, deputy registrars. 3170

(G) The registrar shall assign to each deputy registrar a 3171  
series of numbers sufficient to supply the demand at all times in 3172  
the area the deputy registrar serves, and the registrar shall keep 3173

a record in ~~his~~ the registrar's office of the numbers within the series assigned. Each deputy shall be required to give bond in the amount of at least twenty-five thousand dollars, or in such higher amount as the registrar determines necessary, based on a uniform schedule of bond amounts established by the registrar and determined by the volume of registrations handled by the deputy. The form of the bond shall be prescribed by the registrar. The bonds required of deputy registrars, in the discretion of the registrar, may be individual or schedule bonds or may be included in any blanket bond coverage carried by the department.

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(H) Each deputy registrar shall keep a file of each application received by ~~him~~ the deputy and shall register that motor vehicle with the name and address of the owner thereof.

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(I) Upon request, a deputy registrar shall make the physical inspection of a motor vehicle and issue the physical inspection certificate required in section 4505.061 of the Revised Code.

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(J) Each deputy registrar shall file a report semi-annually with the registrar of motor vehicles listing the number of applicants for licenses ~~he~~ the deputy has served, the number of voter registration applications ~~he~~ the deputy has completed and transmitted to the board of elections, and the number of voter registration applications declined.

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**Section 2.** That existing sections 3121.01, 3121.07, 4141.01, 4141.06, 4141.162, 4141.20, 4141.24, 4141.26, 4141.281, 4141.282, 4141.283, 4141.301, 4141.35, and 4503.03 and section 4141.28 of the Revised Code are hereby repealed.

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**Section 3.** Notwithstanding division (R)(2) of section 4141.01 of the Revised Code as amended by this act, the Director of Job and Family Services may specify that the provisions of that division are applicable for the determination of benefit rights

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involving benefit years beginning on or before December 28, 2003, 3204  
if the Director determines that the technological systems 3205  
necessary to effect the purposes of that division are operational 3206  
and sufficiently adequate to assure no interruption in the 3207  
discharge of the duties of the Director and the Department of Job 3208  
and Family Services under Chapter 4141. of the Revised Code. 3209

**Section 4.** Section 3121.01 of the Revised Code, as presented 3210  
in this act, includes matter that was amended into former sections 3211  
3111.20 and 3113.21 of the Revised Code by Sub. H.B. 535 of the 3212  
123rd General Assembly. Paragraphs of former sections 3111.20 and 3213  
3113.21 of the Revised Code containing H.B. 535 amendments were 3214  
transferred to section 3121.01 of the Revised Code by Am. Sub. 3215  
S.B. 180 of the 123rd General Assembly as part of its general 3216  
revision of the child support laws. Inclusion of the H.B. 535 3217  
amendments in section 3121.01 of the Revised Code is in 3218  
recognition of the principle stated in division (B) of section 3219  
1.52 of the Revised Code that amendments are to be harmonized if 3220  
capable of simultaneous operation. The version of section 3121.01 3221  
of the Revised Code presented in this act therefore is the 3222  
resulting version in effect prior to the effective date of the 3223  
section in this act. 3224