

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

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**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**

**—**

**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, <u>except</u>	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 394

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

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

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

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

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

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

(f) The appeal provisions of sections 4141.281 and 4141.282 421  
of the Revised Code shall apply to all determinations issued under 422  
division (D)(3)(d) of this section. 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 489  
clearly segregable and identifiable portion of an employer's trade 490

or business, then upon the director's approval of a properly 491  
completed application for successorship, the employer or person 492  
acquiring the trade or business, or portion thereof, shall be the 493  
successor in interest. The director by rule may prescribe 494  
procedures for effecting transfers of experience as provided for 495  
in this section. 496

(G) Notwithstanding sections 4141.09, 4141.23, 4141.24, 497  
4141.241, 4141.242, 4141.25, 4141.26, and 4141.27 of the Revised 498  
Code, both of the following apply regarding assignment of rates 499  
and transfers of experience: 500

(1) If an employer transfers its trade or business, or a 501  
portion thereof, to another employer and, at the time of the 502  
transfer, both employers are under substantially common ownership, 503  
management, or control, then the unemployment experience 504  
attributable to the transferred trade or business, or portion 505  
thereof, shall be transferred to the employer to whom the business 506  
is so transferred. The director shall recalculate the rates of 507  
both employers and those rates shall be effective immediately upon 508  
the date of the transfer of the trade or business. 509

(2) Whenever a person is not an employer under this chapter 510  
at the time the person acquires the trade or business of an 511  
employer, the unemployment experience of the acquired trade or 512  
business shall not be transferred to the person if the director 513  
finds that the person acquired the trade or business solely or 514  
primarily for the purpose of obtaining a lower rate of 515  
contributions. Instead, that person shall be assigned the 516  
applicable new employer rate under division (A)(1) of section 517  
4141.25 of the Revised Code. 518

(H) The director shall establish procedures to identify the 519  
transfer or acquisition of a trade or business for purposes of 520  
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  
employer organization agreement," "professional employer  
organization reporting entity," and "shared employee" have the  
same meanings as in section 4125.01 of the Revised Code.

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

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

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

(3) By order shall require that the total amount of benefits  
rejected or canceled under division (A)(1) of this section be  
repaid to the director before such person may become eligible for  
further benefits, and shall withhold such unpaid sums from future  
benefit payments accruing and otherwise payable to such claimant.  
Effective with orders issued on or after January 1, 1993, if such  
benefits are not repaid within thirty days after the director's  
order becomes final, interest on the amount remaining unpaid shall  
be charged to the person at a rate and calculated in the same  
manner as provided under section 4141.23 of the Revised Code. When

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 743

approved shared work plan in effect. 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  
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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. 748  
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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. 751  
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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. 757  
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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. 761  
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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. 765  
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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: 768  
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(1) Identifies the participating employees by name, social security number, affected unit, and normal weekly hours of work; 772  
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(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  
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(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  
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(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  
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(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  
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(6) Permits eligible employees to participate, as appropriate, in training to enhance job skills approved by the director, including employer-sponsored training or worker training funded under the federal "Workforce Investment Act of 1998," 112 Stat. 936, 29 U.S.C. 2801 et seq., as amended; 801  
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(7) Includes any other information as required by the United States secretary of labor or the director under the rules the director adopts under section 4141.50 of the Revised Code; 806  
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(8) Includes an attestation by the employer that the terms of the written plan submitted by the employer and implementation of that plan are consistent with obligations of the employer under the applicable federal and state laws; 809  
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(9) Includes a certification by the employer that the employer will promptly notify the director of any change in the business that includes the sale or transfer of all or part of the business, and that the employer will notify any successor in interest to the employer's business prior to the transfer of all or part of the business, of the existence of any approved shared work plan; 813  
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(10) Includes a certification by the employer that, as of the date the employer submits the plan, the employer is current on all reports and has paid all contributions, reimbursements, interest, and penalties due under this chapter; 820  
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(11) Includes an assurance from the employer that the employer will remain current on all employer reporting and payments of contributions, reimbursements, interest, and penalties as required by this chapter; 824  
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(12) Includes a certification by the employer that none of the participating employees are employed on a seasonal, temporary, or intermittent basis; 828  
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(13) Includes an assurance from the employer that the employer will not reduce a participating employee's normal weekly hours of work by more than the reduction percentage, except in the event of a temporary closure of the employer's business for equipment maintenance, or when the employee takes approved time off during the week with pay, and the combined work hours and paid 831  
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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 956  
hours above or below the number of hours assigned to the employee 957  
in the approved shared work plan was not the fault of the 958

employee. 959

(3) The director shall determine fault for purposes of 960  
divisions (B)(2)(b) and (C)(2)(c) of this section in the same 961  
manner that the director makes determinations for benefit rights 962  
and determines claims for unemployment compensation benefits under 963  
sections 4141.28 and 4141.281 of the Revised Code. 964

(4) The director shall round the amount of a shared work 965  
compensation payment that is not a multiple of one dollar to the 966  
next lower multiple of one dollar. 967

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

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

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

(2) If the combined number of hours the individual works in a 979  
week for both employers equals the amount of the individual's 980  
normal weekly hours of work reduced between ten and fifty per 981  
cent, the director shall pay the individual, if the individual is 982  
otherwise eligible, shared work compensation in an amount equal to 983  
the individual's weekly benefit amount as described in division 984  
(B) of section 4141.30 of the Revised Code for a period of total 985  
unemployment, multiplied by the percentage by which the 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 work are reduced by more than fifty per cent and who is otherwise eligible may be paid benefits for partial unemployment for that week. 1021  
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(I) Any payment of total or partial unemployment compensation benefits under this section is not a payment of shared work compensation under an approved plan but shall be calculated against the maximum total benefits payable to the participating employee in a benefit year under section 4141.30 of the Revised Code. 1025  
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(J) For purposes of this section and unless another benefit year applies to the individual, notwithstanding division (R)(1) of section 4141.01 of the Revised Code, a participating employee's "benefit year" is the fifty-two week period beginning with the first day of that week with respect to which the employee's participating employer first files a claim on behalf of the participating employee pursuant to division (B) of section 4141.54 of the Revised Code. 1031  
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**Sec. 4141.54.** (A) Notwithstanding any provision in this chapter to the contrary, a participating employee who satisfies the availability requirement of division (A)(2) of section 4141.53 of the Revised Code shall not be required to be totally or partially unemployed within the meaning of division (M) or (N) of section 4141.01 of the Revised Code, shall not be required to file a claim for unemployment compensation benefits pursuant to section 4141.28 of the Revised Code, and shall not be required to meet ability to work, availability for work, and work search requirements that would otherwise be applicable to the participating employee, to receive shared work compensation under the SharedWork Ohio program. 1039  
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(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