

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 432

Representative Pryor

**Cosponsors: Representatives Brown, Dodd, Domenick, Dyer, Hagan,
Stewart, Weddington**

—

A B I L L

To amend section 4141.01 and to enact sections 1
4141.50 to 4141.55 of the Revised Code to create 2
the shared work unemployment compensation program. 3

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

Section 1. That section 4141.01 be amended and sections 4
4141.50, 4141.51, 4141.52, 4141.53, 4141.54, and 4141.55 of the 5
Revised Code be enacted to read as follows: 6

Sec. 4141.01. As used in this chapter, unless the context 7
otherwise requires: 8

(A)(1) "Employer" means the state, its instrumentalities, its 9
political subdivisions and their instrumentalities, Indian tribes, 10
and any individual or type of organization including any 11
partnership, limited liability company, association, trust, 12
estate, joint-stock company, insurance company, or corporation, 13
whether domestic or foreign, or the receiver, trustee in 14
bankruptcy, trustee, or the successor thereof, or the legal 15
representative of a deceased person who subsequent to December 31, 16
1971, or in the case of political subdivisions or their 17
instrumentalities, subsequent to December 31, 1973: 18

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

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

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

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

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

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

(i) During any calendar quarter in the current calendar year

or the preceding calendar year, paid cash remuneration of twenty 50
thousand dollars or more for the agricultural labor; or 51

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

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

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

(ii) Which, as a condition for approval of this chapter for 69
full tax credit against the tax imposed by the "Federal 70
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 71
required, pursuant to such act to be an employer under this 72
chapter; or 73

(iii) Who became an employer by election under division 74
(A)(4) or (5) of this section and for the duration of such 75
election; or 76

(f) In the case of the state, its instrumentalities, its 77
political subdivisions, and their instrumentalities, and Indian 78
tribes, had in employment, as defined in divisions (B)(2)(a) and 79
(B)(2)(1) of this section, at least one individual; 80

(g) For the purposes of division (A)(1)(a) of this section, 81
if any week includes both the thirty-first day of December and the 82
first day of January, the days of that week before the first day 83
of January shall be considered one calendar week and the days 84
beginning the first day of January another week. 85

(2) Each individual employed to perform or to assist in 86
performing the work of any agent or employee of an employer is 87
employed by such employer for all the purposes of this chapter, 88
whether such individual was hired or paid directly by such 89
employer or by such agent or employee, provided the employer had 90
actual or constructive knowledge of the work. All individuals 91
performing services for an employer of any person in this state 92
who maintains two or more establishments within this state are 93
employed by a single employer for the purposes of this chapter. 94

(3) An employer subject to this chapter within any calendar 95
year is subject to this chapter during the whole of such year and 96
during the next succeeding calendar year. 97

(4) An employer not otherwise subject to this chapter who 98
files with the director of job and family services a written 99
election to become an employer subject to this chapter for not 100
less than two calendar years shall, with the written approval of 101
such election by the director, become an employer subject to this 102
chapter to the same extent as all other employers as of the date 103
stated in such approval, and shall cease to be subject to this 104
chapter as of the first day of January of any calendar year 105
subsequent to such two calendar years only if at least thirty days 106
prior to such first day of January the employer has filed with the 107
director a written notice to that effect. 108

(5) Any employer for whom services that do not constitute 109
employment are performed may file with the director a written 110
election that all such services performed by individuals in the 111
employer's employ in one or more distinct establishments or places 112

of business shall be deemed to constitute employment for all the 113
purposes of this chapter, for not less than two calendar years. 114
Upon written approval of the election by the director, such 115
services shall be deemed to constitute employment subject to this 116
chapter from and after the date stated in such approval. Such 117
services shall cease to be employment subject to this chapter as 118
of the first day of January of any calendar year subsequent to 119
such two calendar years only if at least thirty days prior to such 120
first day of January such employer has filed with the director a 121
written notice to that effect. 122

(B)(1) "Employment" means service performed by an individual 123
for remuneration under any contract of hire, written or oral, 124
express or implied, including service performed in interstate 125
commerce and service performed by an officer of a corporation, 126
without regard to whether such service is executive, managerial, 127
or manual in nature, and without regard to whether such officer is 128
a stockholder or a member of the board of directors of the 129
corporation, unless it is shown to the satisfaction of the 130
director that such individual has been and will continue to be 131
free from direction or control over the performance of such 132
service, both under a contract of service and in fact. The 133
director shall adopt rules to define "direction or control." 134

(2) "Employment" includes: 135

(a) Service performed after December 31, 1977, by an 136
individual in the employ of the state or any of its 137
instrumentalities, or any political subdivision thereof or any of 138
its instrumentalities or any instrumentality of more than one of 139
the foregoing or any instrumentality of any of the foregoing and 140
one or more other states or political subdivisions and without 141
regard to divisions (A)(1)(a) and (b) of this section, provided 142
that such service is excluded from employment as defined in the 143
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 144

3306(c)(7) and is not excluded under division (B)(3) of this 145
section; or the services of employees covered by voluntary 146
election, as provided under divisions (A)(4) and (5) of this 147
section; 148

(b) Service performed after December 31, 1971, by an 149
individual in the employ of a religious, charitable, educational, 150
or other organization which is excluded from the term "employment" 151
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 152
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 153
3306(c)(8) of that act and is not excluded under division (B)(3) 154
of this section; 155

(c) Domestic service performed after December 31, 1977, for 156
an employer, as provided in division (A)(1)(c) of this section; 157

(d) Agricultural labor performed after December 31, 1977, for 158
a farm operator or a crew leader, as provided in division 159
(A)(1)(d) of this section; 160

(e) Service not covered under division (B)(1) of this section 161
which is performed after December 31, 1971: 162

(i) As an agent-driver or commission-driver engaged in 163
distributing meat products, vegetable products, fruit products, 164
bakery products, beverages other than milk, laundry, or 165
dry-cleaning services, for the individual's employer or principal; 166

(ii) As a traveling or city salesperson, other than as an 167
agent-driver or commission-driver, engaged on a full-time basis in 168
the solicitation on behalf of and in the transmission to the 169
salesperson's employer or principal except for sideline sales 170
activities on behalf of some other person of orders from 171
wholesalers, retailers, contractors, or operators of hotels, 172
restaurants, or other similar establishments for merchandise for 173
resale, or supplies for use in their business operations, provided 174
that for the purposes of division (B)(2)(e)(ii) of this section, 175

the services shall be deemed employment if the contract of service 176
contemplates that substantially all of the services are to be 177
performed personally by the individual and that the individual 178
does not have a substantial investment in facilities used in 179
connection with the performance of the services other than in 180
facilities for transportation, and the services are not in the 181
nature of a single transaction that is not a part of a continuing 182
relationship with the person for whom the services are performed. 183

(f) An individual's entire service performed within or both 184
within and without the state if: 185

(i) The service is localized in this state. 186

(ii) The service is not localized in any state, but some of 187
the service is performed in this state and either the base of 188
operations, or if there is no base of operations then the place 189
from which such service is directed or controlled, is in this 190
state or the base of operations or place from which such service 191
is directed or controlled is not in any state in which some part 192
of the service is performed but the individual's residence is in 193
this state. 194

(g) Service not covered under division (B)(2)(f)(ii) of this 195
section and performed entirely without this state, with respect to 196
no part of which contributions are required and paid under an 197
unemployment compensation law of any other state, the Virgin 198
Islands, Canada, or of the United States, if the individual 199
performing such service is a resident of this state and the 200
director approves the election of the employer for whom such 201
services are performed; or, if the individual is not a resident of 202
this state but the place from which the service is directed or 203
controlled is in this state, the entire services of such 204
individual shall be deemed to be employment subject to this 205
chapter, provided service is deemed to be localized within this 206
state if the service is performed entirely within this state or if 207

the service is performed both within and without this state but 208
the service performed without this state is incidental to the 209
individual's service within the state, for example, is temporary 210
or transitory in nature or consists of isolated transactions; 211

(h) Service of an individual who is a citizen of the United 212
States, performed outside the United States except in Canada after 213
December 31, 1971, or the Virgin Islands, after December 31, 1971, 214
and before the first day of January of the year following that in 215
which the United States secretary of labor approves the Virgin 216
Islands law for the first time, in the employ of an American 217
employer, other than service which is "employment" under divisions 218
(B)(2)(f) and (g) of this section or similar provisions of another 219
state's law, if: 220

(i) The employer's principal place of business in the United 221
States is located in this state; 222

(ii) The employer has no place of business in the United 223
States, but the employer is an individual who is a resident of 224
this state; or the employer is a corporation which is organized 225
under the laws of this state, or the employer is a partnership or 226
a trust and the number of partners or trustees who are residents 227
of this state is greater than the number who are residents of any 228
other state; or 229

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 230
of this section is met but the employer has elected coverage in 231
this state or the employer having failed to elect coverage in any 232
state, the individual has filed a claim for benefits, based on 233
such service, under this chapter. 234

(i) For the purposes of division (B)(2)(h) of this section, 235
the term "American employer" means an employer who is an 236
individual who is a resident of the United States; or a 237
partnership, if two-thirds or more of the partners are residents 238

of the United States; or a trust, if all of the trustees are 239
residents of the United States; or a corporation organized under 240
the laws of the United States or of any state, provided the term 241
"United States" includes the states, the District of Columbia, the 242
Commonwealth of Puerto Rico, and the Virgin Islands. 243

(j) Notwithstanding any other provisions of divisions (B)(1) 244
and (2) of this section, service, except for domestic service in a 245
private home not covered under division (A)(1)(c) of this section, 246
with respect to which a tax is required to be paid under any 247
federal law imposing a tax against which credit may be taken for 248
contributions required to be paid into a state unemployment fund, 249
or service, except for domestic service in a private home not 250
covered under division (A)(1)(c) of this section, which, as a 251
condition for full tax credit against the tax imposed by the 252
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 253
3311, is required to be covered under this chapter. 254

(k) Construction services performed by any individual under a 255
construction contract, as defined in section 4141.39 of the 256
Revised Code, if the director determines that the employer for 257
whom services are performed has the right to direct or control the 258
performance of the services and that the individuals who perform 259
the services receive remuneration for the services performed. The 260
director shall presume that the employer for whom services are 261
performed has the right to direct or control the performance of 262
the services if ten or more of the following criteria apply: 263

(i) The employer directs or controls the manner or method by 264
which instructions are given to the individual performing 265
services; 266

(ii) The employer requires particular training for the 267
individual performing services; 268

(iii) Services performed by the individual are integrated 269

into the regular functioning of the employer;	270
(iv) The employer requires that services be provided by a particular individual;	271 272
(v) The employer hires, supervises, or pays the wages of the individual performing services;	273 274
(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;	275 276 277
(vii) The employer requires the individual to perform services during established hours;	278 279
(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	280 281 282
(ix) The employer requires the individual to perform services on the employer's premises;	283 284
(x) The employer requires the individual performing services to follow the order of work established by the employer;	285 286
(xi) The employer requires the individual performing services to make oral or written reports of progress;	287 288
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	289 290
(xiii) The employer pays expenses for the individual performing services;	291 292
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	293 294
(xv) The individual performing services has not invested in the facilities used to perform services;	295 296
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the	297 298

services;	299
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	300 301
(xviii) The individual performing services does not make the services available to the general public;	302 303
(xix) The employer has a right to discharge the individual performing services;	304 305
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	306 307 308
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 1837 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division (B)(3) of this section.	309 310 311 312 313 314 315 316 317
(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B)(2)(j) of this section:	318 319 320 321 322
(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A)(1)(d) of this section;	323 324 325
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A)(1)(c) of	326 327 328

this section;	329
(c) Service performed after December 31, 1977, for this state	330
or a political subdivision as described in division (B)(2)(a) of	331
this section when performed:	332
(i) As a publicly elected official;	333
(ii) As a member of a legislative body, or a member of the	334
judiciary;	335
(iii) As a military member of the Ohio national guard;	336
(iv) As an employee, not in the classified service as defined	337
in section 124.11 of the Revised Code, serving on a temporary	338
basis in case of fire, storm, snow, earthquake, flood, or similar	339
emergency;	340
(v) In a position which, under or pursuant to law, is	341
designated as a major nontenured policymaking or advisory	342
position, not in the classified service of the state, or a	343
policymaking or advisory position the performance of the duties of	344
which ordinarily does not require more than eight hours per week.	345
(d) In the employ of any governmental unit or instrumentality	346
of the United States;	347
(e) Service performed after December 31, 1971:	348
(i) Service in the employ of an educational institution or	349
institution of higher education, including those operated by the	350
state or a political subdivision, if such service is performed by	351
a student who is enrolled and is regularly attending classes at	352
the educational institution or institution of higher education; or	353
(ii) By an individual who is enrolled at a nonprofit or	354
public educational institution which normally maintains a regular	355
faculty and curriculum and normally has a regularly organized body	356
of students in attendance at the place where its educational	357
activities are carried on as a student in a full-time program,	358

taken for credit at the institution, which combines academic 359
instruction with work experience, if the service is an integral 360
part of the program, and the institution has so certified to the 361
employer, provided that this subdivision shall not apply to 362
service performed in a program established for or on behalf of an 363
employer or group of employers; 364

(f) Service performed by an individual in the employ of the 365
individual's son, daughter, or spouse and service performed by a 366
child under the age of eighteen in the employ of the child's 367
father or mother; 368

(g) Service performed for one or more principals by an 369
individual who is compensated on a commission basis, who in the 370
performance of the work is master of the individual's own time and 371
efforts, and whose remuneration is wholly dependent on the amount 372
of effort the individual chooses to expend, and which service is 373
not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 374
(1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 375
31, 1971: 376

(i) By an individual for an employer as an insurance agent or 377
as an insurance solicitor, if all this service is performed for 378
remuneration solely by way of commission; 379

(ii) As a home worker performing work, according to 380
specifications furnished by the employer for whom the services are 381
performed, on materials or goods furnished by such employer which 382
are required to be returned to the employer or to a person 383
designated for that purpose. 384

(h) Service performed after December 31, 1971: 385

(i) In the employ of a church or convention or association of 386
churches, or in an organization which is operated primarily for 387
religious purposes and which is operated, supervised, controlled, 388
or principally supported by a church or convention or association 389

of churches; 390

(ii) By a duly ordained, commissioned, or licensed minister 391
of a church in the exercise of the individual's ministry or by a 392
member of a religious order in the exercise of duties required by 393
such order; or 394

(iii) In a facility conducted for the purpose of carrying out 395
a program of rehabilitation for individuals whose earning capacity 396
is impaired by age or physical or mental deficiency or injury, or 397
providing remunerative work for individuals who because of their 398
impaired physical or mental capacity cannot be readily absorbed in 399
the competitive labor market, by an individual receiving such 400
rehabilitation or remunerative work; 401

(i) Service performed after June 30, 1939, with respect to 402
which unemployment compensation is payable under the "Railroad 403
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 404

(j) Service performed by an individual in the employ of any 405
organization exempt from income tax under section 501 of the 406
"Internal Revenue Code of 1954," if the remuneration for such 407
service does not exceed fifty dollars in any calendar quarter, or 408
if such service is in connection with the collection of dues or 409
premiums for a fraternal beneficial society, order, or association 410
and is performed away from the home office or is ritualistic 411
service in connection with any such society, order, or 412
association; 413

(k) Casual labor not in the course of an employer's trade or 414
business; incidental service performed by an officer, appraiser, 415
or member of a finance committee of a bank, building and loan 416
association, savings and loan association, or savings association 417
when the remuneration for such incidental service exclusive of the 418
amount paid or allotted for directors' fees does not exceed sixty 419
dollars per calendar quarter is casual labor; 420

(l) Service performed in the employ of a voluntary employees' 421
beneficial association providing for the payment of life, 422
sickness, accident, or other benefits to the members of such 423
association or their dependents or their designated beneficiaries, 424
if admission to a membership in such association is limited to 425
individuals who are officers or employees of a municipal or public 426
corporation, of a political subdivision of the state, or of the 427
United States and no part of the net earnings of such association 428
inures, other than through such payments, to the benefit of any 429
private shareholder or individual; 430

(m) Service performed by an individual in the employ of a 431
foreign government, including service as a consular or other 432
officer or employee or of a nondiplomatic representative; 433

(n) Service performed in the employ of an instrumentality 434
wholly owned by a foreign government if the service is of a 435
character similar to that performed in foreign countries by 436
employees of the United States or of an instrumentality thereof 437
and if the director finds that the secretary of state of the 438
United States has certified to the secretary of the treasury of 439
the United States that the foreign government, with respect to 440
whose instrumentality exemption is claimed, grants an equivalent 441
exemption with respect to similar service performed in the foreign 442
country by employees of the United States and of instrumentalities 443
thereof; 444

(o) Service with respect to which unemployment compensation 445
is payable under an unemployment compensation system established 446
by an act of congress; 447

(p) Service performed as a student nurse in the employ of a 448
hospital or a nurses' training school by an individual who is 449
enrolled and is regularly attending classes in a nurses' training 450
school chartered or approved pursuant to state law, and service 451
performed as an intern in the employ of a hospital by an 452

individual who has completed a four years' course in a medical 453
school chartered or approved pursuant to state law; 454

(q) Service performed by an individual under the age of 455
eighteen in the delivery or distribution of newspapers or shopping 456
news, not including delivery or distribution to any point for 457
subsequent delivery or distribution; 458

(r) Service performed in the employ of the United States or 459
an instrumentality of the United States immune under the 460
Constitution of the United States from the contributions imposed 461
by this chapter, except that to the extent that congress permits 462
states to require any instrumentalities of the United States to 463
make payments into an unemployment fund under a state unemployment 464
compensation act, this chapter shall be applicable to such 465
instrumentalities and to services performed for such 466
instrumentalities in the same manner, to the same extent, and on 467
the same terms as to all other employers, individuals, and 468
services, provided that if this state is not certified for any 469
year by the proper agency of the United States under section 3304 470
of the "Internal Revenue Code of 1954," the payments required of 471
such instrumentalities with respect to such year shall be refunded 472
by the director from the fund in the same manner and within the 473
same period as is provided in division (E) of section 4141.09 of 474
the Revised Code with respect to contributions erroneously 475
collected; 476

(s) Service performed by an individual as a member of a band 477
or orchestra, provided such service does not represent the 478
principal occupation of such individual, and which service is not 479
subject to or required to be covered for full tax credit against 480
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 481
183 (1939), 26 U.S.C.A. 3301 to 3311. 482

(t) Service performed in the employ of a day camp whose 483
camping season does not exceed twelve weeks in any calendar year, 484

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) 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 or for Indian tribes;

(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 516
described in subsection 501(c)(3) and exempt from federal income 517
taxation under subsection 501(a) of the Internal Revenue Code, 26 518
U.S.C.A. 501; 519

(y) Service performed by a person committed to a penal 520
institution. 521

(z) Service performed for an Indian tribe as described in 522
division (B)(2)(1) of this section when performed in any of the 523
following manners: 524

(i) As a publicly elected official; 525

(ii) As a member of an Indian tribal council; 526

(iii) As a member of a legislative or judiciary body; 527

(iv) In a position which, pursuant to Indian tribal law, is 528
designated as a major nontenured policymaking or advisory 529
position, or a policymaking or advisory position where the 530
performance of the duties ordinarily does not require more than 531
eight hours of time per week; 532

(v) As an employee serving on a temporary basis in the case 533
of a fire, storm, snow, earthquake, flood, or similar emergency. 534

(aa) Service performed after December 31, 1971, for a 535
nonprofit organization, this state or its instrumentalities, a 536
political subdivision or its instrumentalities, or an Indian tribe 537
as part of an unemployment work-relief or work-training program 538
assisted or financed in whole or in part by any federal agency or 539
an agency of a state or political subdivision, thereof, by an 540
individual receiving the work-relief or work-training. 541

(4) If the services performed during one half or more of any 542
pay period by an employee for the person employing that employee 543
constitute employment, all the services of such employee for such 544
period shall be deemed to be employment; but if the services 545

performed during more than one half of any such pay period by an 546
employee for the person employing that employee do not constitute 547
employment, then none of the services of such employee for such 548
period shall be deemed to be employment. As used in division 549
(B)(4) of this section, "pay period" means a period, of not more 550
than thirty-one consecutive days, for which payment of 551
remuneration is ordinarily made to the employee by the person 552
employing that employee. Division (B)(4) of this section does not 553
apply to services performed in a pay period by an employee for the 554
person employing that employee, if any of such service is excepted 555
by division (B)(3)(o) of this section. 556

(C) "Benefits" means money payments payable to an individual 557
who has established benefit rights, as provided in this chapter, 558
for loss of remuneration due to the individual's unemployment. 559

(D) "Benefit rights" means the weekly benefit amount and the 560
maximum benefit amount that may become payable to an individual 561
within the individual's benefit year as determined by the 562
director. 563

(E) "Claim for benefits" means a claim for waiting period or 564
benefits for a designated week. 565

(F) "Additional claim" means the first claim for benefits 566
filed following any separation from employment during a benefit 567
year; "continued claim" means any claim other than the first claim 568
for benefits and other than an additional claim. 569

(G)(1) "Wages" means remuneration paid to an employee by each 570
of the employee's employers with respect to employment; except 571
that wages shall not include that part of remuneration paid during 572
any calendar year to an individual by an employer or such 573
employer's predecessor in interest in the same business or 574
enterprise, which in any calendar year is in excess of eight 575
thousand two hundred fifty dollars on and after January 1, 1992; 576

eight thousand five hundred dollars on and after January 1, 1993; 577
eight thousand seven hundred fifty dollars on and after January 1, 578
1994; and nine thousand dollars on and after January 1, 1995. 579
Remuneration in excess of such amounts shall be deemed wages 580
subject to contribution to the same extent that such remuneration 581
is defined as wages under the "Federal Unemployment Tax Act," 84 582
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 583
remuneration paid an employee by an employer with respect to 584
employment in another state, upon which contributions were 585
required and paid by such employer under the unemployment 586
compensation act of such other state, shall be included as a part 587
of remuneration in computing the amount specified in this 588
division. 589

(2) Notwithstanding division (G)(1) of this section, if, as 590
of the computation date for any calendar year, the director 591
determines that the level of the unemployment compensation fund is 592
sixty per cent or more below the minimum safe level as defined in 593
section 4141.25 of the Revised Code, then, effective the first day 594
of January of the following calendar year, wages subject to this 595
chapter shall not include that part of remuneration paid during 596
any calendar year to an individual by an employer or such 597
employer's predecessor in interest in the same business or 598
enterprise which is in excess of nine thousand dollars. The 599
increase in the dollar amount of wages subject to this chapter 600
under this division shall remain in effect from the date of the 601
director's determination pursuant to division (G)(2) of this 602
section and thereafter notwithstanding the fact that the level in 603
the fund may subsequently become less than sixty per cent below 604
the minimum safe level. 605

(H)(1) "Remuneration" means all compensation for personal 606
services, including commissions and bonuses and the cash value of 607
all compensation in any medium other than cash, except that in the 608

case of agricultural or domestic service, "remuneration" includes 609
only cash remuneration. Gratuities customarily received by an 610
individual in the course of the individual's employment from 611
persons other than the individual's employer and which are 612
accounted for by such individual to the individual's employer are 613
taxable wages. 614

The reasonable cash value of compensation paid in any medium 615
other than cash shall be estimated and determined in accordance 616
with rules prescribed by the director, provided that 617
"remuneration" does not include: 618

(a) Payments as provided in divisions (b)(2) to (b)(16) of 619
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 620
26 U.S.C.A. 3301 to 3311, as amended; 621

(b) The payment by an employer, without deduction from the 622
remuneration of the individual in the employer's employ, of the 623
tax imposed upon an individual in the employer's employ under 624
section 3101 of the "Internal Revenue Code of 1954," with respect 625
to services performed after October 1, 1941. 626

(2) "Cash remuneration" means all remuneration paid in cash, 627
including commissions and bonuses, but not including the cash 628
value of all compensation in any medium other than cash. 629

(I) "Interested party" means the director and any party to 630
whom notice of a determination of an application for benefit 631
rights or a claim for benefits is required to be given under 632
section 4141.28 of the Revised Code. 633

(J) "Annual payroll" means the total amount of wages subject 634
to contributions during a twelve-month period ending with the last 635
day of the second calendar quarter of any calendar year. 636

(K) "Average annual payroll" means the average of the last 637
three annual payrolls of an employer, provided that if, as of any 638
computation date, the employer has had less than three annual 639

payrolls in such three-year period, such average shall be based on 640
the annual payrolls which the employer has had as of such date. 641

(L)(1) "Contributions" means the money payments to the state 642
unemployment compensation fund required of employers by section 643
4141.25 of the Revised Code and of the state and any of its 644
political subdivisions electing to pay contributions under section 645
4141.242 of the Revised Code. Employers paying contributions shall 646
be described as "contributory employers." 647

(2) "Payments in lieu of contributions" means the money 648
payments to the state unemployment compensation fund required of 649
reimbursing employers under sections 4141.241 and 4141.242 of the 650
Revised Code. 651

(M) An individual is "totally unemployed" in any week during 652
which the individual performs no services and with respect to such 653
week no remuneration is payable to the individual. 654

(N) An individual is "partially unemployed" in any week if, 655
due to involuntary loss of work, the total remuneration payable to 656
the individual for such week is less than the individual's weekly 657
benefit amount. 658

(O) "Week" means the calendar week ending at midnight 659
Saturday unless an equivalent week of seven consecutive calendar 660
days is prescribed by the director. 661

(1) "Qualifying week" means any calendar week in an 662
individual's base period with respect to which the individual 663
earns or is paid remuneration in employment subject to this 664
chapter. A calendar week with respect to which an individual earns 665
remuneration but for which payment was not made within the base 666
period, when necessary to qualify for benefit rights, may be 667
considered to be a qualifying week. The number of qualifying weeks 668
which may be established in a calendar quarter shall not exceed 669
the number of calendar weeks in the quarter. 670

(2) "Average weekly wage" means the amount obtained by 671
dividing an individual's total remuneration for all qualifying 672
weeks during the base period by the number of such qualifying 673
weeks, provided that if the computation results in an amount that 674
is not a multiple of one dollar, such amount shall be rounded to 675
the next lower multiple of one dollar. 676

(P) "Weekly benefit amount" means the amount of benefits an 677
individual would be entitled to receive for one week of total 678
unemployment. 679

(Q)(1) "Base period" means the first four of the last five 680
completed calendar quarters immediately preceding the first day of 681
an individual's benefit year, except as provided in division 682
(Q)(2) of this section. 683

(2) If an individual does not have sufficient qualifying 684
weeks and wages in the base period to qualify for benefit rights, 685
the individual's base period shall be the four most recently 686
completed calendar quarters preceding the first day of the 687
individual's benefit year. Such base period shall be known as the 688
"alternate base period." If information as to weeks and wages for 689
the most recent quarter of the alternate base period is not 690
available to the director from the regular quarterly reports of 691
wage information, which are systematically accessible, the 692
director may, consistent with the provisions of section 4141.28 of 693
the Revised Code, base the determination of eligibility for 694
benefits on the affidavit of the claimant with respect to weeks 695
and wages for that calendar quarter. The claimant shall furnish 696
payroll documentation, where available, in support of the 697
affidavit. The determination based upon the alternate base period 698
as it relates to the claimant's benefit rights, shall be amended 699
when the quarterly report of wage information from the employer is 700
timely received and that information causes a change in the 701
determination. As provided in division (B) of section 4141.28 of 702

the Revised Code, any benefits paid and charged to an employer's 703
account, based upon a claimant's affidavit, shall be adjusted 704
effective as of the beginning of the claimant's benefit year. No 705
calendar quarter in a base period or alternate base period shall 706
be used to establish a subsequent benefit year. 707

(3) The "base period" of a combined wage claim, as described 708
in division (H) of section 4141.43 of the Revised Code, shall be 709
the base period prescribed by the law of the state in which the 710
claim is allowed. 711

(4) For purposes of determining the weeks that comprise a 712
completed calendar quarter under this division, only those weeks 713
ending at midnight Saturday within the calendar quarter shall be 714
utilized. 715

(R)(1) "Benefit year" with respect to an individual means the 716
fifty-two week period beginning with the first day of that week 717
with respect to which the individual first files a valid 718
application for determination of benefit rights, and thereafter 719
the fifty-two week period beginning with the first day of that 720
week with respect to which the individual next files a valid 721
application for determination of benefit rights after the 722
termination of the individual's last preceding benefit year, 723
except that the application shall not be considered valid unless 724
the individual has had employment in six weeks that is subject to 725
this chapter or the unemployment compensation act of another 726
state, or the United States, and has, since the beginning of the 727
individual's previous benefit year, in the employment earned three 728
times the average weekly wage determined for the previous benefit 729
year. The "benefit year" of a combined wage claim, as described in 730
division (H) of section 4141.43 of the Revised Code, shall be the 731
benefit year prescribed by the law of the state in which the claim 732
is allowed. Any application for determination of benefit rights 733
made in accordance with section 4141.28 of the Revised Code is 734

valid if the individual filing such application is unemployed, has 735
been employed by an employer or employers subject to this chapter 736
in at least twenty qualifying weeks within the individual's base 737
period, and has earned or been paid remuneration at an average 738
weekly wage of not less than twenty-seven and one-half per cent of 739
the statewide average weekly wage for such weeks. For purposes of 740
determining whether an individual has had sufficient employment 741
since the beginning of the individual's previous benefit year to 742
file a valid application, "employment" means the performance of 743
services for which remuneration is payable. 744

(2) Effective for benefit years beginning on and after 745
December 26, 2004, any application for determination of benefit 746
rights made in accordance with section 4141.28 of the Revised Code 747
is valid if the individual satisfies the criteria described in 748
division (R)(1) of this section, and if the reason for the 749
individual's separation from employment is not disqualifying 750
pursuant to division (D)(2) of section 4141.29 or section 4141.291 751
of the Revised Code. A disqualification imposed pursuant to 752
division (D)(2) of section 4141.29 or section 4141.291 of the 753
Revised Code must be removed as provided in those sections as a 754
requirement of establishing a valid application for benefit years 755
beginning on and after December 26, 2004. 756

(3) The statewide average weekly wage shall be calculated by 757
the director once a year based on the twelve-month period ending 758
the thirtieth day of June, as set forth in division (B)(3) of 759
section 4141.30 of the Revised Code, rounded down to the nearest 760
dollar. Increases or decreases in the amount of remuneration 761
required to have been earned or paid in order for individuals to 762
have filed valid applications shall become effective on Sunday of 763
the calendar week in which the first day of January occurs that 764
follows the twelve-month period ending the thirtieth day of June 765
upon which the calculation of the statewide average weekly wage 766

was based. 767

(4) As used in this division, an individual is "unemployed" 768
if, with respect to the calendar week in which such application is 769
filed, the individual is "partially unemployed" or "totally 770
unemployed" as defined in this section or if, prior to filing the 771
application, the individual was separated from the individual's 772
most recent work for any reason which terminated the individual's 773
employee-employer relationship, or was laid off indefinitely or 774
for a definite period of seven or more days. 775

(S) "Calendar quarter" means the period of three consecutive 776
calendar months ending on the thirty-first day of March, the 777
thirtieth day of June, the thirtieth day of September, and the 778
thirty-first day of December, or the equivalent thereof as the 779
director prescribes by rule. 780

(T) "Computation date" means the first day of the third 781
calendar quarter of any calendar year. 782

(U) "Contribution period" means the calendar year beginning 783
on the first day of January of any year. 784

(V) "Agricultural labor," for the purpose of this division, 785
means any service performed prior to January 1, 1972, which was 786
agricultural labor as defined in this division prior to that date, 787
and service performed after December 31, 1971: 788

(1) On a farm, in the employ of any person, in connection 789
with cultivating the soil, or in connection with raising or 790
harvesting any agricultural or horticultural commodity, including 791
the raising, shearing, feeding, caring for, training, and 792
management of livestock, bees, poultry, and fur-bearing animals 793
and wildlife; 794

(2) In the employ of the owner or tenant or other operator of 795
a farm in connection with the operation, management, conservation, 796
improvement, or maintenance of such farm and its tools and 797

equipment, or in salvaging timber or clearing land of brush and 798
other debris left by hurricane, if the major part of such service 799
is performed on a farm; 800

(3) In connection with the production or harvesting of any 801
commodity defined as an agricultural commodity in section 15 (g) 802
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 803
U.S.C. 1141j, as amended, or in connection with the ginning of 804
cotton, or in connection with the operation or maintenance of 805
ditches, canals, reservoirs, or waterways, not owned or operated 806
for profit, used exclusively for supplying and storing water for 807
farming purposes; 808

(4) In the employ of the operator of a farm in handling, 809
planting, drying, packing, packaging, processing, freezing, 810
grading, storing, or delivering to storage or to market or to a 811
carrier for transportation to market, in its unmanufactured state, 812
any agricultural or horticultural commodity, but only if the 813
operator produced more than one half of the commodity with respect 814
to which such service is performed; 815

(5) In the employ of a group of operators of farms, or a 816
cooperative organization of which the operators are members, in 817
the performance of service described in division (V)(4) of this 818
section, but only if the operators produced more than one-half of 819
the commodity with respect to which the service is performed; 820

(6) Divisions (V)(4) and (5) of this section shall not be 821
deemed to be applicable with respect to service performed: 822

(a) In connection with commercial canning or commercial 823
freezing or in connection with any agricultural or horticultural 824
commodity after its delivery to a terminal market for distribution 825
for consumption; or 826

(b) On a farm operated for profit if the service is not in 827
the course of the employer's trade or business. 828

As used in division (V) of this section, "farm" includes 829
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 830
plantations, ranches, nurseries, ranges, greenhouses, or other 831
similar structures used primarily for the raising of agricultural 832
or horticultural commodities and orchards. 833

(W) "Hospital" means an institution which has been registered 834
or licensed by the Ohio department of health as a hospital. 835

(X) "Nonprofit organization" means an organization, or group 836
of organizations, described in section 501(c)(3) of the "Internal 837
Revenue Code of 1954," and exempt from income tax under section 838
501(a) of that code. 839

(Y) "Institution of higher education" means a public or 840
nonprofit educational institution, including an educational 841
institution operated by an Indian tribe, which: 842

(1) Admits as regular students only individuals having a 843
certificate of graduation from a high school, or the recognized 844
equivalent; 845

(2) Is legally authorized in this state or by the Indian 846
tribe to provide a program of education beyond high school; and 847

(3) Provides an educational program for which it awards a 848
bachelor's or higher degree, or provides a program which is 849
acceptable for full credit toward such a degree, a program of 850
post-graduate or post-doctoral studies, or a program of training 851
to prepare students for gainful employment in a recognized 852
occupation. 853

For the purposes of this division, all colleges and 854
universities in this state are institutions of higher education. 855

(Z) For the purposes of this chapter, "states" includes the 856
District of Columbia, the Commonwealth of Puerto Rico, and the 857
Virgin Islands. 858

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 859
this section, an individual who is an alien admitted to the United 860
States to perform service in agricultural labor pursuant to 861
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 862
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 863

(BB)(1) "Crew leader" means an individual who furnishes 864
individuals to perform agricultural labor for any other employer 865
or farm operator, and: 866

(a) Pays, either on the individual's own behalf or on behalf 867
of the other employer or farm operator, the individuals so 868
furnished by the individual for the service in agricultural labor 869
performed by them; 870

(b) Has not entered into a written agreement with the other 871
employer or farm operator under which the agricultural worker is 872
designated as in the employ of the other employer or farm 873
operator. 874

(2) For the purposes of this chapter, any individual who is a 875
member of a crew furnished by a crew leader to perform service in 876
agricultural labor for any other employer or farm operator shall 877
be treated as an employee of the crew leader if: 878

(a) The crew leader holds a valid certificate of registration 879
under the "Farm Labor Contractor Registration Act of 1963," 90 880
Stat. 2668, 7 U.S.C. 2041; or 881

(b) Substantially all the members of the crew operate or 882
maintain tractors, mechanized harvesting or crop-dusting 883
equipment, or any other mechanized equipment, which is provided by 884
the crew leader; and 885

(c) If the individual is not in the employment of the other 886
employer or farm operator within the meaning of division (B)(1) of 887
this section. 888

(3) For the purposes of this division, any individual who is 889
furnished by a crew leader to perform service in agricultural 890
labor for any other employer or farm operator and who is not 891
treated as in the employment of the crew leader under division 892
(BB)(2) of this section shall be treated as the employee of the 893
other employer or farm operator and not of the crew leader. The 894
other employer or farm operator shall be treated as having paid 895
cash remuneration to the individual in an amount equal to the 896
amount of cash remuneration paid to the individual by the crew 897
leader, either on the crew leader's own behalf or on behalf of the 898
other employer or farm operator, for the service in agricultural 899
labor performed for the other employer or farm operator. 900

(CC) "Educational institution" means an institution other 901
than an institution of higher education as defined in division (Y) 902
of this section, including an educational institution operated by 903
an Indian tribe, which: 904

(1) Offers participants, trainees, or students an organized 905
course of study or training designed to transfer to them 906
knowledge, skills, information, doctrines, attitudes, or abilities 907
from, by, or under the guidance of an instructor or teacher; and 908

(2) Is approved, chartered, or issued a permit to operate as 909
a school by the state board of education, other government agency, 910
or Indian tribe that is authorized within the state to approve, 911
charter, or issue a permit for the operation of a school. 912

For the purposes of this division, the courses of study or 913
training which the institution offers may be academic, technical, 914
trade, or preparation for gainful employment in a recognized 915
occupation. 916

(DD) "Cost savings day" means any unpaid day off from work in 917
which employees continue to accrue employee benefits which have a 918
determinable value including, but not limited to, vacation, 919

pension contribution, sick time, and life and health insurance. 920

(EE) "Affected unit" means a group of two or more employees, 921
including a department or shift, designated by an employer to 922
participate in a shared work plan. 923

(FF) "Fringe benefit" means health insurance, a retirement 924
benefit received under a pension plan as defined in section 1002 925
of the "Employee Retirement Income Security Act of 1974," 88 Stat. 926
832, 29 U.S.C. 1001 et seq., a paid vacation day, a paid holiday, 927
sick leave, or any other similar employee benefit provided by an 928
employer. 929

(GG) "Normal weekly hours of work" means the number of hours 930
in a week that an employee normally works for an employer or an 931
average of forty hours per week over a two-week pay period, 932
whichever is less. 933

(HH) "Participating employee" means an employee who works a 934
reduced number of hours under an approved shared work plan. 935

(II) "Participating employer" means an employer who has a 936
shared work plan. 937

(JJ) "Shared work benefit" means an unemployment compensation 938
benefit that is payable to a participating employee. 939

(KK) "Shared work plan" means a plan for reducing 940
unemployment under which employees who are members of an affected 941
unit share the work remaining after a reduction in the employees' 942
normal weekly hours of work. 943

Sec. 4141.50. There is hereby created the shared work 944
unemployment compensation program. An employer who wishes to 945
participate in the program shall submit a plan to the director of 946
job and family services that satisfies the requirements listed in 947
section 4141.51 of the Revised Code. If an employee the employer 948
covers under the plan is subject to a collective bargaining 949

agreement, the employer shall have the employee's collective bargaining agent approve the plan in writing, and the employer shall submit that approval to the director with the employer's proposed plan. 950
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Sec. 4141.51. (A) The director of job and family services shall approve a shared work plan submitted under section 4141.50 of the Revised Code if all of the following are satisfied: 954
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(1) The employer identifies a specific affected unit in the plan to which the plan will apply. 957
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(2) The employer identifies in the plan the employees in the affected unit by name and social security number. 959
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(3) The employer includes a provision in the plan that reduces the normal weekly hours of work for an employee in the affected unit identified in the plan by at least ten per cent but not more than forty per cent. 961
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(4) The employer states in the plan that the plan applies to at least ten per cent of the employees within the affected unit. 965
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(5) The employer states in the plan that the participating employer will continue to provide fringe benefits on the same basis as the fringe benefits were provided before the reduction in work hours to implement the plan and that, in no event, will the level of any health benefit provided be reduced due to the reduction in hours. 967
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(6) The employer certifies in the plan that the implementation of a shared work plan and resulting reduction in work hours is in lieu of temporary layoffs that would affect at least ten per cent of the employees within the affected unit and result in an equivalent reduction in work hours. 973
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(7) The employer agrees in writing in the plan to furnish the 978

director reports relating to the operation of the plan as the 979
director requests in accordance with section 4141.54 of the 980
Revised Code. 981

(B) An employer that traditionally has used part-time 982
employees shall not implement a shared work plan to subsidize the 983
employer's employees. A seasonal employer shall not implement a 984
shared work plan to subsidize the seasonal employer's employees 985
during the off-season. As used in this division, "seasonal 986
employer" has the same meaning as in section 4141.33 of the 987
Revised Code. 988

(C) The director shall approve or deny a shared work plan and 989
shall send a written notice to the employer stating whether the 990
director approved or denied the plan not later than thirty days 991
after the director receives the plan. If the director denies 992
approval of a shared work plan, the director shall state the 993
reasons for denying approval in the written notice sent to the 994
employer. 995

Sec. 4141.52. A shared work plan approved under section 996
4141.51 of the Revised Code takes effect on the date the director 997
of job and family services approves the plan. An approved shared 998
work plan expires on the last day of the twelfth calendar month 999
beginning after the effective date of the plan. The director may 1000
terminate any approved shared work plan for good cause if the plan 1001
is not being executed according to the terms and intent of the 1002
shared work unemployment compensation program. 1003

Sec. 4141.53. A participating employer may modify a shared 1004
work plan approved under section 4141.51 of the Revised Code to 1005
meet changed conditions regarding the participating employer's 1006
business if the modification conforms to the basic provisions of 1007
the plan as approved by the director of job and family services. 1008

Before implementing the proposed change, the participating employer shall report the proposed change in writing to the director. If the director determines that the proposed change will result in a substantial modification of the plan approved under section 4141.51 of the Revised Code, the director shall reevaluate the proposed modified plan to determine whether the plan continues to satisfy the requirements listed in divisions (A)(1) to (6) of that section. The director shall approve or deny the modification in accordance with that section. If the director determines that the proposed change does not result in a substantial modification to the approved plan, the director shall approve the proposed change unless the director determines that the modification does not conform to the basic provisions of the approved plan.

Approval of a modified plan does not affect the plan's original expiration date determined under section 4141.52 of the Revised Code.

Sec. 4141.54. Upon request of the director of job and family services, a participating employer shall monitor and evaluate the operation of the participating employer's shared work plan and shall report the participating employer's findings to the director.

Sec. 4141.55. (A) Notwithstanding section 4141.01, 4141.29, 4141.30, or 4141.31 of the Revised Code, an individual is unemployed for purposes of this chapter in a week during which the individual is a participating employee under a shared work plan approved under section 4141.51 of the Revised Code that is in effect for that week.

(B) An individual is eligible to receive shared work benefits for a week in which the individual satisfies all of the following:

(1) The individual is employed as a member of an affected

unit subject to a shared work plan that was approved before that 1039
week and is in effect for that week. 1040

(2) The individual is able to work and is available for 1041
full-time work with the participating employer. 1042

(3) The individual's normal weekly hours of work have been 1043
reduced by at least ten per cent but not more than forty per cent 1044
and the individual receives a corresponding reduction in wages. 1045

(C) Notwithstanding section 4141.29 of the Revised Code, the 1046
director of job and family services shall not deny shared work 1047
benefits for a week to an otherwise eligible participating 1048
employee because the employee is unavailable for work other than 1049
as required under division (B)(2) of this section, is not actively 1050
searching for work, or refuses to apply for or to accept work with 1051
an employer other than the participating employee's participating 1052
employer. 1053

(D) The director shall pay a participating employee who is 1054
eligible for a weekly shared work benefit in an amount equal to 1055
the participating employee's regular weekly benefit amount for a 1056
period of total unemployment as described in division (D) of 1057
section 4141.30 of the Revised Code multiplied by the nearest full 1058
percentage of reduction of the participating employee's wages 1059
under the participating employee's participating employer's shared 1060
work plan. The director shall round the amount of a shared work 1061
benefit that is not a multiple of one dollar to the next highest 1062
dollar amount. 1063

(E) A participating employee is not entitled to receive 1064
shared work benefits and regular unemployment compensation 1065
benefits that exceed the maximum total benefits payable to the 1066
participating employee in a benefit year under section 4141.30 of 1067
the Revised Code. A participating employee shall receive shared 1068
work benefits for a maximum of twenty-six weeks regardless of 1069

whether the participating employee has received the total maximum 1070
benefits payable for the participating employee's benefit year. An 1071
individual who receives shared work benefits is not entitled to 1072
receive benefits for partial unemployment under division (C) of 1073
section 4141.30 of the Revised Code for any week during which the 1074
individual works as a participating employee. The director shall 1075
not pay an individual shared work benefits for a week during which 1076
the individual performs paid work for the individual's 1077
participating employer that exceeds the reduced hours established 1078
under a shared work plan. 1079

(F) An individual who has received all of the shared work 1080
benefits and regular unemployment compensation benefits available 1081
in a benefit year is an individual who has exhausted regular 1082
benefits under section 4141.30 of the Revised Code and is entitled 1083
to receive extended benefits under section 4141.301 of the Revised 1084
Code if the individual is otherwise eligible to receive benefits 1085
under that section. 1086

Section 2. That existing section 4141.01 of the Revised Code 1087
is hereby repealed. 1088