

**As Introduced**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 330**

**Senator Bocchieri**

—

**A B I L L**

To amend sections 4141.31 and 4141.312 of the Revised Code to eliminate the reduction in the amount of a claimant's unemployment compensation benefits by the amount the claimant concurrently receives in specified military benefits.

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

**Section 1.** That sections 4141.31 and 4141.312 of the Revised Code be amended to read as follows:

**Sec. 4141.31.** (A) Benefits otherwise payable for any week shall be reduced by the amount of remuneration or other payments a claimant receives with respect to such week as follows:

(1) Remuneration in lieu of notice;

(2) Compensation for wage loss under division (B) of section 4123.56 of the Revised Code or a similar provision under the workers' compensation law of any state or the United States;

(3) Payments in the form of retirement, or pension allowances as provided under section 4141.312 of the Revised Code;

(4) ~~Remuneration~~ Except as otherwise provided in division (D) of this section, remuneration in the form of separation or termination pay paid to an employee at the time of the employee's

separation from employment; 20

(5) Vacation pay or allowance payable under the terms of a 21  
labor-management contract or agreement, or other contract of hire, 22  
which payments are allocated to designated weeks. 23

If payments under this division are paid with respect to a 24  
month then the amount of remuneration deemed to be received with 25  
respect to any week during such month shall be computed by 26  
multiplying such monthly amount by twelve and dividing the product 27  
by fifty-two. If there is no designation of the period with 28  
respect to which payments to an individual are made under this 29  
section then an amount equal to such individual's normal weekly 30  
wage shall be attributed to and deemed paid with respect to the 31  
first and each succeeding week following the individual's 32  
separation or termination from the employment of the employer 33  
making the payment until such amount so paid is exhausted. 34

If benefits for any week, when reduced as provided in this 35  
division, result in an amount not a multiple of one dollar, such 36  
benefits shall be rounded to the next lower multiple of one 37  
dollar. 38

Any payment allocated by the employer or the director of job 39  
and family services to weeks under division (A)(1), (4), or (5) of 40  
this section shall be deemed to be remuneration for the purposes 41  
of establishing a qualifying week and a benefit year under 42  
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 43

(B) Benefits payable for any week shall not be reduced by the 44  
amount of remuneration a claimant receives with respect to such 45  
week in the form of drill or reserve pay received by a member of 46  
the Ohio national guard or the armed forces reserve for attendance 47  
at a regularly scheduled drill or meeting. 48

(C) No benefits shall be paid for any week with respect to 49  
which or a part of which an individual has received or is seeking 50

unemployment benefits under an unemployment compensation law of 51  
any other state or of the United States, provided the 52  
disqualifications shall not apply if the appropriate agency of 53  
such other state or of the United States finally determines that 54  
an individual is not entitled to such unemployment benefits. A law 55  
of the United States providing any payment of any type and in any 56  
amounts for periods of unemployment due to lack of work shall be 57  
considered an unemployment compensation law of the United States. 58

(D) ~~Notwithstanding any other provision in this chapter,~~ 60  
~~benefits otherwise~~ Benefits payable for any week shall not be 61  
reduced by ~~payments that were made~~ the amount of military 62  
severance, disability, or separation pay paid to an individual ~~on~~ 63  
~~or after August 1, 1991, pursuant to "The National Defense~~ 64  
~~Authorization Act for Fiscal Years 1992 and 1993," Public Law~~ 65  
~~102-190, 105 Stat. 1394, 1396, 10 U.S.C.A. 1174a, 1175, in the~~ 66  
~~form of voluntary separation incentive payments and special~~ 67  
~~separation pay~~ who is a former member of the armed forces of the 68  
United States. 69

**Sec. 4141.312.** (A) Except as otherwise specified in division 70  
(B) of this section, the amount of benefits payable to a claimant 71  
for any week with respect to which the claimant is receiving a 72  
governmental or other pension, retirement or retired pay, annuity 73  
or any other similar periodic payment which is based on the 74  
previous work of the individual, shall be reduced by an amount 75  
equal to the amount of the pension, retirement or retired pay, 76  
annuity or other payment which is reasonably attributable to that 77  
week, except that the requirements for this division shall apply 78  
to any pension, retirement or retired pay, annuity, or other 79  
similar periodic payment only if both of the following apply: 80

(1) The payment is under a plan maintained or contributed to 81

by a base period employer or chargeable employer. 82

(2) In the case of a payment under a plan not made under the 83  
"Social Security Act," 42 U.S.C. 401 et seq., or the "Railroad 84  
Retirement Act of 1974," 45 U.S.C. 231 et seq., or the 85  
corresponding provisions of prior law, services performed for such 86  
employer by the individual after the beginning of the base period, 87  
or remuneration for such services, affect eligibility for, or 88  
increase the amount of, such pension, retirement or retired pay, 89  
annuity, or similar payment. 90

~~(B) The amount of any disability pension, allowance, or 91  
payment paid to former members of the armed forces of the United 92  
States which is based on the nature and extent of the disability 93  
rather than a prior period of employment or service, shall not 94  
reduce or be deducted from the weekly benefits payable. 95~~

~~(C) If a claimant has made a contribution to social security 96  
pursuant to the "Social Security Act," 42 U.S.C. 401 et seq., and 97  
that claimant is receiving a retirement payment pursuant to that 98  
act, the claimant's weekly benefit shall not be reduced by the 99  
amount of that retirement payment because the claimant contributed 100  
to social security. 101~~

**Section 2.** That existing sections 4141.31 and 4141.312 of the 102  
Revised Code are hereby repealed. 103