



Ohio Legislative Service Commission

Bill Analysis

Meredith L. Rockwell

S.B. 13

129th General Assembly
(As Introduced)

Sen. Schiavoni

BILL SUMMARY

- Allows a claimant to be eligible for unemployment compensation benefits if the Director of Job and Family Services finds that the claimant was separated from employment because of circumstances directly resulting from domestic abuse.
- Allows a claimant to be eligible for unemployment compensation benefits if the Director finds that the claimant was separated from employment because of compelling family circumstances, including illness or disability of the claimant or the claimant's immediate family member and employment transfer of a spouse.
- Allows the extension of unemployment benefits for up to 26 weeks for a claimant who is enrolled and making satisfactory progress in a workforce development training program.
- Creates the Unemployment Modernization Review Task Force to study the provisions of the bill as they relate to the unemployment modernization provisions of the American Recovery and Reinvestment Act of 2009.

CONTENT AND OPERATION

Unemployment compensation benefits

Domestic abuse

Under the bill, claimants will be eligible for waiting week credit and for unemployment compensation benefits if the Director of Job and Family Services finds that the claimant left work voluntarily or was discharged because of circumstances directly resulting from domestic abuse. In order to qualify the claimant must fulfill one of the following criteria:

(1) The claimant reasonably fears future domestic abuse at or en route to the workplace.

(2) The claimant needs to relocate to avoid future domestic abuse.

(3) The claimant reasonably believes that leaving work is necessary for the safety of the claimant or the claimant's family.¹

The Director is required, when determining if a claimant has experienced domestic abuse for the purpose of receiving unemployment compensation benefits, to require the claimant to provide documentation of domestic abuse that may include police or court records or other documentation of abuse from a shelter worker, attorney, member of the clergy, or medical or other professional from whom the claimant has sought assistance.²

The Director is required to keep confidential any documentation or evidence of domestic abuse acquired by the Director in determining benefits, unless the claimant gives written consent for disclosure.³

Compelling family circumstances

Under the bill, a claimant will be eligible for waiting week credit and for unemployment compensation benefits if the Director determines that the claimant was separated from employment due to compelling family circumstances. "Compelling family circumstances" includes three scenarios.⁴

First, a claimant will be eligible for benefits for a compelling family circumstance if the claimant was separated from employment with the claimant's employer because of the claimant's illness or disability and, based upon available information, the Director finds that it was medically necessary for the claimant to stop working or change occupations. An illness will qualify if the illness is verified and necessitates the care of the ill person for a period of time that exceeds the amount of time an employer will provide paid or unpaid leave. A disability will qualify if the disability is verified and the disability necessitates the care of the disabled person for a period of time that exceeds the amount of time an employer will provide paid or unpaid leave. Qualifying

¹ R.C. 4141.293(B)(1).

² R.C. 4141.293(B)(2).

³ R.C. 4141.293(B)(3).

⁴ R.C. 4141.293(C).

disabilities include mental and physical disabilities, permanent and temporary disabilities, and partial and total disabilities.

Second, a claimant will be eligible for benefits for a compelling family circumstance if the claimant was separated from work due to an immediate family member's illness or disability. Qualifying illnesses and disabilities are the same as those described immediately above. An "immediate family member" is a claimant's spouse, parent, or child under the age of 18.

Third, a claimant will be eligible for benefits for a compelling family circumstance if the claimant's spouse was transferred or employed in another city or state, the family is required to move to the location of that job, the location is outside the commuting distance of the claimant's previous employment, and the claimant separates from employment in order to move to the new location with the claimant's spouse.⁵

Training extension benefits

Under the bill, an individual who has exhausted all other unemployment benefits, which includes regular benefits, extended benefits, and any unemployment benefits funded solely by the federal government, for which the individual has been determined eligible will continue to be eligible for up to 26 additional weeks of training extension unemployment benefits if the Director determines that the individual satisfies all of the following criteria:

(1) The individual was involuntarily separated from employment because of a permanent reduction of operations at the individual's place of employment or is unemployed because of a separation from a declining occupation.

(2) The individual is enrolled and making satisfactory progress in a training program that the Director approves for the individual or a training program authorized under the "Workforce Investment Act of 1998."⁶

(3) The individual is receiving training that is preparing the individual for entry into a high-demand occupation.

(4) The individual is not receiving similar stipends or other training allowances for nontraining costs. A similar stipend is an amount provided under a program with

⁵ R.C. 4141.293(A).

⁶ P.L. 105-220, 112 Stat. 936, 29 United States Code 2801 *et seq.*

similar aims, such as providing training to increase employability, and in approximately the same amounts.⁷

To be eligible for training extension benefits under the bill, an individual is required to be enrolled in the qualifying training no later than the end of the benefit year established with respect to the separation that makes the individual eligible for the training extension benefit. The Director is required to notify each claimant of this enrollment requirement at the time the Director issues the claimant's initial determination of benefit rights.⁸

Under the bill, the weekly benefit payable to an individual for training extension benefits is equal to the amount of unemployment benefits for which the individual has been previously determined eligible, less any allowable reductions.⁹

If an individual begins to receive training extension benefits under the bill while enrolled in a qualified training program during a benefit year, that individual will continue to receive the training extension benefits so long as the individual continues to make satisfactory progress in the training program. However, training extension benefits cannot exceed 26 times the individual's weekly benefit amount for the most recent benefit year.¹⁰

The Director must charge any training extension benefits paid to a claimant to the Mutualized Account and not to an employer's account.¹¹

Unemployment Modernization Review Task Force

The bill creates the Unemployment Modernization Review Task Force. The Task Force is required to study the provisions of the bill, as those provisions relate to unemployment modernization provisions of the "American Recovery and Reinvestment Act of 2009."¹²

The Task Force must consist of the legislative members of the Unemployment Compensation Advisory Council and the following two additional members:

⁷ R.C. 4141.302(A) and (B).

⁸ R.C. 4141.302(C).

⁹ R.C. 4141.302(D).

¹⁰ R.C. 4141.302(E).

¹¹ R.C. 4141.302(F).

¹² P.L. 111-5, 123 Stat. 115.

(1) A member of the Senate, appointed by the President of the Senate, who is a member of the minority party;

(2) A member of the House of Representatives, appointed by the Speaker of the House of Representatives, who is a member of the minority party.

Each member of the Task Force must hold office during the General Assembly in which the member is appointed and until a successor has been appointed, notwithstanding the adjournment sine die of the General Assembly in which the member was appointed or the expiration of the member's term as a member of the General Assembly. Any vacancies occurring among the members of the Task Force must be filled in the manner of the original appointment.

The President of the Senate and the Speaker of the House of Representatives are required under the bill to appoint the members of the Task Force described above within 30 days after the bill's effective date.

The Task Force is required under the bill to submit a report to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate not later than December 31, 2012. The report must include the effects of the provisions of the bill.¹³

HISTORY

ACTION	DATE
Introduced	02-01-11

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¹³ Section 3 of the bill.