

**As Reported by the Senate Insurance, Commerce and Labor
Committee**

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S. B. No. 99

SENATORS Nein, Mumper, Spada

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

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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

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obligor is self-employed; an employer; an employer paying an
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.

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.

(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

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section and section ~~4141.282~~ 4141.284 of the Revised Code is in 83
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

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deductions that have been made under Chapter 4141. of the Revised Code for deductible income received by the individual. Effective for applications to establish unemployment compensation benefit rights filed after December 27, 1997, the amount withheld with respect to a week of unemployment benefits shall not exceed fifty per cent of the individual's weekly benefit amount as determined by the ~~administrator of the bureau of employment services~~ director.

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

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

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

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

(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had

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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

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(ii) Had at least ten individuals in employment in agricultural labor, not including agricultural workers who are aliens admitted to the United States to perform agricultural labor pursuant to sections 214(e) and 101(a)(15)(H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A.	176 177 178 179 180
1101(a)(15)(H)(ii)(a), for some portion of a day in each of the twenty different calendar weeks, in either the current or preceding calendar year whether or not the same individual was in employment in each day; or	181 182 183 184
(e) Is not otherwise an employer as defined under division (A)(1)(a) or (b) of this section; and	185 186
(i) For which, within either the current or preceding calendar year, service, except for domestic service in a private home not covered under division (A)(1)(c) of this section, is or was performed with respect to which such employer is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment fund;	187 188 189 190 191 192
(ii) Which, as a condition for approval of this chapter for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required, pursuant to such act to be an employer under this chapter; or	193 194 195 196 197
(iii) Who became an employer by election under division (A)(4) or (5) of this section and for the duration of such election; or	198 199 200
(f) In the case of the state, its instrumentalities, its political subdivisions, and their instrumentalities, had in employment, as defined in division (B)(2)(a) of this section, at least one individual;	201 202 203 204
(g) For the purposes of division (A)(1)(a) of this section, if any week includes both the thirty-first day of December and the	205 206

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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

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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 section; 271
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(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
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(c) Domestic service performed after December 31, 1977, for an employer, as provided in division (A)(1)(c) of this section; 280
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(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
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(e) Service not covered under division (B)(1) of this section which is performed after December 31, 1971: 285
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(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
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(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 291
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to be performed personally by the individual and that the 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.

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

(i) The service is localized in this state.

(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.

(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

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individual's service within the state, for example, is temporary 334
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

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the laws of the United States or of any state, provided the term
"United States" includes the states, the District of Columbia, the
Commonwealth of Puerto Rico, and the Virgin Islands.

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

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

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

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

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

(iv) The employer requires that services be provided by a

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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	424

services for more than two employers simultaneously; 425

(xviii) The individual performing services does not make the 426
services available to the general public; 427

(xix) The employer has a right to discharge the individual 428
performing services; 429

(xx) The individual performing services has the right to end 430
the individual's relationship with the employer without incurring 431
liability pursuant to an employment contract or agreement. 432

(3) "Employment" does not include the following services if 433
they are found not subject to the "Federal Unemployment Tax Act," 434
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 435
are not required to be included under division (B)(2)(j) of this 436
section: 437

(a) Service performed after December 31, 1977, in 438
agricultural labor, except as provided in division (A)(1)(d) of 439
this section; 440

(b) Domestic service performed after December 31, 1977, in a 441
private home, local college club, or local chapter of a college 442
fraternity or sorority except as provided in division (A)(1)(c) of 443
this section; 444

(c) Service performed after December 31, 1977, for this state 445
or a political subdivision as described in division (B)(2)(a) of 446
this section when performed: 447

(i) As a publicly elected official; 448

(ii) As a member of a legislative body, or a member of the 449
judiciary; 450

(iii) As a military member of the Ohio national guard; 451

(iv) As an employee, not in the classified service as defined 452
in section 124.11 of the Revised Code, serving on a temporary 453

basis in case of fire, storm, snow, earthquake, flood, or similar emergency; 454
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(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

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individual who is compensated on a commission basis, who in the
 performance of the work is master of the individual's own time and
 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

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- rehabilitation or remunerative work; 516
- (i) Service performed after June 30, 1939, with respect to 517
which unemployment compensation is payable under the "Railroad 518
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 519
- (j) Service performed by an individual in the employ of any 520
organization exempt from income tax under section 501 of the 521
"Internal Revenue Code of 1954," if the remuneration for such 522
service does not exceed fifty dollars in any calendar quarter, or 523
if such service is in connection with the collection of dues or 524
premiums for a fraternal beneficial society, order, or association 525
and is performed away from the home office or is ritualistic 526
service in connection with any such society, order, or 527
association; 528
- (k) Casual labor not in the course of an employer's trade or 529
business; incidental service performed by an officer, appraiser, 530
or member of a finance committee of a bank, building and loan 531
association, savings and loan association, or savings association 532
when the remuneration for such incidental service exclusive of the 533
amount paid or allotted for directors' fees does not exceed sixty 534
dollars per calendar quarter is casual labor; 535
- (l) Service performed in the employ of a voluntary employees' 536
beneficial association providing for the payment of life, 537
sickness, accident, or other benefits to the members of such 538
association or their dependents or their designated beneficiaries, 539
if admission to a membership in such association is limited to 540
individuals who are officers or employees of a municipal or public 541
corporation, of a political subdivision of the state, or of the 542
United States and no part of the net earnings of such association 543
inures, other than through such payments, to the benefit of any 544
private shareholder or individual; 545
- (m) Service performed by an individual in the employ of a 546

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foreign government, including service as a consular or other	547
officer or employee or of a nondiplomatic representative;	548
(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

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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

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- (i) In the employ of a hospital, if the service is performed by a patient of the hospital, as defined in division (W) of this section;
- (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; 641

(y) Service performed by a person committed to a penal 642
institution. 643

(4) If the services performed during one half or more of any 644
pay period by an employee for the person employing that employee 645
constitute employment, all the services of such employee for such 646
period shall be deemed to be employment; but if the services 647
performed during more than one half of any such pay period by an 648
employee for the person employing that employee do not constitute 649
employment, then none of the services of such employee for such 650
period shall be deemed to be employment. As used in division 651
(B)(4) of this section, "pay period" means a period, of not more 652
than thirty-one consecutive days, for which payment of 653
remuneration is ordinarily made to the employee by the person 654
employing that employee. Division (B)(4) of this section does not 655
apply to services performed in a pay period by an employee for the 656
person employing that employee, if any of such service is excepted 657
by division (B)(3)(o) of this section. 658

(C) "Benefits" means money payments payable to an individual 659
who has established benefit rights, as provided in this chapter, 660
for loss of remuneration due to the individual's unemployment. 661

(D) "Benefit rights" means the weekly benefit amount and the 662
maximum benefit amount that may become payable to an individual 663
within the individual's benefit year as determined by the 664
director. 665

(E) "Claim for benefits" means a claim for waiting period or 666
benefits for a designated week. 667

(F) "Additional claim" means the first claim for benefits 668
filed following any separation from employment during a benefit 669
year; "continued claim" means any claim other than the first claim 670
for benefits and other than an additional claim. 671

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

(2) Notwithstanding division (G)(1) of this section, if, as
of the computation date for any calendar year, the director
determines that the level of the unemployment compensation fund is
sixty per cent or more below the minimum safe level as defined in
section 4141.25 of the Revised Code, then, effective the first day
of January of the following calendar year, wages subject to this
chapter shall not include that part of remuneration paid during
any calendar year to an individual by an employer or such
employer's predecessor in interest in the same business or
enterprise which is in excess of nine thousand dollars. The
increase in the dollar amount of wages subject to this chapter
under this division shall remain in effect from the date of the

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. 707

(H)(1) "Remuneration" means all compensation for personal 708
services, including commissions and bonuses and the cash value of 709
all compensation in any medium other than cash, except that in the 710
case of agricultural or domestic service, "remuneration" includes 711
only cash remuneration. Gratuities customarily received by an 712
individual in the course of the individual's employment from 713
persons other than the individual's employer and which are 714
accounted for by such individual to the individual's employer are 715
taxable wages. 716

The reasonable cash value of compensation paid in any medium 717
other than cash shall be estimated and determined in accordance 718
with rules prescribed by the director, provided that 719
"remuneration" does not include: 720

(a) Payments as provided in divisions (b)(2) to (b)(16) of 721
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 722
26 U.S.C.A. 3301 to 3311, as amended; 723

(b) The payment by an employer, without deduction from the 724
remuneration of the individual in the employer's employ, of the 725
tax imposed upon an individual in the employer's employ under 726
section 3101 of the "Internal Revenue Code of 1954," with respect 727
to services performed after October 1, 1941. 728

(2) "Cash remuneration" means all remuneration paid in cash, 729
including commissions and bonuses, but not including the cash 730
value of all compensation in any medium other than cash. 731

(I) "Interested party" means the director and any party to 732
whom notice of a determination of an application for benefit 733
rights or a claim for benefits is required to be given under 734

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 day of the second calendar quarter of any calendar year.

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

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

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

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

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

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

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(1) "Qualifying week" means any calendar week in an

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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

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benefits on the affidavit of the claimant with respect to weeks
and wages for that calendar quarter. The claimant shall furnish
payroll documentation, where available, in support of the
affidavit. The determination based upon the alternate base period
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.

(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.

(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.

(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

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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
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.

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(3) The statewide average weekly wage shall be calculated by 861
the director once a year based on the twelve-month period ending 862
the thirtieth day of June, as set forth in division (B)(3) of 863
section 4141.30 of the Revised Code, rounded down to the nearest 864
dollar. Increases or decreases in the amount of remuneration 865
required to have been earned or paid in order for individuals to 866
have filed valid applications shall become effective on Sunday of 867
the calendar week in which the first day of January occurs that 868
follows the twelve-month period ending the thirtieth day of June 869
upon which the calculation of the statewide average weekly wage 870
was based. 871

(4) As used in this division, an individual is "unemployed" 872
if, with respect to the calendar week in which such application is 873
filed, the individual is "partially unemployed" or "totally 874
unemployed" as defined in this section or if, prior to filing the 875
application, the individual was separated from the individual's 876
most recent work for any reason which terminated the individual's 877
employee-employer relationship, or was laid off indefinitely or 878
for a definite period of seven or more days. 879

(S) "Calendar quarter" means the period of three consecutive 880
calendar months ending on the thirty-first day of March, the 881
thirtieth day of June, the thirtieth day of September, and the 882
thirty-first day of December, or the equivalent thereof as the 883
director prescribes by rule. 884

(T) "Computation date" means the first day of the third 885
calendar quarter of any calendar year. 886

(U) "Contribution period" means the calendar year beginning 887
on the first day of January of any year. 888

(V) "Agricultural labor," for the purpose of this division, 889
means any service performed prior to January 1, 1972, which was 890
agricultural labor as defined in this division prior to that date, 891

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- and service performed after December 31, 1971: 892
- (1) On a farm, in the employ of any person, in connection 893
with cultivating the soil, or in connection with raising or 894
harvesting any agricultural or horticultural commodity, including 895
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

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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

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(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

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agency that is authorized within the state to approve, charter, or
issue a permit for the operation of a school.

For the purposes of this division, the courses of study or
training which the institution offers may be academic, technical,
trade, or preparation for gainful employment in a recognized
occupation.

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

Not more than one of the appointees to the commission shall
be a person who, on account of the appointee's previous vocation,
employment, or affiliations, can be classed as a representative of
employers, and not more than one of the appointees shall be a
person who, on account of the appointee's previous vocation,
employment, or affiliations, can be classed as a representative of
employees. Not more than two of the members of the commission

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shall belong to the same political party. No member of the
commission shall hold any position of trust or profit or engage in
any occupation or business interfering or inconsistent with the
member's duties as a member and no member shall serve on any
committee of any political party. The commission shall elect a
chairperson and a vice-chairperson. The vice-chairperson shall
exercise the powers of the chairperson in the chairperson's
absence.

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

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

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

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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

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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 1114
duties of the commission. The salaries of such employees are fixed 1115
pursuant to section 124.14 of the Revised Code. The commission 1116
shall further provide itself and its employees with such offices, 1117
equipment, and supplies as are necessary, using those already 1118
provided for the department of job and family services wherever 1119
possible. 1120

The commission shall have access to only the records of the 1121
department of job and family services that are necessary for the 1122
administration of this chapter and needed in the performance of 1123
its official duties. The commission shall have the right to 1124
request of the director necessary information from any work unit 1125
of the department having that information. 1126

The commission shall prepare and submit to the director an 1127
annual budget financing the costs necessary to administer its 1128
duties under this chapter. The fund request shall relate to, but 1129
not be limited to, the United States department of labor's 1130
allocations for the commission's functions. The director shall 1131
approve the commission's request unless funds are insufficient to 1132
finance the request. The director shall notify the commission of 1133
the amount of funds available for its operation, as soon as 1134
possible, but not later than thirty days after receiving the 1135
allocation from the United States department of labor. 1136

In the event that the director determines that sufficient 1137
funds are not available to approve the request as submitted and a 1138
revised budget is not agreed to within thirty days of the 1139
director's notification to the commission, the director of budget 1140

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and management shall review and determine the funding levels for 1141
 the commission and notify the commission and the director of the 1142
 determination by the director of budget and management. 1143

Sec. 4141.162. (A) The director of job and family services 1144
 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

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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

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(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 <u>4141.284</u> 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

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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

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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~~
1270

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

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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 1301
report of wages. 1302

(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

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employer shall be assessed a forfeiture of twenty-five dollars per
report. The director may waive the forfeiture only with respect to
the report of wages, and such waiver may be approved only if the
employer shows good cause for failure to file the required
information.

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

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

(D) Effective with the calendar quarter beginning January 1,
2002, every contributory employer shall file a quarterly
contribution and wage report. The quarterly report shall be filed
not later than the last day of the first month following the close
of the calendar quarter for which the quarterly report is being

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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

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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

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otherwise eligible for the transfer, then before the employer's
contribution rate is computed for the next succeeding contribution
period, an amount equal to the amount of the excess eligible for
transfer shall be permanently transferred from the account of such
employer and charged to the mutualized account provided in
division (B) of section 4141.25 of the Revised Code.

(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.

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(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 the excess shall be permanently transferred from the account as provided in this division.

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

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

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

(D)(1) For the purposes of this section and sections 4141.241 and 4141.242 of the Revised Code, an employer's account shall be charged only for benefits based on remuneration paid by such

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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

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and shall not be used in determining the account balance of the
employer for the purpose of computing the employer's contribution
rate under section 4141.25 of the Revised Code.

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

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

(4) The director shall notify each employer at least once
each month of the benefits charged to the employer's account since
the last preceding notice; except that for the purposes of
sections 4141.241 and 4141.242 of the Revised Code which provides
the billing of employers on a payment in lieu of a contribution
basis, the director may prescribe a quarterly or less frequent
notice of benefits charged to the employer's account. Such notice
will show a summary of the amount of benefits paid which were

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charged to the employer's account. This notice shall not be deemed
a determination of the claimant's eligibility for benefits. Any
employer so notified, however, may file within fifteen days after
the mailing date of the notice, an exception to charges appearing
on the notice on the grounds that such charges are not in
accordance with this section. The director shall promptly examine
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

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in this division shall not relieve such employer from liability 1582
for any unpaid contributions or payment in lieu of contributions 1583
which are due for periods prior to such closing. 1584

If the director finds that a contributory employer's business 1585
is closed solely because of the entrance of one or more of the 1586
owners, officers, or partners, or the majority stockholder, into 1587
the armed forces of the United States, or any of its allies, or of 1588
the United Nations after July 1, 1950, such employer's account 1589
shall not be terminated and if the business is resumed within two 1590
years after the discharge or release of such persons from active 1591
duty in the armed forces, the employer's experience shall be 1592
deemed to have been continuous throughout such period. The reserve 1593
ratio of any such employer shall be the total contributions paid 1594
by such employer minus all benefits, including benefits paid to 1595
any individual during the period such employer was in the armed 1596
forces, based upon wages paid by the employer prior to the 1597
employer's entrance into the armed forces divided by the average 1598
of the employer's annual payrolls for the three most recent years 1599
during the whole of which the employer has been in business. 1600

(F) If an employer transfers the employer's business or 1602
otherwise reorganizes such business, the successor in interest 1603
shall assume the resources and liabilities of such employer's 1604
account, and continue the payment of all contributions, or 1605
payments in lieu of contributions, due under this chapter. If an 1606
employer acquires substantially all of the assets in a trade or 1607
business of another employer, or a clearly segregable and 1608
identifiable portion of an employer's enterprise, and immediately 1609
after the acquisition employs in the employer's trade or business 1610
substantially the same individuals who immediately prior to the 1611
acquisition were employed in the trade or business or in the 1612
separate unit of such trade or business of such predecessor 1613

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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
contribution rate of the successor employer on the next
computation date. The director by rule may prescribe procedures
for effecting transfers of experience as provided for in this
section.

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

(H) No rate of contribution less than two and seven-tenths
per cent shall be permitted a contributory employer succeeding to
the experience of another contributory employer pursuant to this
section for any period subsequent to such succession, except in
accordance with rules prescribed by the director, which rules
shall be consistent with federal requirements for additional
credit allowance in section 3303 of the "Internal Revenue Code of
1954" and consistent with this chapter, except that such rules may

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

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

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contribution periods beginning on or after January 1, 1993, and
before January 1, 1995, if the employer has not furnished the
necessary wage information, the employer's contribution rate for
such contribution period shall not be computed as provided in
section 4141.25 of the Revised Code, but instead shall be assigned
at the maximum rate provided in that section, with the following
exceptions:

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

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

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

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

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

(3) In the case of contribution rates applicable to

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contribution periods beginning on or after January 1, 1995, if the
employer has not timely furnished the necessary wage information
as required by division (A) of this section, the employer's
contribution rate for such contribution period shall not be
computed as provided in section 4141.25 of the Revised Code, but
instead shall be assigned a contribution rate equal to one hundred
twenty-five per cent of the maximum rate provided in that section,
with the following exceptions:

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

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

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

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

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

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(c) The director shall revise the contribution rate of an employer who has not timely furnished the necessary wage information as required by division (A) of this section, who has been assigned a contribution rate pursuant to division (B)(3) of this section, and who does not meet the requirements of division (B)(3)(a) or (b) of this section, if the employer furnishes the necessary wage information to the director within thirty-six months following the thirty-first day of December of the year immediately preceding the contribution period for which the rate is to be effective. The revised rate under division (B)(3)(c) of this section shall be equal to one hundred twenty per cent of the contribution rate that would have resulted if the employer had timely furnished the necessary wage information under division (A) of this section.

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

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

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

(D) The rate determined pursuant to this section and section 1770

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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 ~~(I)(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

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to the court of common pleas of Franklin county. Such appeal shall
be taken by the employer or the director by filing a notice of
appeal with the clerk of such court and with the commission. Such
notice of appeal shall set forth the decision appealed and the
errors in it complained of. Proof of the filing of such notice
with the commission shall be filed with the clerk of such court.

The commission, upon written demand filed by the appellant
and within thirty days after the filing of such demand, shall file
with the clerk a certified transcript of the record of the
proceedings before the commission pertaining to the determination
or order complained of, and the appeal shall be heard upon such
record certified to the commission. In such appeal, no additional
evidence shall be received by the court, but the court may order
additional evidence to be taken before the commission, and the
commission, after hearing such additional evidence, shall certify
such additional evidence to the court or it may modify its
determination and file such modified determination, together with
the transcript of the additional record, with the court. After an
appeal has been filed in the court, the commission, by petition,
may be made a party to such appeal. Such appeal shall be given
precedence over other civil cases. The court may affirm the
determination or order complained of in the appeal if it finds,
upon consideration of the entire record, that the determination or
order is supported by reliable, probative, and substantial
evidence and is in accordance with law. In the absence of such a
finding, it may reverse, vacate, or modify the determination or
order or make such other ruling as is supported by reliable,
probative, and substantial evidence and is in accordance with law.
The judgment of the court shall be final and conclusive unless
reversed, vacated, or modified on appeal. An appeal may be taken
from the decision of the court of common pleas of Franklin county.

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(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

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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

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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

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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 1933
available to the director under this chapter, the director shall 1934
determine whether or not the application is valid, and if valid, 1935
the date on which the benefit year shall commence and the weekly 1936
benefit amount. The director shall promptly notify the applicant, 1937
employers in the applicant's base period, and any other interested 1938
parties of the determination and the reasons for it. In addition, 1939
the determination issued to the claimant shall include the total 1940
amount of benefits payable. The determination issued to each 1941
chargeable base period employer shall include the total amount of 1942
benefits that may be charged to the employer's account. 1943

(E) CLAIM FOR BENEFITS 1944

The director shall examine the first claim and any additional 1945
claim for benefits. On the basis of the information available, the 1946
director shall determine whether the claimant's most recent 1947
separation and, to the extent necessary, prior separations from 1948
work, allow the claimant to qualify for benefits. Written notice 1949
of the determination granting or denying benefits shall be sent to 1950
the claimant, the most recent separating employer, and any other 1951
employer involved in the determination, except that written notice 1952
is not required to be sent to the claimant if the reason for 1953
separation is lack of work and the claim is allowed. 1954

If the director identifies an eligibility issue, the director 1955
shall send notice to the claimant of the issue identified and 1956
specify the week or weeks involved. The claimant has a minimum of 1957
five business days after the notice is sent to respond to the 1958

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information included in the notice, and after the time allowed as 1959
determined by the director, the director shall make a 1960
determination. The claimant's response may include a request for a 1961
fact-finding interview when the eligibility issue is raised by an 1962
informant or source other than the claimant, or when the 1963
eligibility issue, if determined adversely, disqualifies the 1964
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

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The director shall consider the information contained in the eligibility notice, together with other available information. After giving the claimant notice and an opportunity to respond, the director shall make a determination and inform the notifying employer, the claimant, and other interested parties of the determination. 1990
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(G) CORRECTED DETERMINATION 1996

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. 1997
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(H) EFFECT OF COMMISSION DECISIONS 2007

In making determinations, the director shall follow decisions of the unemployment compensation review commission which have become final with respect to claimants similarly situated. 2008
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(I) PROMPT PAYMENTS 2011

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. 2012
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Sec. 4141.281. 2018APPEALS 2019

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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

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hearing officer level by hearing officers appointed by the 2050
commission. Hearings at the review level are conducted by hearing 2051
officers appointed by the commission, by members of the commission 2052
acting either individually or collectively, and by members of the 2053
commission and hearing officers acting jointly. In all hearings 2054
conducted at the review level, the commission shall designate the 2055
hearing officer or officers who are to conduct the hearing. When 2056
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

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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 2120
interested party, including the reasons for the request. The 2121
commission may adopt rules prescribing the methods for requesting 2122
a review. The commission may allow or disallow the request for 2123
review. The disallowance of a request for review constitutes a 2124
final decision by the commission. 2125

(6) REVIEW PROCEDURE 2126

If the commission allows a request for review, the commission 2127
shall notify all interested parties of that fact and provide a 2128
reasonable period of time, as the commission defines by rule, in 2129
which interested parties may file a response. After that period of 2130
time, the commission, based on the record before it, may do one of 2131
the following: affirm the decision of the hearing officer; provide 2132
for the appeal to be heard or reheard at the hearing officer or 2133
review level; provide for the appeal to be heard at the review 2134
level as a potential precedential decision; or provide for the 2135
decision to be rewritten without further hearing at the review 2136
level. When a further hearing is provided or the decision is 2137
rewritten, the commission may affirm, modify, or reverse the 2138
previous decision. 2139

(7) NOTICES 2140

The commission shall send written notice to all interested 2141
parties when it orders an appeal to be heard or reheard. The 2142
notice shall include the reasons for the hearing or rehearing. 2143

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(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 involved. The commission may designate a decision as precedential after issuing the decision or at any point in the appeal process, even if the commission does not initially identify the appeal as potentially precedential.

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(9) MASS APPEALS

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

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

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(D) SPECIAL PROVISIONS(1) TIMELINESS OF APPEALS

The date of the mailing provided by the director or the commission is sufficient evidence upon which to conclude that a determination, redetermination, or decision was sent to the party on that date. Appeals may be filed with the director, commission, with an employee of another state or federal agency charged with

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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

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

(5) NO APPEARANCE -- APPELLANT

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

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

(6) NO APPEARANCE -- APPELLEE

For hearings at either the hearing officer or review level, if the appellee fails to appear at the hearing, the hearing officer shall proceed with the hearing and shall issue a decision based on the evidence of record. The commission shall vacate the decision upon a showing that written notice of the hearing was not sent to the appellee's last known address, or good cause for the

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<u>appellee's failure to appear is shown to the commission within</u>	2237
<u>fourteen days after the hearing date.</u>	2238
<u>(7) AGENT</u>	2239
<u>Any appeal or request for review may be executed on behalf of</u>	2240
<u>any party or any group of claimants by an agent.</u>	2241
<u>(8) COLLATERAL ESTOPPEL</u>	2242
<u>No finding of fact or law, decision, or order of the</u>	2243
<u>director, hearing officer, or the commission under this section or</u>	2244
<u>section 4141.28 of the Revised Code shall be given collateral</u>	2245
<u>estoppel or res judicata effect in any separate or subsequent</u>	2246
<u>judicial, administrative, or arbitration proceeding, other than a</u>	2247
<u>proceeding arising under this chapter.</u>	2248
<u>(9) EXTENSION OF APPEAL PERIODS</u>	2249
<u>The time for filing an appeal or a request for review under</u>	2250
<u>this section or a court appeal under section 4141.282 of the</u>	2251
<u>Revised Code shall be extended in the manner described in the</u>	2252
<u>following four sentences. When the last day of an appeal period is</u>	2253
<u>a Saturday, Sunday, or legal holiday, the appeal period is</u>	2254
<u>extended to the next work day after the Saturday, Sunday, or legal</u>	2255
<u>holiday. When an interested party provides certified medical</u>	2256
<u>evidence stating that the interested party's physical condition or</u>	2257
<u>mental capacity prevented the interested party from filing an</u>	2258
<u>appeal or request for review under this section within the</u>	2259
<u>appropriate twenty-one-day period, the appeal period is extended</u>	2260
<u>to twenty-one days after the end of the physical or mental</u>	2261
<u>condition, and the appeal or request for review is considered</u>	2262
<u>timely filed if filed within that extended period. When an</u>	2263
<u>interested party provides evidence, which evidence may consist of</u>	2264
<u>testimony from the interested party, that is sufficient to</u>	2265
<u>establish that the party did not actually receive the</u>	2266
<u>determination or decision within the applicable appeal period</u>	2267

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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

<u>from.</u>	2298
<u>(D) INTERESTED PARTIES</u>	2299
<u>The commission shall provide on its final decision the names</u>	2300
<u>and addresses of all interested parties. The appellant shall name</u>	2301
<u>all interested parties as appellees in the notice of appeal. The</u>	2302
<u>director of job and family services is always an interested party</u>	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

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If an appeal is filed after the thirty-day appeal period, the court of common pleas shall conduct a hearing to determine whether the appeal was timely filed under division (D)(9) of section 4141.281 of the Revised Code. At the hearing, additional evidence may be introduced and oral arguments may be presented regarding the timeliness of the filing of the appeal.

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

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under the law. The failure of any interested party to appear at 2358
the hearing shall not preclude a decision based upon all the facts 2359
available to the hearing officer. The proceeding at the hearing 2360
shall be recorded by mechanical means or by other means prescribed 2361
by the director. The record need not be transcribed unless an 2362
application for appeal is filed on the decision and the 2363
chairperson of the unemployment compensation review commission 2364
requests a transcript of the hearing within fourteen days after 2365
the application for appeal is received by the commission. The 2366
director shall prescribe rules concerning the conduct of the 2367
hearings and all related matters and appoint an attorney to direct 2368
the operation of this function. 2369

(C) The director shall issue the hearing officer's decisions 2370
and reasons therefor on the case within ten calendar days after 2371
the hearing. The hearing officer's decision issued by the director 2372
is final unless an application for appeal is filed with the ~~review~~ 2373
commission within twenty-one days after the decision was mailed to 2374
all interested parties. The director, within the twenty-one-day 2375
appeal period, may remove and vacate the decision and issue a 2376
revised determination and appeal date. 2377

(D) Upon receipt of the application for appeal, the full 2378
~~review~~ commission shall review the director's decision, and then 2379
schedule a further hearing on the case, disallow the application 2380
without further hearing, or modify or reverse the director's 2381
decision. The ~~review~~ commission shall review the director's 2382
decision within fourteen days after receipt of the decision or the 2383
receipt of a transcript requested under division (B) of this 2384
section, whichever is later. 2385

(1) When a further hearing is granted, the commission shall 2386
make the director's decision and record of the case, as certified 2387
by the director, a part of the record and shall consider the 2388
director's decision and record in arriving at a decision on the 2389

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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.

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

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

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

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

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

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

obligations:	2420
(1) Any amount required to be deducted and withheld from the unemployment compensation pursuant to legal process, as that term is defined in section 459(i)(5) of the "Social Security Act," as amended by the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 100 Stat. 2105, 42 U.S.C. 659, and properly served upon the director, as described in division (C) of this section; or	2421 2422 2423 2424 2425 2426 2427
(2) Where division (B)(1) of this section is inapplicable, in the amount determined pursuant to an agreement submitted to the director under section 454(19)(B)(i) of the "Social Security Act," 88 Stat. 2351, 42 U.S.C. 654, as amended, by the state or local child support enforcement agency; or	2428 2429 2430 2431 2432
(3) If neither division (B)(1) nor (2) of this section is applicable, then in the amount specified by the individual.	2433 2434
(C) The director shall receive all legal process described in division (B)(1) of this section from each local child support enforcement agency, which legal process was issued by the agency under section 3121.07 of the Revised Code or otherwise was issued by the agency.	2435 2436 2437 2438 2439
(D) The amount of unemployment compensation subject to being withheld pursuant to division (B) of this section is that amount that remains payable to the individual after application of any recoupment provisions for recovery of overpayments and after deductions that have been made under this chapter for deductible income received by the individual.	2440 2441 2442 2443 2444 2445
(E) Any amount deducted and withheld under division (B) of this section shall be paid to the appropriate state or local child support enforcement agency in the following manner:	2446 2447 2448
(1) The director shall determine the amounts that are to be deducted and withheld on a per county basis.	2449 2450

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

(F) Any amount deducted and withheld under division (B) of this section shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by the individual to the state or local child support agency in satisfaction of the individual's child support obligations.

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

(H) As used in this section:

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

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

(3) "Local child support enforcement agency" means a child support enforcement agency or any other agency of a political

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. 2488

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

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(i) The third week after the first week for which there is a state "off" indicator; or	2511 2512
(ii) The thirteenth consecutive week of such period.	2513
Except, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.	2514 2515 2516 2517
(2) There is a " state/on <u>state 'on'</u> indicator" for this state for a week if the director of job and family services determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment, not seasonally adjusted, under Chapter 4141. of the Revised Code:	2518 2519 2520 2521 2522 2523 2524
(a) Equaled or exceeded one hundred twenty per cent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years, and for weeks beginning before September 25, 1982, equaled or exceeded four per cent and for weeks beginning after September 25, 1982, equaled or exceeded five per cent;	2525 2526 2527 2528 2529 2530
(b) For weeks of unemployment beginning after December 31, 1977, and before September 25, 1982, such rate of insured unemployment:	2531 2532 2533
(i) Met the criteria set forth in division (A)(2)(a) of this section; or	2534 2535
(ii) Equaled or exceeded five per cent.	2536
(c) For weeks of unemployment beginning after September 25, 1982, such rate of insured unemployment:	2537 2538
(i) Met the criteria set forth in division (A)(2)(a) of this section; or	2539 2540

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(ii) Equaled 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 2577
individual, as defined in division (C) of section 4141.01 of the 2578
Revised Code, or under any other state law, including dependents' 2579
allowance and benefits payable to federal civilian employees and 2580
to ex-servicepersons pursuant to the "Act of September 6, 1966," 2581
80 Stat. 585, 5 U.S.C.A. 8501, other than extended benefits, and 2582
additional benefits as defined in division (A)(10) of this 2583
section. 2584

(6) "Extended benefits" means benefits, including benefits 2585
payable to federal civilian employees and to ex-servicepersons 2586
pursuant to the "Act of September 6, 1966," 80 Stat. 585, 5 2587
U.S.C.A. 8501, and additional benefits, payable to an individual 2588
under the provisions of this section for weeks of unemployment in 2589
the individual's eligibility period. 2590

(7) "Eligibility period" of an individual means the period 2591
consisting of the weeks in the individual's benefit year which 2592
begin in an extended benefit period and, if the individual's 2593
benefit year ends within the extended benefit period, any weeks 2594
thereafter which begin in the period. 2595

(8) "Exhaustee" means an individual who, with respect to any 2596
week of unemployment in the individual's eligibility period: 2597

(a) Has received prior to the week, all of the regular 2598
benefits that were available to the individual under Chapter 4141. 2599
of the Revised Code, or any other state law, including dependents' 2600
allowance and benefits payable to federal civilian employees and 2601

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ex-servicepersons under the "Act of September 6, 1966," 80 Stat. 2602
585, 5 U.S.C.A. 8501, in the individual's current benefit year 2603
that includes the week; 2604

(b) Has received, prior to the week, all of the regular 2605
benefits that were available to the individual under this chapter 2606
or any other state law, including dependents' allowances and 2607
regular benefits available to federal civilian employees and 2608
ex-servicepersons 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 are payable to the individual during the year because the individual's wage credits were cancelled or the individual's right to regular benefits was totally reduced as the result of the application of a disqualification; or

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

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

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

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

(10) "Additional benefits" means benefits totally financed by a state and payable to exhaustees by reason of high unemployment

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or by reason of other special factors under the provisions of any
state law.

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

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

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

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

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

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

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

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(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

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an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the director shall make an appropriate public announcement.

(2) Computations required by division (A)(4) of this section shall be made by the director, in accordance with the regulations prescribed by the United States secretary of labor.

(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.

(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.

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

(i) One-half of such benefits will be charged to an extended

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benefit account to which reimbursement payments of one-half of 2759
 extended benefits, received from the federal government as 2760
 described in division (J) of this section, will be credited; and 2761

(ii) One-half of the extended benefits shall be charged to 2762
 the accounts of base period employers and the mutualized account 2763
 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

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section, or fails to apply for any suitable work to which the individual was referred by the director, or fails to actively engage in seeking work, as prescribed in division (I)(4) of this section. 2790
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(1) If any individual is ineligible for extended benefits for 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. 2794
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(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: 2804
2805
2806
2807

(a) It offers the individual gross average weekly remuneration of more than the sum of: 2808
2809

(i) The individual's extended weekly benefit amount; and 2810

(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. 2811
2812
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2814

(b) It pays equal to or more than the higher of: 2815

(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 2816
2817
2818

(ii) Any applicable state or local minimum wage. 2819

(c) It is offered to the individual in writing or is listed 2820
with the employment office maintained or designated by the 2821
director. 2822

(3) Extended benefits shall not be denied under this division 2823
to any individual for any week by reason of a failure to accept an 2824
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
2845

(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

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meets the criteria in divisions (I)(2) and (3)(a) of this section. 2851
2852

(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

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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

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courts of this state to collect benefits and interest as provided
in sections 4141.23 and 4141.27 of the Revised Code, in regard to
the collection of unpaid contributions, using the final repayment
order as the basis for such action. No administrative or legal
proceedings for the collection of such benefits or interest due
shall be initiated after the expiration of six years from the date
on which the director's order requiring repayment became final and
the amount of any benefits or interest not recovered at that time,
and any liens thereon, shall be canceled as uncollectible.

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

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

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

(1)(a) Within six months after the determination under which
the claimant was credited with that waiting period or paid
benefits becomes final pursuant to section 4141.28 of the Revised
Code, or within three years after the end of the benefit year in
which such benefits were claimed, whichever is later, by order
cancel such waiting period and require that such benefits be
repaid to the director or be withheld from any benefits to which
such applicant is or may become entitled before any additional

benefits are paid, provided that the repayment or withholding
shall not be required where the overpayment is the result of the
director's correcting ~~or amending~~ a prior decision due to a
typographical or clerical error in the director's prior decision,
or an error in an employer's report under division (G)~~(2)~~ of
section 4141.28 of the Revised Code.

(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

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apply to all orders and determinations issued under this section, 2977
 except that an individual's right of appeal under division (B)(2) 2978
 of this section shall be limited to this state's authority to 2979
 recover overpayment of benefits. 2980

(D) If an individual makes a full repayment or a repayment 2981
 that is less than the full amount required by this section, the 2982
 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

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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

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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

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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

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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

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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

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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 3174
series assigned. Each deputy shall be required to give bond in the 3175
amount of at least twenty-five thousand dollars, or in such higher 3176
amount as the registrar determines necessary, based on a uniform 3177
schedule of bond amounts established by the registrar and 3178
determined by the volume of registrations handled by the deputy. 3179
The form of the bond shall be prescribed by the registrar. The 3180
bonds required of deputy registrars, in the discretion of the 3181
registrar, may be individual or schedule bonds or may be included 3182
in any blanket bond coverage carried by the department. 3183

(H) Each deputy registrar shall keep a file of each 3184
application received by ~~him~~ the deputy and shall register that 3185
motor vehicle with the name and address of the owner thereof. 3186

(I) Upon request, a deputy registrar shall make the physical 3187
inspection of a motor vehicle and issue the physical inspection 3188
certificate required in section 4505.061 of the Revised Code. 3189

(J) Each deputy registrar shall file a report semi-annually 3190
with the registrar of motor vehicles listing the number of 3191
applicants for licenses ~~he~~ the deputy has served, the number of 3192
voter registration applications ~~he~~ the deputy has completed and 3193
transmitted to the board of elections, and the number of voter 3194
registration applications declined. 3195

Section 2. That existing sections 3121.01, 3121.07, 4141.01, 3196
4141.06, 4141.162, 4141.20, 4141.24, 4141.26, 4141.281, 4141.282, 3197
4141.283, 4141.301, 4141.35, and 4503.03 and section 4141.28 of 3198

As Reported by the Senate Insurance, Commerce and Labor Committee

the Revised Code are hereby repealed. 3199

Section 3. Notwithstanding division (R)(2) of section 4141.01 3200
of the Revised Code as amended by this act, the Director of Job 3201
and Family Services may specify that the provisions of that 3202
division are applicable for the determination of benefit rights 3203
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