

As Passed by the Senate

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Sub. S. B. No. 8

Senator LaRose

**Cosponsors: Senators Hite, Manning, Cafaro, Schaffer, Seitz, Balderson,
Obhof, Jones, Widener, Beagle, Bacon, Coley, Gardner, Oelslager, Patton,
Lehner, Eklund, Uecker, Faber, Gentile, Hughes, Kearney, Peterson, Sawyer,
Schiavoni, Smith, Tavares, Turner**

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A B I L L

To amend section 4141.29 of the Revised Code to 1
permit persons who quit work to accompany the 2
person's spouse on a military transfer to be 3
eligible for unemployment compensation benefits 4
and to declare an emergency. 5

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

Section 1. That section 4141.29 of the Revised Code be 6
amended to read as follows: 7

Sec. 4141.29. Each eligible individual shall receive benefits 8
as compensation for loss of remuneration due to involuntary total 9
or partial unemployment in the amounts and subject to the 10
conditions stipulated in this chapter. 11

(A) No individual is entitled to a waiting period or benefits 12
for any week unless the individual: 13

(1) Has filed a valid application for determination of 14
benefit rights in accordance with section 4141.28 of the Revised 15

Code; 16

(2) Has made a claim for benefits in accordance with section 17
4141.28 of the Revised Code; 18

(3) Has registered at an employment office or other 19
registration place maintained or designated by the director of job 20
and family services. Registration shall be made in accordance with 21
the time limits, frequency, and manner prescribed by the director. 22

(4)(a)(i) Is able to work and available for suitable work 23
and, except as provided in division (A)(4)(a)(ii) of this section, 24
is actively seeking suitable work either in a locality in which 25
the individual has earned wages subject to this chapter during the 26
individual's base period, or if the individual leaves that 27
locality, then in a locality where suitable work normally is 28
performed. 29

(ii) The director may waive the requirement that a claimant 30
be actively seeking work when the director finds that the 31
individual has been laid off and the employer who laid the 32
individual off has notified the director within ten days after the 33
layoff, that work is expected to be available for the individual 34
within a specified number of days not to exceed forty-five 35
calendar days following the last day the individual worked. In the 36
event the individual is not recalled within the specified period, 37
this waiver shall cease to be operative with respect to that 38
layoff. 39

(b) The individual shall be instructed as to the efforts that 40
the individual must make in the search for suitable work, except 41
where the active search for work requirement has been waived under 42
division (A)(4)(a) of this section, and shall keep a record of 43
where and when the individual has sought work in complying with 44
those instructions and, upon request, shall produce that record 45
for examination by the director. 46

(c) An individual who is attending a training course approved 47
by the director meets the requirement of this division, if 48
attendance was recommended by the director and the individual is 49
regularly attending the course and is making satisfactory 50
progress. An individual also meets the requirements of this 51
division if the individual is participating and advancing in a 52
training program, as defined in division (P) of section 5709.61 of 53
the Revised Code, and if an enterprise, defined in division (B) of 54
section 5709.61 of the Revised Code, is paying all or part of the 55
cost of the individual's participation in the training program 56
with the intention of hiring the individual for employment as a 57
new employee, as defined in division (L) of section 5709.61 of the 58
Revised Code, for at least ninety days after the individual's 59
completion of the training program. 60

(d) An individual who becomes unemployed while attending a 61
regularly established school and whose base period qualifying 62
weeks were earned in whole or in part while attending that school, 63
meets the availability and active search for work requirements of 64
division (A)(4)(a) of this section if the individual regularly 65
attends the school during weeks with respect to which the 66
individual claims unemployment benefits and makes self available 67
on any shift of hours for suitable employment with the 68
individual's most recent employer or any other employer in the 69
individual's base period, or for any other suitable employment to 70
which the individual is directed, under this chapter. 71

(e) The director shall adopt any rules that the director 72
deems necessary for the administration of division (A)(4) of this 73
section. 74

(f) Notwithstanding any other provisions of this section, no 75
otherwise eligible individual shall be denied benefits for any 76
week because the individual is in training approved under section 77
236(a)(1) of the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 78

2296, nor shall that individual be denied benefits by reason of 79
leaving work to enter such training, provided the work left is not 80
suitable employment, or because of the application to any week in 81
training of provisions in this chapter, or any applicable federal 82
unemployment compensation law, relating to availability for work, 83
active search for work, or refusal to accept work. 84

For the purposes of division (A)(4)(f) of this section, 85
"suitable employment" means with respect to an individual, work of 86
a substantially equal or higher skill level than the individual's 87
past adversely affected employment, as defined for the purposes of 88
the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 2101, and 89
wages for such work at not less than eighty per cent of the 90
individual's average weekly wage as determined for the purposes of 91
that federal act. 92

(5) Is unable to obtain suitable work. An individual who is 93
provided temporary work assignments by the individual's employer 94
under agreed terms and conditions of employment, and who is 95
required pursuant to those terms and conditions to inquire with 96
the individual's employer for available work assignments upon the 97
conclusion of each work assignment, is not considered unable to 98
obtain suitable employment if suitable work assignments are 99
available with the employer but the individual fails to contact 100
the employer to inquire about work assignments. 101

(6) Participates in reemployment services, such as job search 102
assistance services, if the individual has been determined to be 103
likely to exhaust benefits under this chapter, including 104
compensation payable pursuant to 5 U.S.C.A. Chapter 85, other than 105
extended compensation, and needs reemployment services pursuant to 106
the profiling system established by the director under division 107
(K) of this section, unless the director determines that: 108

(a) The individual has completed such services; or 109

(b) There is justifiable cause for the claimant's failure to participate in such services. 110
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(B) An individual suffering total or partial unemployment is eligible for benefits for unemployment occurring subsequent to a waiting period of one week and no benefits shall be payable during this required waiting period. Not more than one week of waiting period shall be required of any individual in any benefit year in order to establish the individual's eligibility for total or partial unemployment benefits. 112
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(C) The waiting period for total or partial unemployment shall commence on the first day of the first week with respect to which the individual first files a claim for benefits at an employment office or other place of registration maintained or designated by the director or on the first day of the first week with respect to which the individual has otherwise filed a claim for benefits in accordance with the rules of the department of job and family services, provided such claim is allowed by the director. 119
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(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions: 128
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(1) For any week with respect to which the director finds that: 131
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(a) The individual's unemployment was due to a labor dispute other than a lockout at any factory, establishment, or other premises located in this or any other state and owned or operated by the employer by which the individual is or was last employed; and for so long as the individual's unemployment is due to such labor dispute. No individual shall be disqualified under this provision if either of the following applies: 133
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(i) The individual's employment was with such employer at any 140

factory, establishment, or premises located in this state, owned 141
or operated by such employer, other than the factory, 142
establishment, or premises at which the labor dispute exists, if 143
it is shown that the individual is not financing, participating 144
in, or directly interested in such labor dispute; 145

(ii) The individual's employment was with an employer not 146
involved in the labor dispute but whose place of business was 147
located within the same premises as the employer engaged in the 148
dispute, unless the individual's employer is a wholly owned 149
subsidiary of the employer engaged in the dispute, or unless the 150
individual actively participates in or voluntarily stops work 151
because of such dispute. If it is established that the claimant 152
was laid off for an indefinite period and not recalled to work 153
prior to the dispute, or was separated by the employer prior to 154
the dispute for reasons other than the labor dispute, or that the 155
individual obtained a bona fide job with another employer while 156
the dispute was still in progress, such labor dispute shall not 157
render the employee ineligible for benefits. 158

(b) The individual has been given a disciplinary layoff for 159
misconduct in connection with the individual's work. 160

(2) For the duration of the individual's unemployment if the 161
director finds that: 162

(a) The individual quit work without just cause or has been 163
discharged for just cause in connection with the individual's 164
work, provided division (D)(2) of this section does not apply to 165
the separation of a person under any of the following 166
circumstances: 167

(i) Separation from employment for the purpose of entering 168
the armed forces of the United States if the individual is 169
inducted into the armed forces within one of the following 170
periods: 171

(I) Thirty days after separation;	172
(II) One hundred eighty days after separation if the individual's date of induction is delayed solely at the discretion of the armed forces.	173 174 175
(ii) Separation from employment pursuant to a labor-management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employee, because of lack of work, to accept a separation from employment;	176 177 178 179 180
(iii) The individual has left employment to accept a recall from a prior employer or, except as provided in division (D)(2)(a)(iv) of this section, to accept other employment as provided under section 4141.291 of the Revised Code, or left or was separated from employment that was concurrent employment at the time of the most recent separation or within six weeks prior to the most recent separation where the remuneration, hours, or other conditions of such concurrent employment were substantially less favorable than the individual's most recent employment and where such employment, if offered as new work, would be considered not suitable under the provisions of divisions (E) and (F) of this section. Any benefits that would otherwise be chargeable to the account of the employer from whom an individual has left employment or was separated from employment that was concurrent employment under conditions described in division (D)(2)(a)(iii) of this section, shall instead be charged to the mutualized account created by division (B) of section 4141.25 of the Revised Code, except that any benefits chargeable to the account of a reimbursing employer under division (D)(2)(a)(iii) of this section shall be charged to the account of the reimbursing employer and not to the mutualized account, except as provided in division (D)(2) of section 4141.24 of the Revised Code.	181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202
(iv) When an individual has been issued a definite layoff	203

date by the individual's employer and before the layoff date, the 204
individual quits to accept other employment, the provisions of 205
division (D)(2)(a)(iii) of this section apply and no 206
disqualification shall be imposed under division (D) of this 207
section. However, if the individual fails to meet the employment 208
and earnings requirements of division (A)(2) of section 4141.291 209
of the Revised Code, then the individual, pursuant to division 210
(A)(5) of this section, shall be ineligible for benefits for any 211
week of unemployment that occurs prior to the layoff date. 212

(v) The individual's spouse is a member of the armed forces 213
of the United States who is on active duty as defined in 10 U.S.C. 214
101(d)(1), the spouse is the subject of a military transfer, the 215
individual left employment to accompany the individual's spouse to 216
a location from which it is impractical to commute to the 217
individual's place of employment, and upon arrival at the new 218
place of residence, the individual is in all respects able and 219
available for suitable work. 220

(b) The individual has refused without good cause to accept 221
an offer of suitable work when made by an employer either in 222
person or to the individual's last known address, or has refused 223
or failed to investigate a referral to suitable work when directed 224
to do so by a local employment office of this state or another 225
state, provided that this division shall not cause a 226
disqualification for a waiting week or benefits under the 227
following circumstances: 228

(i) When work is offered by the individual's employer and the 229
individual is not required to accept the offer pursuant to the 230
terms of the labor-management contract or agreement; or 231

(ii) When the individual is attending a training course 232
pursuant to division (A)(4) of this section except, in the event 233
of a refusal to accept an offer of suitable work or a refusal or 234
failure to investigate a referral, benefits thereafter paid to 235

such individual shall not be charged to the account of any 236
employer and, except as provided in division (B)(1)(b) of section 237
4141.241 of the Revised Code, shall be charged to the mutualized 238
account as provided in division (B) of section 4141.25 of the 239
Revised Code. 240

(c) Such individual quit work to marry or because of marital, 241
parental, filial, or other domestic obligations. 242

(d) The individual became unemployed by reason of commitment 243
to any correctional institution. 244

(e) The individual became unemployed because of dishonesty in 245
connection with the individual's most recent or any base period 246
work. Remuneration earned in such work shall be excluded from the 247
individual's total base period remuneration and qualifying weeks 248
that otherwise would be credited to the individual for such work 249
in the individual's base period shall not be credited for the 250
purpose of determining the total benefits to which the individual 251
is eligible and the weekly benefit amount to be paid under section 252
4141.30 of the Revised Code. Such excluded remuneration and 253
noncredited qualifying weeks shall be excluded from the 254
calculation of the maximum amount to be charged, under division 255
(D) of section 4141.24 and section 4141.33 of the Revised Code, 256
against the accounts of the individual's base period employers. In 257
addition, no benefits shall thereafter be paid to the individual 258
based upon such excluded remuneration or noncredited qualifying 259
weeks. 260

For purposes of division (D)(2)(e) of this section, 261
"dishonesty" means the commission of substantive theft, fraud, or 262
deceitful acts. 263

(E) No individual otherwise qualified to receive benefits 264
shall lose the right to benefits by reason of a refusal to accept 265
new work if: 266

(1) As a condition of being so employed the individual would 267
be required to join a company union, or to resign from or refrain 268
from joining any bona fide labor organization, or would be denied 269
the right to retain membership in and observe the lawful rules of 270
any such organization. 271

(2) The position offered is vacant due directly to a strike, 272
lockout, or other labor dispute. 273

(3) The work is at an unreasonable distance from the 274
individual's residence, having regard to the character of the work 275
the individual has been accustomed to do, and travel to the place 276
of work involves expenses substantially greater than that required 277
for the individual's former work, unless the expense is provided 278
for. 279

(4) The remuneration, hours, or other conditions of the work 280
offered are substantially less favorable to the individual than 281
those prevailing for similar work in the locality. 282

(F) Subject to the special exceptions contained in division 283
(A)(4)(f) of this section and section 4141.301 of the Revised 284
Code, in determining whether any work is suitable for a claimant 285
in the administration of this chapter, the director, in addition 286
to the determination required under division (E) of this section, 287
shall consider the degree of risk to the claimant's health, 288
safety, and morals, the individual's physical fitness for the 289
work, the individual's prior training and experience, the length 290
of the individual's unemployment, the distance of the available 291
work from the individual's residence, and the individual's 292
prospects for obtaining local work. 293

(G) The "duration of unemployment" as used in this section 294
means the full period of unemployment next ensuing after a 295
separation from any base period or subsequent work and until an 296
individual has become reemployed in employment subject to this 297

chapter, or the unemployment compensation act of another state, or 298
of the United States, and until such individual has worked six 299
weeks and for those weeks has earned or been paid remuneration 300
equal to six times an average weekly wage of not less than: 301
eighty-five dollars and ten cents per week beginning on June 26, 302
1990; and beginning on and after January 1, 1992, twenty-seven and 303
one-half per cent of the statewide average weekly wage as computed 304
each first day of January under division (B)(3) of section 4141.30 305
of the Revised Code, rounded down to the nearest dollar, except 306
for purposes of division (D)(2)(c) of this section, such term 307
means the full period of unemployment next ensuing after a 308
separation from such work and until such individual has become 309
reemployed subject to the terms set forth above, and has earned 310
wages equal to one-half of the individual's average weekly wage or 311
sixty dollars, whichever is less. 312

(H) If a claimant is disqualified under division (D)(2)(a), 313
(c), or (d) of this section or found to be qualified under the 314
exceptions provided in division (D)(2)(a)(i), (iii), ~~or~~ (iv), or 315
(v) of this section or division (A)(2) of section 4141.291 of the 316
Revised Code, then benefits that may become payable to such 317
claimant, which are chargeable to the account of the employer from 318
whom the individual was separated under such conditions, shall be 319
charged to the mutualized account provided in section 4141.25 of 320
the Revised Code, provided that no charge shall be made to the 321
mutualized account for benefits chargeable to a reimbursing 322
employer, except as provided in division (D)(2) of section 4141.24 323
of the Revised Code. In the case of a reimbursing employer, the 324
director shall refund or credit to the account of the reimbursing 325
employer any over-paid benefits that are recovered under division 326
(B) of section 4141.35 of the Revised Code. Amounts chargeable to 327
other states, the United States, or Canada that are subject to 328
agreements and arrangements that are established pursuant to 329
section 4141.43 of the Revised Code shall be credited or 330

reimbursed according to the agreements and arrangements to which 331
the chargeable amounts are subject. 332

(I)(1) Benefits based on service in employment as provided in 333
divisions (B)(2)(a) and (b) of section 4141.01 of the Revised Code 334
shall be payable in the same amount, on the same terms, and 335
subject to the same conditions as benefits payable on the basis of 336
other service subject to this chapter; except that after December 337
31, 1977: 338

(a) Benefits based on service in an instructional, research, 339
or principal administrative capacity in an institution of higher 340
education, as defined in division (Y) of section 4141.01 of the 341
Revised Code; or for an educational institution as defined in 342
division (CC) of section 4141.01 of the Revised Code, shall not be 343
paid to any individual for any week of unemployment that begins 344
during the period between two successive academic years or terms, 345
or during a similar period between two regular but not successive 346
terms or during a period of paid sabbatical leave provided for in 347
the individual's contract, if the individual performs such 348
services in the first of those academic years or terms and has a 349
contract or a reasonable assurance that the individual will 350
perform services in any such capacity for any such institution in 351
the second of those academic years or terms. 352

(b) Benefits based on service for an educational institution 353
or an institution of higher education in other than an 354
instructional, research, or principal administrative capacity, 355
shall not be paid to any individual for any week of unemployment 356
which begins during the period between two successive academic 357
years or terms of the employing educational institution or 358
institution of higher education, provided the individual performed 359
those services for the educational institution or institution of 360
higher education during the first such academic year or term and, 361
there is a reasonable assurance that such individual will perform 362

those services for any educational institution or institution of 363
higher education in the second of such academic years or terms. 364

If compensation is denied to any individual for any week 365
under division (I)(1)(b) of this section and the individual was 366
not offered an opportunity to perform those services for an 367
institution of higher education or for an educational institution 368
for the second of such academic years or terms, the individual is 369
entitled to a retroactive payment of compensation for each week 370
for which the individual timely filed a claim for compensation and 371
for which compensation was denied solely by reason of division 372
(I)(1)(b) of this section. An application for retroactive benefits 373
shall be timely filed if received by the director or the 374
director's deputy within or prior to the end of the fourth full 375
calendar week after the end of the period for which benefits were 376
denied because of reasonable assurance of employment. The 377
provision for the payment of retroactive benefits under division 378
(I)(1)(b) of this section is applicable to weeks of unemployment 379
beginning on and after November 18, 1983. The provisions under 380
division (I)(1)(b) of this section shall be retroactive to 381
September 5, 1982, only if, as a condition for full tax credit 382
against the tax imposed by the "Federal Unemployment Tax Act," 53 383
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311, the United States 384
secretary of labor determines that retroactivity is required by 385
federal law. 386

(c) With respect to weeks of unemployment beginning after 387
December 31, 1977, benefits shall be denied to any individual for 388
any week which commences during an established and customary 389
vacation period or holiday recess, if the individual performs any 390
services described in divisions (I)(1)(a) and (b) of this section 391
in the period immediately before the vacation period or holiday 392
recess, and there is a reasonable assurance that the individual 393
will perform any such services in the period immediately following 394

the vacation period or holiday recess. 395

(d) With respect to any services described in division 396
(I)(1)(a), (b), or (c) of this section, benefits payable on the 397
basis of services in any such capacity shall be denied as 398
specified in division (I)(1)(a), (b), or (c) of this section to 399
any individual who performs such services in an educational 400
institution or institution of higher education while in the employ 401
of an educational service agency. For this purpose, the term 402
"educational service agency" means a governmental agency or 403
governmental entity that is established and operated exclusively 404
for the purpose of providing services to one or more educational 405
institutions or one or more institutions of higher education. 406

(e) Any individual employed by a county board of 407
developmental disabilities shall be notified by the thirtieth day 408
of April each year if the individual is not to be reemployed the 409
following academic year. 410

(f) Any individual employed by a school district, other than 411
a municipal school district as defined in section 3311.71 of the 412
Revised Code, shall be notified by the first day of June each year 413
if the individual is not to be reemployed the following academic 414
year. 415

(2) No disqualification will be imposed, between academic 416
years or terms or during a vacation period or holiday recess under 417
this division, unless the director or the director's deputy has 418
received a statement in writing from the educational institution 419
or institution of higher education that the claimant has a 420
contract for, or a reasonable assurance of, reemployment for the 421
ensuing academic year or term. 422

(3) If an individual has employment with an educational 423
institution or an institution of higher education and employment 424
with a noneducational employer, during the base period of the 425

individual's benefit year, then the individual may become eligible 426
for benefits during the between-term, or vacation or holiday 427
recess, disqualification period, based on employment performed for 428
the noneducational employer, provided that the employment is 429
sufficient to qualify the individual for benefit rights separately 430
from the benefit rights based on school employment. The weekly 431
benefit amount and maximum benefits payable during a 432
disqualification period shall be computed based solely on the 433
nonschool employment. 434

(J) Benefits shall not be paid on the basis of employment 435
performed by an alien, unless the alien had been lawfully admitted 436
to the United States for permanent residence at the time the 437
services were performed, was lawfully present for purposes of 438
performing the services, or was otherwise permanently residing in 439
the United States under color of law at the time the services were 440
performed, under section 212(d)(5) of the "Immigration and 441
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101: 442

(1) Any data or information required of individuals applying 443
for benefits to determine whether benefits are not payable to them 444
because of their alien status shall be uniformly required from all 445
applicants for benefits. 446

(2) In the case of an individual whose application for 447
benefits would otherwise be approved, no determination that 448
benefits to the individual are not payable because of the 449
individual's alien status shall be made except upon a 450
preponderance of the evidence that the individual had not, in 451
fact, been lawfully admitted to the United States. 452

(K) The director shall establish and utilize a system of 453
profiling all new claimants under this chapter that: 454

(1) Identifies which claimants will be likely to exhaust 455
regular compensation and will need job search assistance services 456

to make a successful transition to new employment; 457

(2) Refers claimants identified pursuant to division (K)(1) 458
of this section to reemployment services, such as job search 459
assistance services, available under any state or federal law; 460

(3) Collects follow-up information relating to the services 461
received by such claimants and the employment outcomes for such 462
claimant's subsequent to receiving such services and utilizes such 463
information in making identifications pursuant to division (K)(1) 464
of this section; and 465

(4) Meets such other requirements as the United States 466
secretary of labor determines are appropriate. 467

Section 2. That existing section 4141.29 of the Revised Code 468
is hereby repealed. 469

Section 3. Section 4141.29 of the Revised Code is presented 470
in this act as a composite of the section as amended by both Sub. 471
H.B. 525 and Am. Sub. S.B. 316 of the 129th General Assembly. The 472
General Assembly, applying the principle stated in division (B) of 473
section 1.52 of the Revised Code that amendments are to be 474
harmonized if reasonably capable of simultaneous operation, finds 475
that the composite is the resulting version of the section in 476
effect prior to the effective date of the section as presented in 477
this act. 478

Section 4. This act is hereby declared to be an emergency 479
measure necessary for the immediate preservation of the public 480
peace, health, and safety. The reason for such necessity is so 481
that employees displaced as the result of a spouse's military 482
transfer will not continue to be forced to choose between losing 483
income and splitting up the family during a military reassignment. 484
Therefore, this act shall go into immediate effect. 485