

As Passed by the Senate

**130th General Assembly
Regular Session
2013-2014**

Sub. 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, Young, Adams, R., Antonio, Brown, Burkley, Carney, Cera, Curtin, Damschroder, Foley, Hackett, Hagan, C., Hall, Heard, Landis, Mallory, Patterson, Pelanda, Perales, Ramos, Retherford, Rogers, Romanchuk, Stautberg, Stinziano Speaker Batchelder Senators Brown, Uecker, Bacon, Balderson, Beagle, Burke, Eklund, Gardner, Hite, Oelslager, Patton, Schaffer, Schiavoni, Seitz, Tavares, Turner

—

A B I L L

To amend sections 4141.09, 4141.11, 4141.24, and 1
4141.35 and to enact sections 4141.50 to 4141.56 2
of the Revised Code to create the SharedWork Ohio 3
Program, to create a monetary penalty for 4
individuals who commit fraud to obtain 5
unemployment compensation benefits, to charge an 6
employer's account when actions of the employer 7
led to an improper payment of unemployment 8
compensation benefits, and to declare an 9
emergency. 10

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

Section 1. That sections 4141.09, 4141.11, 4141.24, and 11
4141.35 be amended and sections 4141.50, 4141.51, 4141.52, 12
4141.53, 4141.54, 4141.55, and 4141.56 of the Revised Code be 13
enacted to read as follows: 14

Sec. 4141.09. (A) There is hereby created an unemployment 15
compensation fund to be administered by the state without 16
liability on the part of the state beyond the amounts paid into 17
the fund and earned by the fund. The unemployment compensation 18
fund shall consist of all contributions, payments in lieu of 19
contributions described in sections 4141.241 and 4141.242 of the 20
Revised Code, reimbursements of the federal share of extended 21
benefits described in section 4141.301 of the Revised Code, 22
collected under sections 4141.01 to ~~4141.46~~ 4141.56 of the Revised 23
Code, and the amount required under division (A)(4) of section 24
4141.35 of the Revised Code, together with all interest earned 25
upon any moneys deposited with the secretary of the treasury of 26
the United States to the credit of the account of this state in 27
the unemployment trust fund established and maintained pursuant to 28
section 904 of the "Social Security Act," any property or 29
securities acquired through the use of moneys belonging to the 30
fund, and all earnings of such property or securities. The 31
unemployment compensation fund shall be used to pay benefits, 32
shared work compensation as defined in section 4141.50 of the 33
Revised Code, and refunds as provided by such sections and for no 34
other purpose. 35

(B) The treasurer of state shall be the custodian of the 36
unemployment compensation fund and shall administer such fund in 37
accordance with the directions of the director of job and family 38
services. All disbursements therefrom shall be paid by the 39
treasurer of state on warrants drawn by the director. Such 40
warrants may bear the facsimile signature of the director printed 41

thereon and that of a deputy or other employee of the director 42
charged with the duty of keeping the account of the unemployment 43
compensation fund and with the preparation of warrants for the 44
payment of benefits to the persons entitled thereto. Moneys in the 45
clearing and benefit accounts shall not be commingled with other 46
state funds, except as provided in division (C) of this section, 47
but shall be maintained in separate accounts on the books of the 48
depository bank. Such money shall be secured by the depository 49
bank to the same extent and in the same manner as required by 50
sections 135.01 to 135.21 of the Revised Code; and collateral 51
pledged for this purpose shall be kept separate and distinct from 52
any collateral pledged to secure other funds of this state. All 53
sums recovered for losses sustained by the unemployment 54
compensation fund shall be deposited therein. The treasurer of 55
state shall be liable on the treasurer's official bond for the 56
faithful performance of the treasurer's duties in connection with 57
the unemployment compensation fund, such liability to exist in 58
addition to any liability upon any separate bond. 59

(C) The treasurer of state shall maintain within the 60
unemployment compensation fund three separate accounts which shall 61
be a clearing account, a trust fund account, and a benefit 62
account. All moneys payable to the unemployment compensation fund, 63
upon receipt by the director, shall be forwarded to the treasurer 64
of state, who shall immediately deposit them in the clearing 65
account. Refunds of contributions, or payments in lieu of 66
contributions, payable pursuant to division (E) of this section 67
may be paid from the clearing account upon warrants signed by a 68
deputy or other employee of the director charged with the duty of 69
keeping the record of the clearing account and with the 70
preparation of warrants for the payment of refunds to persons 71
entitled thereto. After clearance thereof, all moneys in the 72
clearing account shall be deposited with the secretary of the 73
treasury of the United States to the credit of the account of this 74

state in the unemployment trust fund established and maintained 75
pursuant to section 904 of the "Social Security Act," in 76
accordance with requirements of the "Federal Unemployment Tax 77
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 78
in this state relating to the deposit, administration, release, or 79
disbursement of moneys in the possession or custody of this state 80
to the contrary notwithstanding. The benefit account shall consist 81
of all moneys requisitioned from this state's account in the 82
unemployment trust fund. Federal funds may be deposited, at the 83
director's discretion, into the benefit account. Any funds 84
deposited into the benefit account shall be disbursed solely for 85
payment of benefits under a federal program administered by this 86
state and for no other purpose. Moneys in the clearing and benefit 87
accounts may be deposited by the treasurer of state, under the 88
direction of the director, in any bank or public depository in 89
which general funds of the state may be deposited, but no public 90
deposit insurance charge or premium shall be paid out of the fund. 91

(D) Moneys shall be requisitioned from this state's account 92
in the unemployment trust fund solely for the payment of benefits 93
and in accordance with regulations prescribed by the director. The 94
director shall requisition from the unemployment trust fund such 95
amounts, not exceeding the amount standing to this state's account 96
therein, as are deemed necessary for the payment of benefits for a 97
reasonable future period. Upon receipt thereof, the treasurer of 98
state shall deposit such moneys in the benefit account. 99
Expenditures of such money in the benefit account and refunds from 100
the clearing account shall not require specific appropriations or 101
other formal release by state officers of money in their custody. 102
Any balance of moneys requisitioned from the unemployment trust 103
fund which remains unclaimed or unpaid in the benefit account 104
after the expiration of the period for which such sums were 105
requisitioned shall either be deducted from estimates for and may 106
be utilized for the payment of benefits during succeeding periods, 107

or, in the discretion of the director, shall be redeposited with 108
the secretary of the treasury of the United States to the credit 109
of this state's account in the unemployment trust fund, as 110
provided in division (C) of this section. Unclaimed or unpaid 111
federal funds redeposited with the secretary of the treasury of 112
the United States shall be credited to the appropriate federal 113
account. 114

(E) No claim for an adjustment or a refund on contribution, 115
payment in lieu of contributions, interest, or forfeiture alleged 116
to have been erroneously or illegally assessed or collected, or 117
alleged to have been collected without authority, and no claim for 118
an adjustment or a refund of any sum alleged to have been 119
excessive or in any manner wrongfully collected shall be allowed 120
unless an application, in writing, therefor is made within four 121
years from the date on which such payment was made. If the 122
director determines that such contribution, payment in lieu of 123
contributions, interest, or forfeiture, or any portion thereof, 124
was erroneously collected, the director shall allow such employer 125
to make an adjustment thereof without interest in connection with 126
subsequent contribution payments, or payments in lieu of 127
contributions, by the employer, or the director may refund said 128
amount, without interest, from the clearing account of the 129
unemployment compensation fund, except as provided in division (B) 130
of section 4141.11 of the Revised Code. For like cause and within 131
the same period, adjustment or refund may be so made on the 132
director's own initiative. An overpayment of contribution, payment 133
in lieu of contributions, interest, or forfeiture for which an 134
employer has not made application for refund prior to the date of 135
sale of the employer's business shall accrue to the employer's 136
successor in interest. 137

An application for an adjustment or a refund, or any portion 138
thereof, that is rejected is binding upon the employer unless, 139

within thirty days after the mailing of a written notice of 140
rejection to the employer's last known address, or, in the absence 141
of mailing of such notice, within thirty days after the delivery 142
of such notice, the employer files an application for a review and 143
redetermination setting forth the reasons therefor. The director 144
shall promptly examine the application for review and 145
redetermination, and if a review is granted, the employer shall be 146
promptly notified thereof, and shall be granted an opportunity for 147
a prompt hearing. 148

(F) If the director finds that contributions have been paid 149
to the director in error, and that such contributions should have 150
been paid to a department of another state or of the United States 151
charged with the administration of an unemployment compensation 152
law, the director may upon request by such department or upon the 153
director's own initiative transfer to such department the amount 154
of such contributions, less any benefits paid to claimants whose 155
wages were the basis for such contributions. The director may 156
request and receive from such department any contributions or 157
adjusted contributions paid in error to such department which 158
should have been paid to the director. 159

(G) In accordance with section 303(c)(3) of the Social 160
Security Act, and section 3304(a)(17) of the Internal Revenue Code 161
of 1954 for continuing certification of Ohio unemployment 162
compensation laws for administrative grants and for tax credits, 163
any interest required to be paid on advances under Title XII of 164
the Social Security Act shall be paid in a timely manner and shall 165
not be paid, directly or indirectly, by an equivalent reduction in 166
the Ohio unemployment taxes or otherwise, by the state from 167
amounts in the unemployment compensation fund. 168

(H) The treasurer of state, under the direction of the 169
director and in accordance with the "Cash Management Improvement 170
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 171

amounts of interest earned by the state on funds in the benefit 172
account established pursuant to division (C) of this section into 173
the department of job and family services banking fees fund, which 174
is hereby created in the state treasury for the purpose of paying 175
related banking costs incurred by the state for the period for 176
which the interest is calculated, except that if the deposited 177
interest exceeds the banking costs incurred by the state for the 178
period for which the interest is calculated, the treasurer of 179
state shall deposit the excess interest into the unemployment 180
trust fund. 181

(I) The treasurer of state, under the direction of the 182
director, shall deposit federal funds received by the director for 183
training and administration and for payment of benefits, job 184
search, relocation, transportation, and subsistence allowances 185
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 186
2101, as amended; the "North American Free Trade Agreement 187
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 188
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 189
3801, as amended, into the Trade Act training and administration 190
account, which is hereby created for the purpose of making 191
payments specified under those acts. The treasurer of state, under 192
the direction of the director, may transfer funds from the Trade 193
Act training and administration account to the benefit account for 194
the purpose of making any payments directly to claimants for 195
benefits, job search, relocation, transportation, and subsistence 196
allowances, as specified by those acts. 197

Sec. 4141.11. There is hereby created in the state treasury 198
the unemployment compensation special administrative fund. The 199
fund shall consist of all interest collected on delinquent 200
contributions pursuant to this chapter, all fines and forfeitures 201
collected under this chapter, the amount required under division 202
(A)(4) of section 4141.35 of the Revised Code, and all court costs 203

and interest paid or collected in connection with the repayment of 204
fraudulently obtained benefits pursuant to section 4141.35 of the 205
Revised Code. All interest earned on the money in the fund shall 206
be retained in the fund and shall not be credited or transferred 207
to any other fund or account, except as provided in division (B) 208
of this section. All moneys which are deposited or paid into this 209
fund may be used by: 210

(A) The director of job and family services whenever it 211
appears that such use is necessary for: 212

(1) The proper administration of this chapter and no federal 213
funds are available for the specific purpose for which the 214
expenditure is to be made, provided the moneys are not substituted 215
for appropriations from federal funds, which in the absence of 216
such moneys would be available; 217

(2) The proper administration of this chapter for which 218
purpose appropriations from federal funds have been requested and 219
approved but not received, provided the fund would be reimbursed 220
upon receipt of the federal appropriation; 221

(3) To the extent possible, the repayment to the unemployment 222
compensation administration fund of moneys found by the proper 223
agency of the United States to have been lost or expended for 224
purposes other than, or an amount in excess of, those found 225
necessary by the proper agency of the United States for the 226
administration of this chapter. 227

(B) The director or the director's deputy whenever it appears 228
that such use is necessary for the payment of refunds or 229
adjustments of interest, fines, forfeitures, or court costs 230
erroneously collected and paid into this fund pursuant to this 231
chapter. 232

(C) The director, to pay state disaster unemployment benefits 233
pursuant to section 4141.292 of the Revised Code. 234

(D) The director, to pay any costs attributable to the 235
director that are associated with the sale of real property under 236
section 4141.131 of the Revised Code. 237

Whenever the balance in the unemployment compensation special 238
administrative fund is considered to be excessive by the director, 239
the director shall request the director of budget and management 240
to transfer to the unemployment compensation fund the amount 241
considered to be excessive. Any balance in the unemployment 242
compensation special administrative fund shall not lapse at any 243
time, but shall be continuously available to the director of job 244
and family services for expenditures consistent with this chapter. 245

Sec. 4141.24. (A)(1) The director of job and family services 246
shall maintain a separate account for each employer and, except as 247
otherwise provided in division (B) of section 4141.25 of the 248
Revised Code respecting mutualized contributions, shall credit 249
such employer's account with all the contributions, or payments in 250
lieu of contributions, which the employer has paid on the 251
employer's own behalf. 252

(2) If, as of the computation date, a contributory employer's 253
account shows a negative balance computed as provided in division 254
(A)(3) of section 4141.25 of the Revised Code, less any 255
contributions due and unpaid on such date, which negative balance 256
is in excess of the limitations imposed by divisions (A)(2)(a), 257
(b), and (c) of this section and if the employer's account is 258
otherwise eligible for the transfer, then before the employer's 259
contribution rate is computed for the next succeeding contribution 260
period, an amount equal to the amount of the excess eligible for 261
transfer shall be permanently transferred from the account of such 262
employer and charged to the mutualized account provided in 263
division (B) of section 4141.25 of the Revised Code. 264

(a) If as of any computation date, a contributory employer's 265

account shows a negative balance in excess of ten per cent of the 266
employer's average annual payroll, then before the employer's 267
contribution rate is computed for the next succeeding contribution 268
period, an amount equal to the amount of the excess shall be 269
transferred from the account as provided in this division. No 270
contributory employer's account may have any excess transferred 271
pursuant to division (A)(2)(a) of this section, unless the 272
employer's account has shown a positive balance for at least two 273
consecutive computation dates prior to the computation date with 274
respect to which the transfer is proposed. Each time a transfer is 275
made pursuant to division (A)(2)(a) of this section, the 276
employer's account is ineligible for any additional transfers 277
under that division, until the account shows a positive balance 278
for at least two consecutive computation dates subsequent to the 279
computation date of which the most recent transfer occurs pursuant 280
to division (A)(2)(a), (b), or (c) of this section. 281

(b) If at the next computation date after the computation 282
date at which a transfer from the account occurs pursuant to 283
division (A)(2)(a) of this section, a contributory employer's 284
account shows a negative balance in excess of fifteen per cent of 285
the employer's average annual payroll, then before the employer's 286
contribution rate is computed for the next succeeding contribution 287
period an amount equal to the amount of the excess shall be 288
permanently transferred from the account as provided in this 289
division. 290

(c) If at the next computation date subsequent to the 291
computation date at which a transfer from a contributory 292
employer's account occurs pursuant to division (A)(2)(b) of this 293
section, the employer's account shows a negative balance in excess 294
of twenty per cent of the employer's average annual payroll, then 295
before the employer's contribution rate is computed for the next 296
succeeding contribution period, an amount equal to the amount of 297

the excess shall be permanently transferred from the account as 298
provided in this division. 299

(d) If no transfer occurs pursuant to division (A)(2)(b) or 300
(c) of this section, the employer's account is ineligible for any 301
additional transfers under division (A)(2) of this section until 302
the account requalifies for a transfer pursuant to division 303
(A)(2)(a) of this section. 304

(B) Any employer may make voluntary payments in addition to 305
the contributions required under this chapter, in accordance with 306
rules established by the director. Such payments shall be included 307
in the employer's account as of the computation date, provided 308
they are received by the director by the thirty-first day of 309
December following such computation date. Such voluntary payment, 310
when accepted from an employer, will not be refunded in whole or 311
in part. In determining whether an employer's account has a 312
positive balance on two consecutive computation dates and is 313
eligible for transfers under division (A)(2) of this section, the 314
director shall exclude any voluntary payments made subsequent to 315
the last transfer made under division (A)(2) of this section. 316

(C) All contributions to the fund shall be pooled and 317
available to pay benefits to any individual entitled to benefits 318
irrespective of the source of such contributions. 319

(D)(1) For the purposes of this section and sections 4141.241 320
and 4141.242 of the Revised Code, an employer's account shall be 321
charged only for benefits based on remuneration paid by such 322
employer. Benefits paid to an eligible individual shall be charged 323
against the account of each employer within the claimant's base 324
period in the proportion to which wages attributable to each 325
employer of the claimant bears to the claimant's total base period 326
wages. Charges to the account of a base period employer with whom 327
the claimant is employed part-time at the time the claimant's 328
application for a determination of benefits rights is filed shall 329

be charged to the mutualized account when all of the following 330
conditions are met: 331

(a) The claimant also worked part-time for the employer 332
during the base period of the claim. 333

(b) The claimant is unemployed due to loss of other 334
employment. 335

(c) The employer is not a reimbursing employer under section 336
4141.241 or 4141.242 of the Revised Code. 337

(2) Notwithstanding division (D)(1) of this section, charges 338
to the account of any employer, including any reimbursing 339
employer, shall be charged to the mutualized account if it finally 340
is determined by a court on appeal that the employer's account is 341
not chargeable for the benefits. 342

(3)(a) Any benefits paid to a claimant under section 4141.28 343
of the Revised Code prior to a final determination of the 344
claimant's right to the benefits shall be charged to the 345
employer's account as provided in division (D)(1) of this section, 346
provided that if there is no final determination of the claim by 347
the subsequent thirtieth day of June, the employer's account shall 348
be credited with the total amount of benefits that has been paid 349
prior to that date, based on the determination that has not become 350
final. The total amount credited to the employer's account shall 351
be charged to a suspense account, which shall be maintained as a 352
separate bookkeeping account and administered as a part of this 353
section, and shall not be used in determining the account balance 354
of the employer for the purpose of computing the employer's 355
contribution rate under section 4141.25 of the Revised Code. 356

(b) If it is finally determined that the claimant is entitled 357
to all or a part of the benefits in dispute, the suspense account 358
shall be credited and the appropriate employer's account charged 359
with the benefits. If it is finally determined that the claimant 360

is not entitled to all or any portion of the benefits in dispute, 361
the benefits shall be credited to the suspense account and, except 362
as provided in division (D)(3)(d) of this section, a corresponding 363
charge made to the mutualized account established in division (B) 364
of section 4141.25 of the Revised Code, provided that, except as 365
otherwise provided in this section, if benefits are chargeable to 366
an employer or group of employers who is required or elects to 367
make payments to the fund in lieu of contributions under section 368
4141.241 of the Revised Code, the benefits shall be charged to the 369
employer's account in the manner provided in division (D)(1) of 370
this section and division (B) of section 4141.241 of the Revised 371
Code, and no part of the benefits may be charged to the suspense 372
account provided in this division. 373

~~To~~ (c) Except as provided in division (D)(3)(d) of this 374
section, to the extent that benefits that have been paid to a 375
claimant and charged to the employer's account are found not to be 376
due the claimant and are recovered by the director as provided in 377
section 4141.35 of the Revised Code, they shall be credited to the 378
employer's account. 379

(d)(i) An employer's account shall not be credited for 380
amounts recovered by the director pursuant to division (D)(3)(c) 381
of this section, and the mutualized account established in 382
division (B) of section 4141.25 of the Revised Code shall not be 383
charged pursuant to division (D)(3)(b) of this section, for 384
benefits that have been paid to a claimant and are subsequently 385
found not to be due to the claimant, if it is determined by the 386
director, on or after October 21, 2013, that both of the following 387
have occurred: 388

(I) The benefits were paid because the claimant's employer, 389
or any employee, officer, or agent of that employer, failed to 390
respond timely or adequately to a request for information 391
regarding a determination of benefit rights or claims for benefits 392

under section 4141.28 of the Revised Code. 393

(II) The claimant's employer, or any employee, officer, or agent of that employer, on behalf of the employer, previously established a pattern of failing to respond timely or adequately within the same calendar year period pursuant to division (D)(3)(d)(ii)(III) of this section. 394
395
396
397
398

(ii) For purposes of division (D)(3)(d) of this section: 399

(I) A response is considered "timely" if the response is received by the director within the time provided under section 4141.28 of the Revised Code. 400
401
402

(II) A response is considered "adequate" if the employer or employee, officer, or agent of that employer provided answers to all questions raised by the director pursuant to section 4141.28 of the Revised Code or participated in a fact-finding interview if requested by the director. 403
404
405
406
407

(III) A "pattern of failing" is established after the third instance of benefits being paid because the claimant's employer, or any employee, officer, or agent of that employer, on behalf of the employer, failed to respond timely or adequately to a request for information regarding a determination of benefit rights or claims for benefits under section 4141.28 of the Revised Code within a calendar year period. 408
409
410
411
412
413
414

(e) If the mutualized account established in division (B) of section 4141.25 of the Revised Code is not charged for benefits credited to a suspense account pursuant to division (D)(3)(d) of this section, a corresponding charge shall be made to the account of the employer whose failure to timely or adequately respond to a request for information caused the erroneous payment. 415
416
417
418
419
420

(f) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all determinations issued under division (D)(3)(d) of this section. 421
422
423

(4) The director shall notify each employer at least once 424
each month of the benefits charged to the employer's account since 425
the last preceding notice; except that for the purposes of 426
sections 4141.241 and 4141.242 of the Revised Code which provides 427
the billing of employers on a payment in lieu of a contribution 428
basis, the director may prescribe a quarterly or less frequent 429
notice of benefits charged to the employer's account. Such notice 430
will show a summary of the amount of benefits paid which were 431
charged to the employer's account. This notice shall not be deemed 432
a determination of the claimant's eligibility for benefits. Any 433
employer so notified, however, may file within fifteen days after 434
the mailing date of the notice, an exception to charges appearing 435
on the notice on the grounds that such charges are not in 436
accordance with this section. The director shall promptly examine 437
the exception to such charges and shall notify the employer of the 438
director's decision thereon, which decision shall become final 439
unless appealed to the unemployment compensation review commission 440
in the manner provided in section 4141.26 of the Revised Code. For 441
the purposes of this division, an exception is considered timely 442
filed when it has been received as provided in division (D)(1) of 443
section 4141.281 of the Revised Code. 444

(E) The director shall terminate and close the account of any 445
contributory employer who has been subject to this chapter if the 446
enterprise for which the account was established is no longer in 447
operation and it has had no payroll and its account has not been 448
chargeable with benefits for a period of five consecutive years. 449
The amount of any positive balance, computed as provided in 450
division (A)(3) of section 4141.25 of the Revised Code, in an 451
account closed and terminated as provided in this section shall be 452
credited to the mutualized account as provided in division 453
(B)(2)(b) of section 4141.25 of the Revised Code. The amount of 454
any negative balance, computed as provided in division (A)(3) of 455
section 4141.25 of the Revised Code, in an account closed and 456

terminated as provided in this section shall be charged to the 457
mutualized account as provided in division (B)(1)(b) of section 458
4141.25 of the Revised Code. The amount of any positive balance or 459
negative balance, credited or charged to the mutualized account 460
after the termination and closing of an employer's account, shall 461
not thereafter be considered in determining the contribution rate 462
of such employer. The closing of an employer's account as provided 463
in this division shall not relieve such employer from liability 464
for any unpaid contributions or payment in lieu of contributions 465
which are due for periods prior to such closing. 466

If the director finds that a contributory employer's business 467
is closed solely because of the entrance of one or more of the 468
owners, officers, or partners, or the majority stockholder, into 469
the armed forces of the United States, or any of its allies, or of 470
the United Nations after July 1, 1950, such employer's account 471
shall not be terminated and if the business is resumed within two 472
years after the discharge or release of such persons from active 473
duty in the armed forces, the employer's experience shall be 474
deemed to have been continuous throughout such period. The reserve 475
ratio of any such employer shall be the total contributions paid 476
by such employer minus all benefits, including benefits paid to 477
any individual during the period such employer was in the armed 478
forces, based upon wages paid by the employer prior to the 479
employer's entrance into the armed forces divided by the average 480
of the employer's annual payrolls for the three most recent years 481
during the whole of which the employer has been in business. 482

(F) If an employer transfers all of its trade or business to 483
another employer or person, the acquiring employer or person shall 484
be the successor in interest to the transferring employer and 485
shall assume the resources and liabilities of such transferring 486
employer's account, and continue the payment of all contributions, 487
or payments in lieu of contributions, due under this chapter. 488

If an employer or person acquires substantially all, or a clearly segregable and identifiable portion of an employer's trade or business, then upon the director's approval of a properly completed application for successorship, the employer or person acquiring the trade or business, or portion thereof, shall be the successor in interest. The director by rule may prescribe procedures for effecting transfers of experience as provided for in this section.

(G) Notwithstanding sections 4141.09, 4141.23, 4141.24, 4141.241, 4141.242, 4141.25, 4141.26, and 4141.27 of the Revised Code, both of the following apply regarding assignment of rates and transfers of experience:

(1) If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, both employers are under substantially common ownership, management, or control, then the unemployment experience attributable to the transferred trade or business, or portion thereof, shall be transferred to the employer to whom the business is so transferred. The director shall recalculate the rates of both employers and those rates shall be effective immediately upon the date of the transfer of the trade or business.

(2) Whenever a person is not an employer under this chapter at the time the person acquires the trade or business of an employer, the unemployment experience of the acquired trade or business shall not be transferred to the person if the director finds that the person acquired the trade or business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, that person shall be assigned the applicable new employer rate under division (A)(1) of section 4141.25 of the Revised Code.

(H) The director shall establish procedures to identify the transfer or acquisition of a trade or business for purposes of

this section and shall adopt rules prescribing procedures for 521
effecting transfers of experience as described in this section. 522

(I) No rate of contribution less than two and seven-tenths 523
per cent shall be permitted a contributory employer succeeding to 524
the experience of another contributory employer pursuant to this 525
section for any period subsequent to such succession, except in 526
accordance with rules prescribed by the director, which rules 527
shall be consistent with federal requirements for additional 528
credit allowance in section 3303 of the "Internal Revenue Code of 529
1954" and consistent with this chapter, except that such rules may 530
establish a computation date for any such period different from 531
the computation date generally prescribed by this chapter, and may 532
define "calendar year" as meaning a twelve-consecutive-month 533
period ending on the same day of the year as that on which such 534
computation date occurs. 535

(J) The director may prescribe rules for the establishment, 536
maintenance, and dissolution of common contribution rates for two 537
or more contributory employers, and in accordance with such rules 538
and upon application by two or more employers shall establish such 539
common rate to be computed by merging the several contribution 540
rate factors of such employers for the purpose of establishing a 541
common contribution rate applicable to all such employers. 542

(K) The director shall adopt rules applicable to professional 543
employer organizations and professional employer organization 544
reporting entities to address the method in which a professional 545
employer organization or professional employer organization 546
reporting entity reports quarterly wages and contributions to the 547
director for shared employees. 548

(1) The rules shall recognize a professional employer 549
organization or professional employer organization reporting 550
entity as the employer of record of the shared employees of the 551
professional employer organization or professional employer 552

organization reporting entity for reporting purposes; however, the 553
rules shall require that each shared employee of a single client 554
employer be reported under a separate and unique subaccount of the 555
professional employer organization or professional employer 556
organization reporting entity to reflect the experience of the 557
shared employees of that client employer. 558

(2) The director shall use a subaccount solely to determine 559
experience rates for that individual subaccount on an annual basis 560
and shall recognize a professional employer organization or 561
professional employer organization reporting entity as the 562
employer of record associated with each subaccount. The director 563
shall combine the rate experience that existed on a client 564
employer's account prior to entering into a professional employer 565
organization agreement with the experience accumulated as a 566
subaccount of the professional employer organization or 567
professional employer organization reporting entity. The combined 568
experience shall remain with the client account upon termination 569
of the professional employer organization agreement. 570

(3) A professional employer organization or professional 571
employer organization reporting entity shall provide a power of 572
attorney or other evidence, which evidence may be included as part 573
of a professional employer organization agreement, completed by 574
each client employer of the professional employer organization or 575
professional employer organization reporting entity, authorizing 576
the professional employer organization or professional employer 577
organization reporting entity to act on behalf of the client 578
employer in accordance with the requirements of this chapter. 579

(4) Any rule adopted pursuant to division (K) of this section 580
also shall include administrative requirements that permit a 581
professional employer organization or a professional employer 582
organization reporting entity to transmit any reporting and 583
payment data required under division (K)(1) of this section 584

collectively as a single filing with the director. 585

(5) As used in division (K) of this section, "client 586
employer," "professional employer organization," "professional 587
employer organization agreement," "professional employer 588
organization reporting entity," and "shared employee" have the 589
same meanings as in section 4125.01 of the Revised Code. 590

Sec. 4141.35. (A) If the director of job and family services 591
finds that any fraudulent misrepresentation has been made by an 592
applicant for or a recipient of benefits with the object of 593
obtaining benefits to which the applicant or recipient was not 594
entitled, and in addition to any other penalty or forfeiture under 595
this chapter, then the director: 596

(1) Shall within four years after the end of the benefit year 597
in which the fraudulent misrepresentation was made reject or 598
cancel such person's entire weekly claim for benefits that was 599
fraudulently claimed, or the person's entire benefit rights if the 600
misrepresentation was in connection with the filing of the 601
claimant's application for determination of benefit rights; 602

(2) Shall by order declare that, for each application for 603
benefit rights and for each weekly claim canceled, such person 604
shall be ineligible for two otherwise valid weekly claims for 605
benefits, claimed within six years subsequent to the discovery of 606
such misrepresentation; 607

(3) By order shall require that the total amount of benefits 608
rejected or canceled under division (A)(1) of this section be 609
repaid to the director before such person may become eligible for 610
further benefits, and shall withhold such unpaid sums from future 611
benefit payments accruing and otherwise payable to such claimant. 612
Effective with orders issued on or after January 1, 1993, if such 613
benefits are not repaid within thirty days after the director's 614
order becomes final, interest on the amount remaining unpaid shall 615

be charged to the person at a rate and calculated in the same 616
manner as provided under section 4141.23 of the Revised Code. When 617
a person ordered to repay benefits has repaid all overpaid 618
benefits according to a plan approved by the director, the 619
director may cancel the amount of interest that accrued during the 620
period of the repayment plan. The director may take action in any 621
court of competent jurisdiction to collect benefits and interest 622
as provided in sections 4141.23 and 4141.27 of the Revised Code, 623
in regard to the collection of unpaid contributions, using the 624
final repayment order as the basis for such action. Except as 625
otherwise provided in this division, no administrative or legal 626
proceedings for the collection of such benefits or interest due, 627
or for the collection of a penalty under division (A)(4) of this 628
section, shall be initiated after the expiration of six years from 629
the date on which the director's order requiring repayment became 630
final and the amount of any benefits, penalty, or interest not 631
recovered at that time, and any liens thereon, shall be canceled 632
as uncollectible. The time limit for instituting proceedings shall 633
be extended by the period of any stay to the collection or by any 634
other time period to which the parties mutually agree. 635

(4) Shall, for findings made on or after October 21, 2013, by 636
order assess a mandatory penalty on such a person in an amount 637
equal to twenty-five per cent of the total amount of benefits 638
rejected or canceled under division (A)(1) of this section. The 639
first sixty per cent of each penalty collected under division 640
(A)(4) of this section shall be deposited into the unemployment 641
compensation fund created under section 4141.09 of the Revised 642
Code, and the remainder of each penalty collected shall be 643
deposited into the unemployment compensation special 644
administrative fund created under section 4141.11 of the Revised 645
Code. 646

(5) May take action to collect benefits fraudulently obtained 647

under the unemployment compensation law of any other state or the 648
United States or Canada. Such action may be initiated in the 649
courts of this state in the same manner as provided for unpaid 650
contributions in section 4141.41 of the Revised Code. 651

~~(5)~~(6) May take action to collect benefits that have been 652
fraudulently obtained from the director, interest pursuant to 653
division (A)(3) of this section, and court costs, through 654
attachment proceedings under Chapter 2715. of the Revised Code and 655
garnishment proceedings under Chapter 2716. of the Revised Code. 656

(B) If the director finds that an applicant for benefits has 657
been credited with a waiting period or paid benefits to which the 658
applicant was not entitled for reasons other than fraudulent 659
misrepresentation, the director shall: 660

(1)(a) Within six months after the determination under which 661
the claimant was credited with that waiting period or paid 662
benefits becomes final pursuant to section 4141.28 of the Revised 663
Code, or within three years after the end of the benefit year in 664
which such benefits were claimed, whichever is later, by order 665
cancel such waiting period and require that such benefits be 666
repaid to the director or be withheld from any benefits to which 667
such applicant is or may become entitled before any additional 668
benefits are paid, provided that the repayment or withholding 669
shall not be required where the overpayment is the result of the 670
director's correcting a prior decision due to a typographical or 671
clerical error in the director's prior decision, or an error in an 672
employer's report under division (G) of section 4141.28 of the 673
Revised Code. 674

(b) The limitation specified in division (B)(1)(a) of this 675
section shall not apply to cases involving the retroactive payment 676
of remuneration covering periods for which benefits were 677
previously paid to the claimant. However, in such cases, the 678
director's order requiring repayment shall not be issued unless 679

the director is notified of such retroactive payment within six 680
months from the date the retroactive payment was made to the 681
claimant. 682

(2) The director may, by reciprocal agreement with the United 683
States secretary of labor or another state, recover overpayment 684
amounts from unemployment benefits otherwise payable to an 685
individual under Chapter 4141. of the Revised Code. Any 686
overpayments made to the individual that have not previously been 687
recovered under an unemployment benefit program of the United 688
States may be recovered in accordance with section 303(g) of the 689
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 690
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 691
3301 to 3311. 692

(3) If the amounts required to be repaid under division (B) 693
of this section are not recovered within three years from the date 694
the director's order requiring payment became final, initiate no 695
further action to collect such benefits and the amount of any 696
benefits not recovered at that time shall be canceled as 697
uncollectible, provided that the time limit for collection shall 698
be extended by the period of any stay to the collection or by any 699
other time period to which the parties mutually agree. 700

(C) The appeal provisions of sections 4141.281 and 4141.282 701
of the Revised Code shall apply to all orders and determinations 702
issued under this section, except that an individual's right of 703
appeal under division (B)(2) of this section shall be limited to 704
this state's authority to recover overpayment of benefits. 705

(D) If an individual makes a full repayment or a repayment 706
that is less than the full amount required by this section, the 707
director shall apply the repayment to the mutualized account under 708
division (B) of section 4141.25 of the Revised Code, except that 709
the director shall credit the repayment to the accounts of the 710
individual's base period employers that previously have not been 711

credited for the amount of improperly paid benefits charged 712
against their accounts based on the proportion of benefits charged 713
against the accounts as determined pursuant to division (D) of 714
section 4141.24 of the Revised Code. 715

The director shall deposit any repayment collected under this 716
section that the director determines to be payment of interest or 717
court costs into the unemployment compensation special 718
administrative fund established pursuant to section 4141.11 of the 719
Revised Code. 720

This division does not apply to federal tax refund offsets 721
under 31 C.F.R. 285.8. 722

Sec. 4141.50. (A) As used in this section and in sections 723
4141.51 to 4141.56 of the Revised Code: 724

(1) "Affected unit" means a department, shift, or other 725
organizational unit of two or more employees that is designated by 726
a participating employer in a shared work plan. 727

(2) "Approved shared work plan" means an employer's shared 728
work plan, submitted pursuant to section 4141.51 of the Revised 729
Code, that satisfies all of the requirements for approval under 730
that section and that the director of job and family services has 731
approved in writing. 732

(3) "Intermittent basis" means employment that is not 733
continuous but may consist of periodic intervals of weekly work 734
and intervals of no weekly work. 735

(4) "Normal weekly hours of work" means the normal hours of 736
work each week for an employee in an affected unit when that unit 737
is operating on a full-time basis, not to exceed forty hours and 738
not including any overtime worked. 739

(5) "Participating employee" means an employee whose normal 740
weekly hours of work are reduced by the reduction percentage under 741

an approved shared work plan. 742

(6) "Participating employer" means an employer who has an approved shared work plan in effect. 743
744

(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. 745
746
747

(8) "Seasonal basis" has the same meaning as "seasonal employment" as defined in division (A) of section 4141.33 of the Revised Code. 748
749
750

(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. 751
752
753
754
755
756

(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. 757
758
759
760

(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. 761
762
763
764

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. 765
766
767

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: 768
769
770
771

(1) Identifies the participating employees by name, social security number, affected unit, and normal weekly hours of work; 772
773

(2) Describes the manner in which the employer will implement the requirements of the SharedWork Ohio program, including the proposed reduction percentage, which shall be between ten per cent and fifty per cent, and any temporary closure of the participating employer's business for equipment maintenance or other similar circumstances that the employer knows may occur during the effective period of an approved plan; 774
775
776
777
778
779
780

(3) Includes a plan for giving advance notice, if feasible, to an employee whose normal weekly hours of work are to be reduced and, if advance notice is not feasible, an explanation of why that notice is not feasible; 781
782
783
784

(4) Includes a certification by the employer that the aggregate reduction in the number of hours worked by the employees of the employer is in lieu of layoffs and includes an estimate of the number of layoffs that would have occurred absent the ability to participate in the SharedWork Ohio program; 785
786
787
788
789

(5) Includes a certification by the employer that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, or contributions under a defined contribution plan as defined in 26 U.S.C. 414(i), as amended, to any employee whose normal weekly hours of work are reduced under the program that such benefits will continue to be provided to an employee participating in the SharedWork Ohio program under the same terms and conditions as though the normal weekly hours of work of the employee had not been reduced or to the same extent as other employees not participating in the program; 790
791
792
793
794
795
796
797
798
799
800

(6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the 801
802

director, including employer-sponsored training or worker training 803
funded under the federal "Workforce Investment Act of 1998," 112 804
Stat. 936, 29 U.S.C. 2801 et seq., as amended; 805

(7) Includes any other information as required by the United 806
States secretary of labor or the director under the rules the 807
director adopts under section 4141.50 of the Revised Code; 808

(8) Includes an attestation by the employer that the terms of 809
the written plan submitted by the employer and implementation of 810
that plan are consistent with obligations of the employer under 811
the applicable federal and state laws; 812

(9) Includes a certification by the employer that the 813
employer will promptly notify the director of any change in the 814
business that includes the sale or transfer of all or part of the 815
business, and that the employer will notify any successor in 816
interest to the employer's business prior to the transfer of all 817
or part of the business, of the existence of any approved shared 818
work plan; 819

(10) Includes a certification by the employer that, as of the 820
date the employer submits the plan, the employer is current on all 821
reports and has paid all contributions, reimbursements, interest, 822
and penalties due under this chapter; 823

(11) Includes an assurance from the employer that the 824
employer will remain current on all employer reporting and 825
payments of contributions, reimbursements, interest, and penalties 826
as required by this chapter; 827

(12) Includes a certification by the employer that none of 828
the participating employees are employed on a seasonal, temporary, 829
or intermittent basis; 830

(13) Includes an assurance from the employer that the 831
employer will not reduce a participating employee's normal weekly 832
hours of work by more than the reduction percentage, except in the 833

event of a temporary closure of the employer's business for 834
equipment maintenance, or when the employee takes approved time 835
off during the week with pay, and the combined work hours and paid 836
leave hours equal the number of hours the employee would have 837
worked under the plan. 838

(B) The director shall approve a shared work plan if an 839
employer includes in the plan all of the information, 840
certifications, and assurances required under division (A) of this 841
section. 842

(C) The director shall approve or deny a shared work plan and 843
shall send a written notice to the employer stating whether the 844
director approved or denied the plan not later than thirty days 845
after the director receives the plan. If the director denies 846
approval of a shared work plan, the director shall state the 847
reasons for denying approval in the written notice sent to the 848
employer. 849

(D) The director shall enforce the requirements of the 850
SharedWork Ohio program in the same manner as the director 851
enforces the requirements of this chapter, including under section 852
4141.40 of the Revised Code. 853

Sec. 4141.52. (A) A shared work plan approved under section 854
4141.51 of the Revised Code takes effect with respect to the week 855
following the date the director of job and family services 856
approves the plan. An approved shared work plan expires at the end 857
of the fifty-second calendar week after approval of the plan. 858

(B) A participating employer who wishes to modify an existing 859
approved shared work plan shall submit the modified plan to the 860
director. The director shall evaluate the modified plan and may 861
approve the plan if the plan meets the requirements for approval 862
under section 4141.51 of the Revised Code. If approved, a modified 863
plan supersedes the previously approved shared work plan, 864

effective beginning with the week following the date the director 865
approves the modified plan. The director shall not approve a 866
modified plan that fails to satisfy the requirements for approval 867
under section 4141.51 of the Revised Code. 868

(C) The director may terminate an approved shared work plan 869
for good cause. For purposes of this section, "good cause" means 870
any of the following circumstances: 871

(1) The approved shared work plan is not being executed 872
according to the terms and conditions stated in the plan. 873

(2) The participating employer fails to comply with any 874
assurances given in the participating employer's approved shared 875
work plan. 876

(3) The participating employer, or a participating employee 877
of the participating employer, violates any criteria on which 878
approval of the shared work plan was based. 879

(D) A participating employer may elect to terminate an 880
approved shared work plan by providing written notice to the 881
director. The director shall terminate the plan upon receipt of 882
the notice and shall inform the employer and each participating 883
employee of the employer in writing of the week with respect to 884
which the termination is effective. 885

(E) A decision by the director to approve or disapprove a 886
proposed shared work plan, to approve or disapprove a proposed 887
modified shared work plan, or to terminate an approved shared work 888
plan, may not be appealed pursuant to this chapter. 889

(F) Nothing in division (E) of this section shall be 890
construed to prevent an employer who has submitted a shared work 891
plan that was disapproved from submitting another shared work plan 892
in accordance with section 4141.51 of the Revised Code. 893

Sec. 4141.53. (A) An individual is eligible to receive shared 894

work compensation for a week in which the individual satisfies all 895
of the following: 896

(1) The individual is employed by a participating employer 897
and is subject to a shared work plan that was approved before that 898
week and is in effect for that week. 899

(2) The individual is available for work and is actively 900
seeking work by being available for the individual's normal weekly 901
hours of work. 902

(3) The individual's normal weekly hours of work with the 903
participating employer have been reduced by at least ten per cent 904
but not more than fifty per cent. 905

(4) The individual has been employed by an employer or 906
employers subject to this chapter in at least twenty qualifying 907
weeks within the individual's base period and has earned or been 908
paid remuneration at an average weekly wage of not less than 909
twenty-seven and one-half per cent of the statewide average weekly 910
wage for those weeks. 911

(5) The individual has been subject to a shared work plan for 912
at least one week prior to the week for which the compensation is 913
to be paid, or otherwise satisfies the waiting period requirement 914
of division (B) of section 4141.29 of the Revised Code for the 915
individual's benefit year. 916

(6) The individual otherwise satisfies the requirements of 917
this chapter and is not otherwise disqualified from receiving 918
unemployment compensation benefits. 919

(B) For purposes of division (A)(2) of this section, an 920
individual is available for the individual's normal weekly hours 921
of work with the participating employer if the individual does any 922
of the following: 923

(1) Works the number of weekly hours assigned to the 924

individual under an approved shared work plan; 925

(2) Works fewer hours than the number of weekly hours 926
assigned to the individual under an approved shared work plan and 927
either of the following apply: 928

(a) The individual takes approved time off during the week 929
with pay, and the combined work hours and paid leave hours equal 930
the number of hours the employee would have worked under the plan; 931

(b) The individual does not take approved time off with pay 932
during that week and the reduction in hours was not the fault of 933
the individual and was not more than fifty per cent of the 934
individual's normal weekly hours of work. 935

(C)(1) Except as provided in division (C)(2) or (D) of this 936
section, the director of job and family services shall pay a 937
participating employee who is eligible for weekly shared work 938
compensation in an amount equal to the participating employee's 939
weekly benefit amount as described in division (B) of section 940
4141.30 of the Revised Code for a period of total unemployment, 941
multiplied by the reduction percentage specified in the approved 942
shared work plan applicable to the participating employee. 943

(2) The director shall pay a participating employee who is 944
eligible for weekly shared work compensation in an amount equal to 945
the participating employee's weekly benefit amount as described in 946
division (B) of section 4141.30 of the Revised Code for a period 947
of total unemployment, multiplied by the percentage by which the 948
participating employee's normal weekly hours of work were actually 949
reduced during the workweek, if all of the following apply: 950

(a) The participating employee did not take approved paid 951
leave during the week. 952

(b) The participating employee's normal weekly hours of work 953
were actually reduced by not less than ten per cent and not 954
greater than fifty per cent. 955

(c) The increase or decrease in the participating employee's hours above or below the number of hours assigned to the employee in the approved shared work plan was not the fault of the employee. 956
957
958
959

(3) The director shall determine fault for purposes of divisions (B)(2)(b) and (C)(2)(c) 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. 960
961
962
963
964

(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. 965
966
967

(5) No shared work compensation shall be payable during the one-week period described in division (A)(5) of this section. 968
969

(D) If an individual works for a participating employer and another employer during the weeks the individual is covered by an approved shared work plan, eligibility for shared work compensation is determined as follows: 970
971
972
973

(1) If the combined number of hours the individual works for both the participating employer and the other employer in a week exceeds the amount of the individual's normal weekly hours of work reduced by ten per cent, the individual is not eligible for shared work compensation. 974
975
976
977
978

(2) If the combined number of hours the individual works in a week for both employers equals the amount of the individual's normal weekly hours of work reduced between ten and fifty per cent, the director shall pay the individual, if the individual is otherwise eligible, shared work compensation in an amount equal to the individual's weekly benefit amount as described in division (B) of section 4141.30 of the Revised Code for a period of total unemployment, multiplied by the percentage by which the 979
980
981
982
983
984
985
986

individual's normal weekly hours of work were reduced during the 987
week when factoring in both the amount of hours worked for the 988
other employer and the amount of hours worked for the 989
participating employer. 990

(E) A participating employee is not entitled to receive 991
shared work compensation and unemployment compensation benefits 992
that, when combined, exceed the maximum total benefits payable to 993
the participating employee in a benefit year under section 4141.30 994
of the Revised Code. No participating employee shall be paid 995
shared work compensation during the employee's benefit year in an 996
amount that exceeds twenty-six times the amount of the employee's 997
weekly benefit amount for a period of total unemployment under 998
section 4141.30 of the Revised Code. 999

(F) An individual who has received all of the shared work 1000
compensation and unemployment compensation benefits available in a 1001
benefit year is an individual who has exhausted regular benefits 1002
under section 4141.30 of the Revised Code and is entitled to 1003
receive extended benefits under section 4141.301 of the Revised 1004
Code if the individual is otherwise eligible to receive benefits 1005
under that section. 1006

(G) Except as provided in division (C)(2) of this section, 1007
the director shall not pay shared work compensation to an 1008
individual for a week during which the individual performs paid 1009
work for the individual's participating employer that exceeds or 1010
falls below the reduced hours established under an approved shared 1011
work plan that covers the individual. 1012

(H)(1) Except as provided in divisions (H)(2) and (3) of this 1013
section, a participating employee is not eligible to receive 1014
benefits for being partially unemployed for any week during which 1015
the individual works as a participating employee. 1016

(2) A participating employee who performs no services during 1017

a week for the participating employer and who is otherwise 1018
eligible may be paid benefits for being totally or partially 1019
unemployed for that week. 1020

(3) A participating employee whose normal weekly hours of 1021
work are reduced by more than fifty per cent and who is otherwise 1022
eligible may be paid benefits for partial unemployment for that 1023
week. 1024

(I) Any payment of total or partial unemployment compensation 1025
benefits under this section is not a payment of shared work 1026
compensation under an approved plan but shall be calculated 1027
against the maximum total benefits payable to the participating 1028
employee in a benefit year under section 4141.30 of the Revised 1029
Code. 1030

(J) For purposes of this section and unless another benefit 1031
year applies to the individual, notwithstanding division (R)(1) of 1032
section 4141.01 of the Revised Code, a participating employee's 1033
"benefit year" is the fifty-two week period beginning with the 1034
first day of that week with respect to which the employee's 1035
participating employer first files a claim on behalf of the 1036
participating employee pursuant to division (B) of section 4141.54 1037
of the Revised Code. 1038

Sec. 4141.54. (A) Notwithstanding any provision in this 1039
chapter to the contrary, a participating employee who satisfies 1040
the availability requirement of division (A)(2) of section 4141.53 1041
of the Revised Code shall not be required to be totally or 1042
partially unemployed within the meaning of division (M) or (N) of 1043
section 4141.01 of the Revised Code, shall not be required to file 1044
a claim for unemployment compensation benefits pursuant to section 1045
4141.28 of the Revised Code, and shall not be required to meet 1046
ability to work, availability for work, and work search 1047
requirements that would otherwise be applicable to the 1048

participating employee, to receive shared work compensation under 1049
the SharedWork Ohio program. 1050

(B) The director of job and family services shall establish a 1051
schedule of consecutive two-week periods within the effective 1052
period of each approved shared work plan for the filing of shared 1053
work compensation claims. At the end of each scheduled period, the 1054
participating employer, in accordance with procedures prescribed 1055
by the director, shall file claims on behalf of the participating 1056
employer's participating employees. A participating employee, in 1057
accordance with procedures prescribed by the director, shall 1058
attest to the hours reported, report any other hours worked for an 1059
employer who is not the participating employer, and provide 1060
additional information as is requested by the director. 1061

Sec. 4141.55. (A) If the state is eligible for and receives 1062
reimbursement for shared work compensation paid under the 1063
SharedWork Ohio program from the federal government pursuant to 1064
the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 1065
126 Stat. 156, notwithstanding section 4141.24 of the Revised Code 1066
and if permitted under that act, during the time period in which 1067
the state is fully or partially reimbursed the account of an 1068
employer shall not be charged for the portion of any shared work 1069
compensation paid to a participating employer's participating 1070
employees for which the state receives reimbursement. If the 1071
federal government does not provide full reimbursement for shared 1072
work compensation paid to an individual under section 4141.53 of 1073
the Revised Code, the portion of shared work compensation paid to 1074
that individual that is not reimbursed shall be charged in 1075
accordance with division (C) of this section. 1076

(B) Beginning with the week for which the federal government 1077
no longer provides reimbursement, or if the state does not receive 1078
reimbursement or the federal government requires an employer's 1079

account to be charged, any shared work compensation paid to an 1080
individual shall be charged in accordance with division (C) of 1081
this section. 1082

(C) Except as provided in divisions (A) and (B) of this 1083
section, any shared work compensation paid to an individual under 1084
section 4141.53 of the Revised Code shall be charged in accordance 1085
with division (D) of section 4141.24 of the Revised Code. 1086

Sec. 4141.56. Beginning one year after the effective date of 1087
this section, and every year thereafter, the director of job and 1088
family services shall prepare and submit a report to the governor, 1089
the president and minority leader of the senate, and the speaker 1090
and the minority leader of the house of representatives that 1091
discusses the utilization of the SharedWork Ohio program created 1092
under section 4141.50 of the Revised Code. The director shall 1093
include in that report the number of employers and employees 1094
participating in the program, the amount of shared work 1095
compensation paid under the program during the immediately 1096
preceding year, and any other information the director considers 1097
to be relevant. 1098

Section 2. That existing sections 4141.09, 4141.11, 4141.24, 1099
and 4141.35 of the Revised Code are hereby repealed. 1100

Section 3. The Director of Job and Family Services shall 1101
prepare and submit a report evaluating the utilization and 1102
effectiveness of the SharedWork Ohio Program created under section 1103
4141.50 of the Revised Code, as enacted by this act, and the 1104
impact of the Program on the Unemployment Compensation Fund 1105
created in section 4141.09 of the Revised Code. The Director shall 1106
base the report upon the information contained in the reports the 1107
Director prepares under section 4141.56 of the Revised Code, as 1108
enacted by this act. The Director shall submit the report to the 1109

Governor, the President and Minority Leader of the Senate, and the 1110
Speaker and the Minority Leader of the House of Representatives 1111
not later than three years after the effective date of this act. 1112

Section 4. The federal "Layoff Prevention Act of 2012," Pub. 1113
L. No. 112-96, 126 Stat. 156, permits a state to receive federal 1114
funding to create a program under which an employer reduces the 1115
hours worked by the employer's employees in lieu of laying off 1116
those employees. This act creates the "SharedWork Ohio" program, a 1117
program that permits an employer to reduce hours worked by the 1118
employer's employees in lieu of laying off those employees and 1119
permits those employees to receive a proportionate share of 1120
unemployment compensation benefits. The Director of Job and Family 1121
Services shall implement "SharedWork Ohio" in accordance with 1122
sections 4141.50 to 4141.56 of the Revised Code, as enacted by 1123
this act. The Department of Job and Family Services may implement 1124
the program as soon as the United States Department of Labor has 1125
certified that the "SharedWork Ohio" program complies with the 1126
federal law. 1127

Section 5. This act is hereby declared to be an emergency 1128
measure necessary for the immediate preservation of the public 1129
peace, health, and safety. The reason for such necessity is so 1130
that employers can continue to employ Ohioans who would otherwise 1131
be victims of total job displacement. Therefore, this act shall go 1132
into immediate effect. 1133