

**As Introduced**

**130th General Assembly  
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**H. B. No. 37**

**Representatives Duffey, Scherer**

**Cosponsors: Representatives Boose, Henne, Wachtmann, Terhar,  
Thompson, Grossman, Amstutz, Johnson, Buchy, Stebelton, Blair, Dovilla,  
Hayes, Schuring, DeVitis, Beck, Smith, McGregor, Hottinger, Hill, Sears,  
Pillich, Ruhl, Anielski, Brenner, Butler, Barnes, Rosenberger, Lynch,  
Derickson, Huffman, Conditt, Baker, McClain, Blessing**

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**A B I L L**

To amend section 4141.09 and to enact sections 1  
4141.50 to 4141.56 of the Revised Code to create 2  
the SharedWork Ohio Program and to declare an 3  
emergency. 4

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

**Section 1.** That section 4141.09 be amended and sections 5  
4141.50, 4141.51, 4141.52, 4141.53, 4141.54, 4141.55, and 4141.56 6  
of the Revised Code be enacted to read as follows: 7

**Sec. 4141.09.** (A) There is hereby created an unemployment 8  
compensation fund to be administered by the state without 9  
liability on the part of the state beyond the amounts paid into 10  
the fund and earned by the fund. The unemployment compensation 11  
fund shall consist of all contributions, payments in lieu of 12  
contributions described in sections 4141.241 and 4141.242 of the 13  
Revised Code, reimbursements of the federal share of extended 14  
benefits described in section 4141.301 of the Revised Code, 15

collected under sections 4141.01 to ~~4141.46~~ 4141.56 of the Revised Code, together with all interest earned upon any moneys deposited with the secretary of the treasury of the United States to the credit of the account of this state in the unemployment trust fund established and maintained pursuant to section 904 of the "Social Security Act," any property or securities acquired through the use of moneys belonging to the fund, and all earnings of such property or securities. The unemployment compensation fund shall be used to pay benefits, shared work compensation as defined in section 4141.50 of the Revised Code, and refunds as provided by such sections and for no other purpose.

(B) The treasurer of state shall be the custodian of the unemployment compensation fund and shall administer such fund in accordance with the directions of the director of job and family services. All disbursements therefrom shall be paid by the treasurer of state on warrants drawn by the director. Such warrants may bear the facsimile signature of the director printed thereon and that of a deputy or other employee of the director charged with the duty of keeping the account of the unemployment compensation fund and with the preparation of warrants for the payment of benefits to the persons entitled thereto. Moneys in the clearing and benefit accounts shall not be commingled with other state funds, except as provided in division (C) of this section, but shall be maintained in separate accounts on the books of the depository bank. Such money shall be secured by the depository bank to the same extent and in the same manner as required by sections 135.01 to 135.21 of the Revised Code; and collateral pledged for this purpose shall be kept separate and distinct from any collateral pledged to secure other funds of this state. All sums recovered for losses sustained by the unemployment compensation fund shall be deposited therein. The treasurer of state shall be liable on the treasurer's official bond for the faithful performance of the treasurer's duties in connection with

the unemployment compensation fund, such liability to exist in 49  
addition to any liability upon any separate bond. 50

(C) The treasurer of state shall maintain within the 51  
unemployment compensation fund three separate accounts which shall 52  
be a clearing account, a trust fund account, and a benefit 53  
account. All moneys payable to the unemployment compensation fund, 54  
upon receipt by the director, shall be forwarded to the treasurer 55  
of state, who shall immediately deposit them in the clearing 56  
account. Refunds of contributions, or payments in lieu of 57  
contributions, payable pursuant to division (E) of this section 58  
may be paid from the clearing account upon warrants signed by a 59  
deputy or other employee of the director charged with the duty of 60  
keeping the record of the clearing account and with the 61  
preparation of warrants for the payment of refunds to persons 62  
entitled thereto. After clearance thereof, all moneys in the 63  
clearing account shall be deposited with the secretary of the 64  
treasury of the United States to the credit of the account of this 65  
state in the unemployment trust fund established and maintained 66  
pursuant to section 904 of the "Social Security Act," in 67  
accordance with requirements of the "Federal Unemployment Tax 68  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 69  
in this state relating to the deposit, administration, release, or 70  
disbursement of moneys in the possession or custody of this state 71  
to the contrary notwithstanding. The benefit account shall consist 72  
of all moneys requisitioned from this state's account in the 73  
unemployment trust fund. Federal funds may be deposited, at the 74  
director's discretion, into the benefit account. Any funds 75  
deposited into the benefit account shall be disbursed solely for 76  
payment of benefits under a federal program administered by this 77  
state and for no other purpose. Moneys in the clearing and benefit 78  
accounts may be deposited by the treasurer of state, under the 79  
direction of the director, in any bank or public depository in 80  
which general funds of the state may be deposited, but no public 81

deposit insurance charge or premium shall be paid out of the fund. 82

(D) Moneys shall be requisitioned from this state's account 83  
in the unemployment trust fund solely for the payment of benefits 84  
and in accordance with regulations prescribed by the director. The 85  
director shall requisition from the unemployment trust fund such 86  
amounts, not exceeding the amount standing to this state's account 87  
therein, as are deemed necessary for the payment of benefits for a 88  
reasonable future period. Upon receipt thereof, the treasurer of 89  
state shall deposit such moneys in the benefit account. 90  
Expenditures of such money in the benefit account and refunds from 91  
the clearing account shall not require specific appropriations or 92  
other formal release by state officers of money in their custody. 93  
Any balance of moneys requisitioned from the unemployment trust 94  
fund which remains unclaimed or unpaid in the benefit account 95  
after the expiration of the period for which such sums were 96  
requisitioned shall either be deducted from estimates for and may 97  
be utilized for the payment of benefits during succeeding periods, 98  
or, in the discretion of the director, shall be redeposited with 99  
the secretary of the treasury of the United States to the credit 100  
of this state's account in the unemployment trust fund, as 101  
provided in division (C) of this section. Unclaimed or unpaid 102  
federal funds redeposited with the secretary of the treasury of 103  
the United States shall be credited to the appropriate federal 104  
account. 105

(E) No claim for an adjustment or a refund on contribution, 106  
payment in lieu of contributions, interest, or forfeiture alleged 107  
to have been erroneously or illegally assessed or collected, or 108  
alleged to have been collected without authority, and no claim for 109  
an adjustment or a refund of any sum alleged to have been 110  
excessive or in any manner wrongfully collected shall be allowed 111  
unless an application, in writing, therefor is made within four 112  
years from the date on which such payment was made. If the 113

director determines that such contribution, payment in lieu of 114  
contributions, interest, or forfeiture, or any portion thereof, 115  
was erroneously collected, the director shall allow such employer 116  
to make an adjustment thereof without interest in connection with 117  
subsequent contribution payments, or payments in lieu of 118  
contributions, by the employer, or the director may refund said 119  
amount, without interest, from the clearing account of the 120  
unemployment compensation fund, except as provided in division (B) 121  
of section 4141.11 of the Revised Code. For like cause and within 122  
the same period, adjustment or refund may be so made on the 123  
director's own initiative. An overpayment of contribution, payment 124  
in lieu of contributions, interest, or forfeiture for which an 125  
employer has not made application for refund prior to the date of 126  
sale of the employer's business shall accrue to the employer's 127  
successor in interest. 128

An application for an adjustment or a refund, or any portion 129  
thereof, that is rejected is binding upon the employer unless, 130  
within thirty days after the mailing of a written notice of 131  
rejection to the employer's last known address, or, in the absence 132  
of mailing of such notice, within thirty days after the delivery 133  
of such notice, the employer files an application for a review and 134  
redetermination setting forth the reasons therefor. The director 135  
shall promptly examine the application for review and 136  
redetermination, and if a review is granted, the employer shall be 137  
promptly notified thereof, and shall be granted an opportunity for 138  
a prompt hearing. 139

(F) If the director finds that contributions have been paid 140  
to the director in error, and that such contributions should have 141  
been paid to a department of another state or of the United States 142  
charged with the administration of an unemployment compensation 143  
law, the director may upon request by such department or upon the 144  
director's own initiative transfer to such department the amount 145

of such contributions, less any benefits paid to claimants whose 146  
wages were the basis for such contributions. The director may 147  
request and receive from such department any contributions or 148  
adjusted contributions paid in error to such department which 149  
should have been paid to the director. 150

(G) In accordance with section 303(c)(3) of the Social 151  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 152  
of 1954 for continuing certification of Ohio unemployment 153  
compensation laws for administrative grants and for tax credits, 154  
any interest required to be paid on advances under Title XII of 155  
the Social Security Act shall be paid in a timely manner and shall 156  
not be paid, directly or indirectly, by an equivalent reduction in 157  
the Ohio unemployment taxes or otherwise, by the state from 158  
amounts in the unemployment compensation fund. 159

(H) The treasurer of state, under the direction of the 160  
director and in accordance with the "Cash Management Improvement 161  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 162  
amounts of interest earned by the state on funds in the benefit 163  
account established pursuant to division (C) of this section into 164  
the department of job and family services banking fees fund, which 165  
is hereby created in the state treasury for the purpose of paying 166  
related banking costs incurred by the state for the period for 167  
which the interest is calculated, except that if the deposited 168  
interest exceeds the banking costs incurred by the state for the 169  
period for which the interest is calculated, the treasurer of 170  
state shall deposit the excess interest into the unemployment 171  
trust fund. 172

(I) The treasurer of state, under the direction of the 173  
director, shall deposit federal funds received by the director for 174  
training and administration and for payment of benefits, job 175  
search, relocation, transportation, and subsistence allowances 176  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 177

2101, as amended; the "North American Free Trade Agreement 178  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 179  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 180  
3801, as amended, into the Trade Act training and administration 181  
account, which is hereby created for the purpose of making 182  
payments specified under those acts. The treasurer of state, under 183  
the direction of the director, may transfer funds from the Trade 184  
Act training and administration account to the benefit account for 185  
the purpose of making any payments directly to claimants for 186  
benefits, job search, relocation, transportation, and subsistence 187  
allowances, as specified by those acts. 188

Sec. 4141.50. (A) As used in this section and in sections 189  
4141.51 to 4141.56 of the Revised Code: 190

(1) "Affected unit" means a department, shift, or other 191  
organizational unit of two or more employees that is designated by 192  
a participating employer in a shared work plan. 193

(2) "Approved shared work plan" means an employer's shared 194  
work plan, submitted pursuant to section 4141.51 of the Revised 195  
Code, that satisfies all of the requirements for approval under 196  
that section and that the director of job and family services has 197  
approved in writing. 198

(3) "Intermittent basis" means employment that is not 199  
continuous but may consist of periodic intervals of weekly work 200  
and intervals of no weekly work. 201

(4) "Normal weekly hours of work" means the normal hours of 202  
work each week for an employee in an affected unit when that unit 203  
is operating on a full-time basis, not to exceed forty hours and 204  
not including any overtime worked. 205

(5) "Participating employee" means an employee whose normal 206  
weekly hours of work are reduced by the reduction percentage under 207

an approved shared work plan. 208

(6) "Participating employer" means an employer who has an approved shared work plan in effect. 209  
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(7) "Reduction percentage" means the percentage by which each participating employee's normal weekly hours of work are reduced under an approved shared work plan. 211  
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(8) "Seasonal basis" has the same meaning as "seasonal employment" as defined in division (A) of section 4141.33 of the Revised Code. 214  
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(9) "Shared work compensation" means the pro rata share of unemployment compensation benefits payable to a participating employee under an approved shared work plan. "Shared work compensation" does not include unemployment compensation benefits otherwise payable to an eligible claimant who is totally or partially unemployed. 217  
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(10) "Temporary basis" means employment where an employee is expected to remain in a position for only a limited period of time or is hired by a temporary agency to fill a gap in the employer's workforce. 223  
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(B) There is hereby created the "SharedWork Ohio" program, under which an employer who participates in the program reduces the number of hours worked by the employees of the employer in lieu of layoffs. 227  
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The director may adopt rules as the director determines necessary to implement any guidance issued by the United States secretary of labor with respect to the SharedWork Ohio program. 231  
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**Sec. 4141.51.** (A) An employer who wishes to participate in the SharedWork Ohio program shall submit a plan to the director of job and family services in which the employer does all of the following: 234  
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<u>(1) Identifies the participating employees by name, social</u>	238
<u>security number, affected unit, and normal weekly hours of work;</u>	239
<u>(2) Describes the manner in which the employer will implement</u>	240
<u>the requirements of the SharedWork Ohio program, including the</u>	241
<u>proposed reduction percentage, which shall be between ten per cent</u>	242
<u>and fifty per cent, and any temporary closure of the participating</u>	243
<u>employer's business for equipment maintenance or other similar</u>	244
<u>circumstances that the employer knows may occur during the</u>	245
<u>effective period of an approved plan;</u>	246
<u>(3) Includes a plan for giving advance notice, if feasible,</u>	247
<u>to an employee whose normal weekly hours of work are to be reduced</u>	248
<u>and, if advance notice is not feasible, an explanation of why that</u>	249
<u>notice is not feasible;</u>	250
<u>(4) Includes a certification by the employer that the</u>	251
<u>aggregate reduction in the number of hours worked by the employees</u>	252
<u>of the employer is in lieu of layoffs and includes an estimate of</u>	253
<u>the number of layoffs that would have occurred absent the ability</u>	254
<u>to participate in the SharedWork Ohio program;</u>	255
<u>(5) Includes a certification by the employer that if the</u>	256
<u>employer provides health benefits and retirement benefits under a</u>	257
<u>defined benefit plan, as defined in 26 U.S.C. 414(j), as amended,</u>	258
<u>or contributions under a defined contribution plan as defined in</u>	259
<u>26 U.S.C. 414(i), as amended, to any employee whose normal weekly</u>	260
<u>hours of work are reduced under the program that such benefits</u>	261
<u>will continue to be provided to an employee participating in the</u>	262
<u>SharedWork Ohio program under the same terms and conditions as</u>	263
<u>though the normal weekly hours of work of the employee had not</u>	264
<u>been reduced or to the same extent as other employees not</u>	265
<u>participating in the program;</u>	266
<u>(6) Permits eligible employees to participate, as</u>	267
<u>appropriate, in training to enhance job skills approved by the</u>	268

director, including employer-sponsored training or worker training 269  
funded under the federal "Workforce Investment Act of 1998," 112 270  
Stat. 936, 29 U.S.C. 2801 et seq., as amended; 271

(7) Includes any other information as required by the United 272  
States secretary of labor or the director under the rules the 273  
director adopts under section 4141.50 of the Revised Code; 274

(8) Includes an attestation by the employer that the terms of 275  
the written plan submitted by the employer and implementation of 276  
that plan are consistent with obligations of the employer under 277  
the applicable federal and state laws; 278

(9) Includes a certification by the employer that the 279  
employer will promptly notify the director of any change in the 280  
business that includes the sale or transfer of all or part of the 281  
business, and that the employer will notify any successor in 282  
interest to the employer's business prior to the transfer of all 283  
or part of the business, of the existence of any approved shared 284  
work plan; 285

(10) Includes a certification by the employer that, as of the 286  
date the employer submits the plan, the employer is current on all 287  
reports and has paid all contributions, reimbursements, interest, 288  
and penalties due under this chapter; 289

(11) Includes an assurance from the employer that the 290  
employer will remain current on all employer reporting and 291  
payments of contributions, reimbursements, interest, and penalties 292  
as required by this chapter; 293

(12) Includes a certification by the employer that none of 294  
the participating employees are employed on a seasonal, temporary, 295  
or intermittent basis; 296

(13) Includes an assurance from the employer that the 297  
employer will not reduce a participating employee's normal weekly 298  
hours of work by more than the reduction percentage, except in the 299

event of a temporary closure of the employer's business for 300  
equipment maintenance, or when the employee receives remuneration 301  
from the employer equal to the remuneration the employee would 302  
have received if the employee had worked the number of hours 303  
assigned under the plan. 304

(B) The director shall approve a shared work plan if an 305  
employer includes in the plan all of the information, 306  
certifications, and assurances required under division (A) of this 307  
section. 308

(C) The director shall approve or deny a shared work plan and 309  
shall send a written notice to the employer stating whether the 310  
director approved or denied the plan not later than thirty days 311  
after the director receives the plan. If the director denies 312  
approval of a shared work plan, the director shall state the 313  
reasons for denying approval in the written notice sent to the 314  
employer. 315

(D) The director shall enforce the requirements of the 316  
SharedWork Ohio program in the same manner as the director 317  
enforces the requirements of this chapter, including under section 318  
4141.40 of the Revised Code. 319

**Sec. 4141.52.** (A) A shared work plan approved under section 320  
4141.51 of the Revised Code takes effect with respect to the week 321  
following the date the director of job and family services 322  
approves the plan. An approved shared work plan expires at the end 323  
of the fifty-second calendar week after approval of the plan. 324

(B) A participating employer who wishes to modify an existing 325  
approved shared work plan shall submit the modified plan to the 326  
director. The director shall evaluate the modified plan and may 327  
approve the plan if the plan meets the requirements for approval 328  
under section 4141.51 of the Revised Code. If approved, a modified 329  
plan supersedes the previously approved shared work plan, 330

effective beginning with the week following the date the director 331  
approves the modified plan. The director shall not approve a 332  
modified plan that fails to satisfy the requirements for approval 333  
under section 4141.51 of the Revised Code. 334

(C) The director may terminate an approved shared work plan 335  
for good cause. For purposes of this section, good cause includes 336  
any of the following circumstances: 337

(1) The approved shared work plan is not being executed 338  
according to the terms and conditions stated in the plan. 339

(2) The participating employer fails to comply with any 340  
assurances given in the participating employer's approved shared 341  
work plan. 342

(3) The participating employer, or a participating employee 343  
of the participating employer, violates any criteria on which 344  
approval of the shared work plan was based. 345

(D) A participating employer may elect to terminate an 346  
approved shared work plan by providing written notice to the 347  
director. The director shall terminate the plan upon receipt of 348  
the notice and shall inform the employer and each participating 349  
employee of the employer in writing of the week with respect to 350  
which the termination is effective. 351

(E) A decision by the director to approve or disapprove a 352  
proposed shared work plan, to approve or disapprove a proposed 353  
modified shared work plan, or to terminate an approved shared work 354  
plan, may not be appealed pursuant to this chapter. 355

(F) Nothing in division (E) of this section shall be 356  
construed to prevent an employer who has submitted a shared work 357  
plan that was disapproved from submitting another shared work plan 358  
in accordance with section 4141.51 of the Revised Code. 359

**Sec. 4141.53. (A) An individual is eligible to receive shared** 360

work compensation for a week in which the individual satisfies all 361  
of the following: 362

(1) The individual is employed by a participating employer 363  
and is subject to a shared work plan that was approved before that 364  
week and is in effect for that week. 365

(2) The individual is available for work and is actively 366  
seeking work by being available for the individual's normal weekly 367  
hours of work. 368

(3) The individual's normal weekly hours of work with the 369  
participating employer have been reduced by at least ten per cent 370  
but not more than fifty per cent. 371

(4) The individual has been employed by an employer or 372  
employers subject to this chapter in at least twenty qualifying 373  
weeks within the individual's base period and has earned or been 374  
paid remuneration at an average weekly wage of not less than 375  
twenty-seven and one-half per cent of the statewide average weekly 376  
wage for those weeks. 377

(5) The individual has been subject to a shared work plan for 378  
at least one week prior to the week for which the compensation is 379  
to be paid, or otherwise satisfies the waiting period requirement 380  
of division (B) of section 4141.29 of the Revised Code for the 381  
individual's benefit year. 382

(6) The individual otherwise satisfies the requirements of 383  
this chapter and is not otherwise disqualified from receiving 384  
unemployment compensation benefits. 385

(B) For purposes of division (A)(2) of this section, an 386  
individual is available for the individual's normal weekly hours 387  
of work with the participating employer if the individual does any 388  
of the following: 389

(1) Works the number of weekly hours assigned to the 390

individual under an approved shared work plan; 391

(2) Works fewer hours than the number of weekly hours 392  
assigned to the individual under an approved shared work plan and 393  
receives remuneration from the participating employer equal to the 394  
remuneration the individual would have received if the individual 395  
had worked the number of hours assigned under the plan; 396

(3) Works fewer hours than the number of weekly hours 397  
assigned to the individual under an approved shared work plan and 398  
receives less remuneration than the individual would have received 399  
if the individual had worked the number of hours assigned under 400  
the plan if the reduction in hours was not the fault of the 401  
individual and was not more than fifty per cent of the employee's 402  
normal weekly hours of work. 403

(C)(1) Except as provided in division (C)(2) of this section, 404  
the director shall pay a participating employee who is eligible 405  
for weekly shared work compensation in an amount equal to the 406  
participating employee's weekly benefit amount as described in 407  
division (B) of section 4141.30 of the Revised Code for a period 408  
of total unemployment, multiplied by the reduction percentage 409  
specified in the approved shared work plan applicable to the 410  
participating employee. 411

(2) The director shall pay a participating employee who is 412  
eligible for weekly shared work compensation in an amount equal to 413  
the participating employee's weekly benefit amount as described in 414  
division (B) of section 4141.30 of the Revised Code for a period 415  
of total unemployment, multiplied by the percentage by which the 416  
participating employee's normal weekly hours of work were actually 417  
reduced during the workweek, if all of the following apply: 418

(a) The participating employee worked fewer hours in a week 419  
than the number of hours assigned to the employee in an approved 420  
shared work plan. 421

(b) The participating employee did not receive remuneration equal to the remuneration the employee would have received if the employee had worked the number of hours assigned to the employee in the approved shared work plan. 422  
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(c) The reduction in the participating employee's hours was not greater than fifty per cent of the employee's normal weekly hours of work. 426  
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(d) The reduction in the participating employee's hours below the number of hours assigned to the employee in the approved shared work plan was not the fault of the employee. 429  
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(3) The director shall determine fault for purposes of divisions (B)(3) and (C)(2) of this section in the same manner that the director makes determinations for benefit rights and determines claims for unemployment compensation benefits under sections 4141.28 and 4141.281 of the Revised Code. 432  
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(4) The director shall round the amount of a shared work compensation payment that is not a multiple of one dollar to the next lower multiple of one dollar. 437  
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(5) No shared work compensation shall be payable during the one-week period described in division (A)(5) of this section. 440  
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(D) A participating employee is not entitled to receive shared work compensation and unemployment compensation benefits that, when combined, exceed the maximum total benefits payable to the participating employee in a benefit year under section 4141.30 of the Revised Code. No participating employee shall be paid shared work compensation during the employee's benefit year in an amount that exceeds twenty-six times the amount of the employee's weekly benefit amount for a period of total unemployment under section 4141.30 of the Revised Code. 442  
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(E) An individual who has received all of the shared work compensation and unemployment compensation benefits available in a 451  
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benefit year is an individual who has exhausted regular benefits 453  
under section 4141.30 of the Revised Code and is entitled to 454  
receive extended benefits under section 4141.301 of the Revised 455  
Code if the individual is otherwise eligible to receive benefits 456  
under that section. 457

(F) The director shall not pay shared work compensation to an 458  
individual for a week during which the individual performs paid 459  
work for the individual's participating employer that exceeds the 460  
reduced hours established under an approved shared work plan that 461  
covers the individual. 462

(G)(1) Except as provided in divisions (G)(3) and (4) of this 463  
section, a participating employee is not eligible to receive 464  
benefits for being partially unemployed for any week during which 465  
the individual works as a participating employee. 466

(2) If in any week a participating employee performs services 467  
for a participating employer and an employer other than the 468  
participating employer, the weekly shared work compensation amount 469  
payable to that employee shall be reduced by the amount by which 470  
the remuneration received from the other employer exceeds twenty 471  
per cent of the participating employee's weekly benefit amount, as 472  
calculated under division (B) of section 4141.30 of the Revised 473  
Code, for a period of total unemployment. 474

(3) A participating employee who performs no services during 475  
a week for the participating employer and who is otherwise 476  
eligible may be paid benefits for being totally or partially 477  
unemployed for that week. 478

(4) A participating employee whose normal weekly hours of 479  
work are reduced by more than fifty per cent and who is otherwise 480  
eligible may be paid benefits for partial unemployment for that 481  
week. 482

(H) Any payment of total or partial unemployment compensation 483

benefits under this section is not a payment of shared work 484  
compensation under an approved plan but shall be calculated 485  
against the maximum total benefits payable to the participating 486  
employee in a benefit year under section 4141.30 of the Revised 487  
Code. 488

(I) If in any week a participating employee reports the 489  
receipt of any type of payment listed in division (A) of section 490  
4141.31 of the Revised Code, the weekly shared work compensation 491  
amount payable to that employee shall be reduced by the amount of 492  
those payments received for that week. 493

(J) For purposes of this section and unless another benefit 494  
year applies to the individual, notwithstanding division (R)(1) of 495  
section 4141.01 of the Revised Code, a participating employee's 496  
"benefit year" is the fifty-two week period beginning with the 497  
first day of that week with respect to which the employee's 498  
participating employer first files a claim on behalf of the 499  
participating employee pursuant to division (B) of section 4141.54 500  
of the Revised Code. 501

**Sec. 4141.54.** (A) Notwithstanding any provision in this 502  
chapter to the contrary, a participating employee who satisfies 503  
the availability requirement of division (A)(2) of section 4141.53 504  
of the Revised Code shall not be required to be totally or 505  
partially unemployed within the meaning of division (M) or (N) of 506  
section 4141.01 of the Revised Code, shall not be required to file 507  
a claim for unemployment compensation benefits pursuant to section 508  
4141.28 of the Revised Code, and shall not be required to meet 509  
ability to work, availability for work, and work search 510  
requirements that would otherwise be applicable to the 511  
participating employee, to receive shared work compensation under 512  
the SharedWork Ohio program. 513

(B) The director of job and family services shall establish a 514

schedule of consecutive two-week periods within the effective 515  
period of each approved shared work plan for the filing of shared 516  
work compensation claims. At the end of each scheduled period, the 517  
participating employer shall file claims on behalf of the 518  
participating employer's participating employees. A participating 519  
employee shall attest to the hours reported and provide additional 520  
information as is requested by the director. A participating 521  
employer shall file claims and a participating employee shall 522  
attest to hours worked according to the procedures prescribed in 523  
rules adopted by the director. 524

Sec. 4141.55. (A) If the state is eligible for and receives 525  
reimbursement for shared work compensation paid under the 526  
SharedWork Ohio program from the federal government pursuant to 527  
the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 528  
126 Stat. 156, notwithstanding section 4141.24 of the Revised Code 529  
and if permitted under that act, during the time period in which 530  
the state is reimbursed the account of an employer shall not be 531  
charged for any shared work compensation paid to a participating 532  
employer's participating employees. Beginning with the week for 533  
which the federal government no longer provides reimbursement, or 534  
if the state does not receive reimbursement or the federal 535  
government requires an employer's account to be charged, a 536  
participating employer's account shall be charged for shared work 537  
compensation in accordance with division (B) of this section. 538

(B) Except as provided in division (A) of this section, any 539  
shared work compensation paid to an individual under section 540  
4141.53 of the Revised Code shall be charged in accordance with 541  
division (D) of section 4141.24 of the Revised Code. 542

Sec. 4141.56. Beginning one year after the effective date of 543  
this section, and every year thereafter, the director of job and 544  
family services shall prepare and submit a report to the 545

unemployment compensation advisory council that discusses the 546  
utilization of the SharedWork Ohio program created under section 547  
4141.50 of the Revised Code. The director shall include in that 548  
report the number of employers and employees participating in the 549  
program, the amount of shared work compensation paid under the 550  
program during the immediately preceding year, and any other 551  
information the director considers to be relevant. 552

**Section 2.** That existing section 4141.09 of the Revised Code 553  
is hereby repealed. 554

**Section 3.** The Unemployment Compensation Advisory Council 555  
shall prepare and submit a report evaluating the utilization and 556  
effectiveness of the SharedWork Ohio Program created under section 557  
4141.50 of the Revised Code, as enacted by this act, and the 558  
impact of the Program on the Unemployment Compensation Fund 559  
created in section 4141.09 of the Revised Code. The Council shall 560  
base the report upon the information the Council receives from the 561  
Director of Job and Family Services under section 4141.56 of the 562  
Revised Code, as enacted by this act. The Council shall submit the 563  
report to the Governor, the President and Minority Leader of the 564  
Senate, and the Speaker and the Minority Leader of the House of 565  
Representatives not later than three years after the effective 566  
date of this act. 567

**Section 4.** The federal "Layoff Prevention Act of 2012," Pub. 568  
L. No. 112-96, 126 Stat. 156, permits a state to receive federal 569  
funding to create a program under which an employer reduces the 570  
hours worked by the employer's employees in lieu of laying off 571  
those employees. This act creates the "SharedWork Ohio" program, a 572  
program that permits an employer to reduce hours worked by the 573  
employer's employees in lieu of laying off those employees and 574  
permits those employees to receive a proportionate share of 575

unemployment compensation benefits. The Director of Job and Family 576  
Services shall implement "SharedWork Ohio" in accordance with 577  
sections 4141.50 to 4141.56 of the Revised Code, as enacted by 578  
this act. The Department may implement the program as soon as the 579  
United States Department of Labor has certified that the 580  
"SharedWork Ohio" program complies with the federal law. 581

**Section 5.** This act is hereby declared to be an emergency 582  
measure necessary for the immediate preservation of the public 583  
peace, health, and safety. The reason for such necessity is so 584  
that employers can continue to employ Ohioans who would otherwise 585  
be victims of total job displacement. Therefore, this act shall go 586  
into immediate effect. 587