

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 378

Representatives Crossman, Lepore-Hagan

Cosponsors: Representatives Sobecki, Galonski, Robinson, Lightbody, Leland, Miller, J., Ingram, Brent, Hicks-Hudson, Crawley, Howse, Blair, Russo, O'Brien, Weinstein, Cera, Skindell, Miller, A., Kelly, Brown, Rogers, Liston, Boggs, Upchurch, Sweeney, Strahorn, Denson, West, Smith, K., Sheehy, Clites, Sykes, Boyd, Miranda, Patterson

A BILL

To amend section 4141.29 and to enact section 1
4141.294 of the Revised Code to provide 2
unemployment benefits to striking workers and to 3
declare an emergency. 4

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

Section 1. That section 4141.29 be amended and section 5
4141.294 of the Revised Code be enacted to read as follows: 6

Sec. 4141.29. Each eligible individual shall receive 7
benefits as compensation for loss of remuneration due to 8
involuntary total or partial unemployment in the amounts and 9
subject to the conditions stipulated in this chapter. 10

(A) No individual is entitled to a waiting period or 11
benefits for any week unless the individual: 12

(1) Has filed a valid application for determination of 13
benefit rights in accordance with section 4141.28 of the Revised 14
Code; 15

(2) Has made a claim for benefits in accordance with 16
section 4141.28 of the Revised Code; 17

(3) (a) Has registered for work and thereafter continues to 18
report to an employment office or other registration place 19
maintained or designated by the director of job and family 20
services. Registration shall be made in accordance with the time 21
limits, frequency, and manner prescribed by the director. 22

(b) For purposes of division (A) (3) of this section, an 23
individual has "registered" upon doing any of the following: 24

(i) Filing an application for benefit rights; 25

(ii) Making a weekly claim for benefits; 26

(iii) Reopening an existing claim following a period of 27
employment or nonreporting. 28

(c) After an applicant is registered, that registration 29
continues for a period of three calendar weeks, including the 30
week during which the applicant registered. However, an 31
individual is not registered for purposes of division (A) (3) of 32
this section during any period in which the individual fails to 33
report, as instructed by the director, or fails to reopen an 34
existing claim following a period of employment. 35

(d) The director may, for good cause, extend the period of 36
registration. 37

(e) For purposes of this section, "report" means contact 38
by phone, access electronically, or be present for an in-person 39
appointment, as designated by the director. 40

(4) (a) (i) Is able to work and available for suitable work 41
and, except as provided in division (A) (4) (a) (ii) or (iii) of 42
this section, is actively seeking suitable work either in a 43

locality in which the individual has earned wages subject to 44
this chapter during the individual's base period, or if the 45
individual leaves that locality, then in a locality where 46
suitable work normally is performed. 47

(ii) The director may waive the requirement that a 48
claimant be actively seeking work when the director finds that 49
the individual has been laid off and the employer who laid the 50
individual off has notified the director within ten days after 51
the layoff, that work is expected to be available for the 52
individual within a specified number of days not to exceed 53
forty-five calendar days following the last day the individual 54
worked. In the event the individual is not recalled within the 55
specified period, this waiver shall cease to be operative with 56
respect to that layoff. 57

(iii) The director may waive the requirement that a 58
claimant be actively seeking work if the director determines 59
that the individual has been laid off and the employer who laid 60
the individual off has notified the director in accordance with 61
division (C) of section 4141.28 of the Revised Code that the 62
employer has closed the employer's entire plant or part of the 63
employer's plant for a purpose other than inventory or vacation 64
that will cause unemployment for a definite period not exceeding 65
twenty-six weeks beginning on the date the employer notifies the 66
director, for the period of the specific shutdown, if all of the 67
following apply: 68

(I) The employer and the individuals affected by the 69
layoff who are claiming benefits under this chapter jointly 70
request the exemption. 71

(II) The employer provides that the affected individuals 72
shall return to work for the employer within twenty-six weeks 73

after the date the employer notifies the director. 74

(III) The director determines that the waiver of the 75
active search for work requirement will promote productivity and 76
economic stability within the state. 77

(iv) Division (A) (4) (a) (iii) of this section does not 78
exempt an individual from meeting the other requirements 79
specified in division (A) (4) (a) (i) of this section to be able to 80
work and otherwise fully be available for work. An exemption 81
granted under division (A) (4) (a) (iii) of this section may be 82
granted only with respect to a specific plant closing. 83

(b) (i) The individual shall be instructed as to the 84
efforts that the individual must make in the search for suitable 85
work, including that, within six months after October 11, 2013, 86
the individual shall register with the OhioMeansJobs web site, 87
except in any of the following circumstances: 88

(I) The individual is an individual described in division 89
(A) (4) (b) (iii) of this section; 90

(II) Where the active search for work requirement has been 91
waived under division (A) (4) (a) of this section; 92

(III) Where the active search for work requirement is 93
considered to be met under division (A) (4) (c), (d), or (e) of 94
this section. 95

(ii) An individual who is registered with the 96
OhioMeansJobs web site shall receive a weekly listing of 97
available jobs based on information provided by the individual 98
at the time of registration. For each week that the individual 99
claims benefits, the individual shall keep a record of the 100
individual's work search efforts and shall produce that record 101
in the manner and means prescribed by the director. 102

(iii) No individual shall be required to register with the OhioMeansJobs web site if the individual is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which the OhioMeansJobs web site is available.

(iv) As used in division (A) (4) (b) of this section:

(I) "OhioMeansJobs web site" has the same meaning as in section 6301.01 of the Revised Code.

(II) "Registration" includes the creation, electronic posting, and maintenance of an active, searchable resume.

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

(d) An individual who becomes unemployed while attending a regularly established school and whose base period qualifying weeks were earned in whole or in part while attending that school, meets the availability and active search for work

requirements of division (A) (4) (a) of this section if the 132
individual regularly attends the school during weeks with 133
respect to which the individual claims unemployment benefits and 134
makes self available on any shift of hours for suitable 135
employment with the individual's most recent employer or any 136
other employer in the individual's base period, or for any other 137
suitable employment to which the individual is directed, under 138
this chapter. 139

(e) An individual who is a member in good standing with a 140
labor organization that refers individuals to jobs meets the 141
active search for work requirement specified in division (A) (4) 142
(a) of this section if the individual provides documentation 143
that the individual is eligible for a referral or placement upon 144
request and in a manner prescribed by the director. 145

(f) Notwithstanding any other provisions of this section, 146
no otherwise eligible individual shall be denied benefits for 147
any week because the individual is in training approved under 148
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 149
U.S.C.A. 2296, nor shall that individual be denied benefits by 150
reason of leaving work to enter such training, provided the work 151
left is not suitable employment, or because of the application 152
to any week in training of provisions in this chapter, or any 153
applicable federal unemployment compensation law, relating to 154
availability for work, active search for work, or refusal to 155
accept work. 156

For the purposes of division (A) (4) (f) of this section, 157
"suitable employment" means with respect to an individual, work 158
of a substantially equal or higher skill level than the 159
individual's past adversely affected employment, as defined for 160
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 161

U.S.C.A. 2101, and wages for such work at not less than eighty 162
per cent of the individual's average weekly wage as determined 163
for the purposes of that federal act. 164

(5) Is unable to obtain suitable work. An individual who 165
is provided temporary work assignments by the individual's 166
employer under agreed terms and conditions of employment, and 167
who is required pursuant to those terms and conditions to 168
inquire with the individual's employer for available work 169
assignments upon the conclusion of each work assignment, is not 170
considered unable to obtain suitable employment if suitable work 171
assignments are available with the employer but the individual 172
fails to contact the employer to inquire about work assignments. 173

(6) Participates in reemployment services, such as job 174
search assistance services, if the individual has been 175
determined to be likely to exhaust benefits under this chapter, 176
including compensation payable pursuant to 5 U.S.C.A. Chapter 177
85, other than extended compensation, and needs reemployment 178
services pursuant to the profiling system established by the 179
director under division (K) of this section, unless the director 180
determines that: 181

(a) The individual has completed such services; or 182

(b) There is justifiable cause for the claimant's failure 183
to participate in such services. 184

Ineligibility for failure to participate in reemployment 185
services as described in division (A) (6) of this section shall 186
be for the week or weeks in which the claimant was scheduled and 187
failed to participate without justifiable cause. 188

(7) Participates in the reemployment and eligibility 189
assessment program, or other reemployment services, as required 190

by the director. As used in division (A) (7) of this section, 191
"reemployment services" includes job search assistance 192
activities, skills assessments, and the provision of labor 193
market statistics or analysis. 194

(a) For purposes of division (A) (7) of this section, 195
participation is required unless the director determines that 196
either of the following circumstances applies to the individual: 197

(i) The individual has completed similar services. 198

(ii) Justifiable cause exists for the failure of the 199
individual to participate in those services. 200

(b) Within six months after October 11, 2013, 201
notwithstanding any earlier contact an individual may have had 202
with a local OhioMeansJobs center, as defined in section 6301.01 203
of the Revised Code, beginning with the eighth week after the 204
week during which an individual first files a valid application 205
for determination of benefit rights in the individual's benefit 206
year, the individual shall report to a local OhioMeansJobs 207
center for reemployment services in the manner prescribed by the 208
director. 209

(c) An individual ~~whose active search for work requirement~~ 210
~~has been waived under division (A) (4) (a) of this section or is~~ 211
~~considered to be satisfied under division (A) (4) (c), (d), or (e)~~ 212
~~of this section~~ is exempt from the requirements of division (A) 213
(7) of this section if either of the following apply: 214

(i) The individual's active search for work requirement 215
has been waived under division (A) (4) (a) of this section or 216
section 4141.294 of the Revised Code. 217

(ii) The individual's active search for work requirement 218
is considered to be satisfied under division (A) (4) (c), (d), or 219

<u>(e) of this section.</u>	220
(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.	221 222 223 224 225 226 227
(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.	228 229 230 231 232 233 234 235 236
(D) Notwithstanding division (A) of this section, no individual may serve a waiting period or be paid benefits under the following conditions:	237 238 239
(1) For any week with respect to which the director finds that:	240 241
(a) The Except as provided in section 4141.294 of the Revised Code, 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	242 243 244 245 246 247 248

~~under this provision if either of the following applies:~~ 249

~~(i) The individual's employment was with such employer at
any factory, establishment, or premises located in this state,
owned or operated by such employer, other than the factory,
establishment, or premises at which the labor dispute exists, if
it is shown that the individual is not financing, participating
in, or directly interested in such labor dispute;~~ 250
251
252
253
254
255

~~(ii) The individual's employment was with an employer not
involved in the labor dispute but whose place of business was
located within the same premises as the employer engaged in the
dispute, unless the individual's employer is a wholly owned
subsidiary of the employer engaged in the dispute, or unless the
individual actively participates in or voluntarily stops work
because of such dispute. If it is established that the claimant
was laid off for an indefinite period and not recalled to work
prior to the dispute, or was separated by the employer prior to
the dispute for reasons other than the labor dispute, or that
the individual obtained a bona fide job with another employer
while the dispute was still in progress, such labor dispute
shall not render the employee ineligible for benefits.~~ 256
257
258
259
260
261
262
263
264
265
266
267
268

(b) The individual has been given a disciplinary layoff 269
for misconduct in connection with the individual's work. 270

(2) For the duration of the individual's unemployment if 271
the director finds that: 272

(a) The individual quit work without just cause or has 273
been discharged for just cause in connection with the 274
individual's work, provided division (D) (2) of this section does 275
not apply to the separation of a person under any of the 276
following circumstances: 277

(i) Separation from employment for the purpose of entering	278
the armed forces of the United States if the individual is	279
inducted into the armed forces within one of the following	280
periods:	281
(I) Thirty days after separation;	282
(II) One hundred eighty days after separation if the	283
individual's date of induction is delayed solely at the	284
discretion of the armed forces.	285
(ii) Separation from employment pursuant to a labor-	286
management contract or agreement, or pursuant to an established	287
employer plan, program, or policy, which permits the employee,	288
because of lack of work, to accept a separation from employment;	289
(iii) The individual has left employment to accept a	290
recall from a prior employer or, except as provided in division	291
(D) (2) (a) (iv) of this section, to accept other employment as	292
provided under section 4141.291 of the Revised Code, or left or	293
was separated from employment that was concurrent employment at	294
the time of the most recent separation or within six weeks prior	295
to the most recent separation where the remuneration, hours, or	296
other conditions of such concurrent employment were	297
substantially less favorable than the individual's most recent	298
employment and where such employment, if offered as new work,	299
would be considered not suitable under the provisions of	300
divisions (E) and (F) of this section. Any benefits that would	301
otherwise be chargeable to the account of the employer from whom	302
an individual has left employment or was separated from	303
employment that was concurrent employment under conditions	304
described in division (D) (2) (a) (iii) of this section, shall	305
instead be charged to the mutualized account created by division	306
(B) of section 4141.25 of the Revised Code, except that any	307

benefits chargeable to the account of a reimbursing employer 308
under division (D) (2) (a) (iii) of this section shall be charged 309
to the account of the reimbursing employer and not to the 310
mutualized account, except as provided in division (D) (2) of 311
section 4141.24 of the Revised Code. 312

(iv) When an individual has been issued a definite layoff 313
date by the individual's employer and before the layoff date, 314
the individual quits to accept other employment, the provisions 315
of division (D) (2) (a) (iii) of this section apply and no 316
disqualification shall be imposed under division (D) of this 317
section. However, if the individual fails to meet the employment 318
and earnings requirements of division (A) (2) of section 4141.291 319
of the Revised Code, then the individual, pursuant to division 320
(A) (5) of this section, shall be ineligible for benefits for any 321
week of unemployment that occurs prior to the layoff date. 322

(v) The individual's spouse is a member of the armed 323
forces of the United States who is on active duty or a member of 324
the commissioned corps of the national oceanic and atmospheric 325
administration or public health service, the spouse is the 326
subject of a transfer, the individual left employment to 327
accompany the individual's spouse to a location from which it is 328
impractical to commute to the individual's place of employment, 329
and upon arrival at the new place of residence, the individual 330
is in all respects able and available for suitable work. For 331
~~purpose~~ purposes of division (D) (2) (a) (v) of this section, 332
"active duty" and "armed forces" have the same meanings as in 10 333
U.S.C. 101. 334

(b) The individual has refused without good cause to 335
accept an offer of suitable work when made by an employer either 336
in person or to the individual's last known address, or has 337

refused or failed to investigate a referral to suitable work 338
when directed to do so by a local employment office of this 339
state or another state, provided that this division shall not 340
cause a disqualification for a waiting week or benefits under 341
the following circumstances: 342

(i) When work is offered by the individual's employer and 343
the individual is not required to accept the offer pursuant to 344
the terms of the labor-management contract or agreement; or 345

(ii) When the individual is attending a training course 346
pursuant to division (A) (4) of this section except, in the event 347
of a refusal to accept an offer of suitable work or a refusal or 348
failure to investigate a referral, benefits thereafter paid to 349
such individual shall not be charged to the account of any 350
employer and, except as provided in division (B) (1) (b) of 351
section 4141.241 of the Revised Code, shall be charged to the 352
mutualized account as provided in division (B) of section 353
4141.25 of the Revised Code. 354

(c) Such individual quit work to marry or because of 355
marital, parental, filial, or other domestic obligations. 356

(d) The individual became unemployed by reason of 357
commitment to any correctional institution. 358

(e) The individual became unemployed because of dishonesty 359
in connection with the individual's most recent or any base 360
period work. Remuneration earned in such work shall be excluded 361
from the individual's total base period remuneration and 362
qualifying weeks that otherwise would be credited to the 363
individual for such work in the individual's base period shall 364
not be credited for the purpose of determining the total 365
benefits to which the individual is eligible and the weekly 366

benefit amount to be paid under section 4141.30 of the Revised 367
Code. Such excluded remuneration and noncredited qualifying 368
weeks shall be excluded from the calculation of the maximum 369
amount to be charged, under division (D) of section 4141.24 and 370
section 4141.33 of the Revised Code, against the accounts of the 371
individual's base period employers. In addition, no benefits 372
shall thereafter be paid to the individual based upon such 373
excluded remuneration or noncredited qualifying weeks. 374

For purposes of division (D) (2) (e) of this section, 375
"dishonesty" means the commission of substantive theft, fraud, 376
or deceitful acts. 377

(E) No individual otherwise qualified to receive benefits 378
shall lose the right to benefits by reason of a refusal to 379
accept new work if: 380

(1) As a condition of being so employed the individual 381
would be required to join a company union, or to resign from or 382
refrain from joining any bona fide labor organization, or would 383
be denied the right to retain membership in and observe the 384
lawful rules of any such organization. 385

(2) The position offered is vacant due directly to a 386
strike, lockout, or other labor dispute. 387

(3) The work is at an unreasonable distance from the 388
individual's residence, having regard to the character of the 389
work the individual has been accustomed to do, and travel to the 390
place of work involves expenses substantially greater than that 391
required for the individual's former work, unless the expense is 392
provided for. 393

(4) The remuneration, hours, or other conditions of the 394
work offered are substantially less favorable to the individual 395

than those prevailing for similar work in the locality. 396

(F) Subject to the special exceptions contained in 397
division (A) (4) (f) of this section and section 4141.301 of the 398
Revised Code, in determining whether any work is suitable for a 399
claimant in the administration of this chapter, the director, in 400
addition to the determination required under division (E) of 401
this section, shall consider the degree of risk to the 402
claimant's health, safety, and morals, the individual's physical 403
fitness for the work, the individual's prior training and 404
experience, the length of the individual's unemployment, the 405
distance of the available work from the individual's residence, 406
and the individual's prospects for obtaining local work. 407

(G) The "duration of unemployment" as used in this section 408
means the full period of unemployment next ensuing after a 409
separation from any base period or subsequent work and until an 410
individual has become reemployed in employment subject to this 411
chapter, or the unemployment compensation act of another state, 412
or of the United States, and until such individual has worked 413
six weeks and for those weeks has earned or been paid 414
remuneration equal to six times an average weekly wage of not 415
less than: eighty-five dollars and ten cents per week beginning 416
on June 26, 1990; and beginning on and after January 1, 1992, 417
twenty-seven and one-half per cent of the statewide average 418
weekly wage as computed each first day of January under division 419
(B) (3) of section 4141.30 of the Revised Code, rounded down to 420
the nearest dollar, except for purposes of division (D) (2) (c) of 421
this section, such term means the full period of unemployment 422
next ensuing after a separation from such work and until such 423
individual has become reemployed subject to the terms set forth 424
above, and has earned wages equal to one-half of the 425
individual's average weekly wage or sixty dollars, whichever is 426

less. 427

(H) If a claimant is disqualified under division (D) (2) 428
(a), (c), or (d) of this section or found to be qualified under 429
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), or 430
(v) of this section or division (A) (2) of section 4141.291 of 431
the Revised Code, then benefits that may become payable to such 432
claimant, which are chargeable to the account of the employer 433
from whom the individual was separated under such conditions, 434
shall be charged to the mutualized account provided in section 435
4141.25 of the Revised Code, provided that no charge shall be 436
made to the mutualized account for benefits chargeable to a 437
reimbursing employer, except as provided in division (D) (2) of 438
section 4141.24 of the Revised Code. In the case of a 439
reimbursing employer, the director shall refund or credit to the 440
account of the reimbursing employer any over-paid benefits that 441
are recovered under division (B) of section 4141.35 of the 442
Revised Code. Amounts chargeable to other states, the United 443
States, or Canada that are subject to agreements and 444
arrangements that are established pursuant to section 4141.43 of 445
the Revised Code shall be credited or reimbursed according to 446
the agreements and arrangements to which the chargeable amounts 447
are subject. 448

(I) (1) Benefits based on service in employment as provided 449
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 450
Code shall be payable in the same amount, on the same terms, and 451
subject to the same conditions as benefits payable on the basis 452
of other service subject to this chapter; except that after 453
December 31, 1977: 454

(a) Benefits based on service in an instructional, 455
research, or principal administrative capacity in an institution 456

of higher education, as defined in division (Y) of section 457
4141.01 of the Revised Code; or for an educational institution 458
as defined in division (CC) of section 4141.01 of the Revised 459
Code, shall not be paid to any individual for any week of 460
unemployment that begins during the period between two 461
successive academic years or terms, or during a similar period 462
between two regular but not successive terms or during a period 463
of paid sabbatical leave provided for in the individual's 464
contract, if the individual performs such services in the first 465
of those academic years or terms and has a contract or a 466
reasonable assurance that the individual will perform services 467
in any such capacity for any such institution in the second of 468
those academic years or terms. 469

(b) Benefits based on service for an educational 470
institution or an institution of higher education in other than 471
an instructional, research, or principal administrative 472
capacity, shall not be paid to any individual for any week of 473
unemployment which begins during the period between two 474
successive academic years or terms of the employing educational 475
institution or institution of higher education, provided the 476
individual performed those services for the educational 477
institution or institution of higher education during the first 478
such academic year or term and, there is a reasonable assurance 479
that such individual will perform those services for any 480
educational institution or institution of higher education in 481
the second of such academic years or terms. 482

If compensation is denied to any individual for any week 483
under division (I)(1)(b) of this section and the individual was 484
not offered an opportunity to perform those services for an 485
institution of higher education or for an educational 486
institution for the second of such academic years or terms, the 487

individual is entitled to a retroactive payment of compensation 488
for each week for which the individual timely filed a claim for 489
compensation and for which compensation was denied solely by 490
reason of division (I) (1) (b) of this section. An application for 491
retroactive benefits shall be timely filed if received by the 492
director or the director's deputy within or prior to the end of 493
the fourth full calendar week after the end of the period for 494
which benefits were denied because of reasonable assurance of 495
employment. The provision for the payment of retroactive 496
benefits under division (I) (1) (b) of this section is applicable 497
to weeks of unemployment beginning on and after November 18, 498
1983. The provisions under division (I) (1) (b) of this section 499
shall be retroactive to September 5, 1982, only if, as a 500
condition for full tax credit against the tax imposed by the 501
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 502
3301 to 3311, the United States secretary of labor determines 503
that retroactivity is required by federal law. 504

(c) With respect to weeks of unemployment beginning after 505
December 31, 1977, benefits shall be denied to any individual 506
for any week which commences during an established and customary 507
vacation period or holiday recess, if the individual performs 508
any services described in divisions (I) (1) (a) and (b) of this 509
section in the period immediately before the vacation period or 510
holiday recess, and there is a reasonable assurance that the 511
individual will perform any such services in the period 512
immediately following the vacation period or holiday recess. 513

(d) With respect to any services described in division (I) 514
(1) (a), (b), or (c) of this section, benefits payable on the 515
basis of services in any such capacity shall be denied as 516
specified in division (I) (1) (a), (b), or (c) of this section to 517
any individual who performs such services in an educational 518

institution or institution of higher education while in the 519
employ of an educational service agency. For this purpose, the 520
term "educational service agency" means a governmental agency or 521
governmental entity that is established and operated exclusively 522
for the purpose of providing services to one or more educational 523
institutions or one or more institutions of higher education. 524

(e) Any individual employed by a county board of 525
developmental disabilities shall be notified by the thirtieth 526
day of April each year if the individual is not to be reemployed 527
the following academic year. 528

(f) Any individual employed by a school district, other 529
than a municipal school district as defined in section 3311.71 530
of the Revised Code, shall be notified by the first day of June 531
each year if the individual is not to be reemployed the 532
following academic year. 533

(2) No disqualification will be imposed, between academic 534
years or terms or during a vacation period or holiday recess 535
under this division, unless the director or the director's 536
deputy has received a statement in writing from the educational 537
institution or institution of higher education that the claimant 538
has a contract for, or a reasonable assurance of, reemployment 539
for the ensuing academic year or term. 540

(3) If an individual has employment with an educational 541
institution or an institution of higher education and employment 542
with a noneducational employer, during the base period of the 543
individual's benefit year, then the individual may become 544
eligible for benefits during the between-term, or vacation or 545
holiday recess, disqualification period, based on employment 546
performed for the noneducational employer, provided that the 547
employment is sufficient to qualify the individual for benefit 548

rights separately from the benefit rights based on school 549
employment. The weekly benefit amount and maximum benefits 550
payable during a disqualification period shall be computed based 551
solely on the nonschool employment. 552

(J) Benefits shall not be paid on the basis of employment 553
performed by an alien, unless the alien had been lawfully 554
admitted to the United States for permanent residence at the 555
time the services were performed, was lawfully present for 556
purposes of performing the services, or was otherwise 557
permanently residing in the United States under color of law at 558
the time the services were performed, under section 212(d) (5) of 559
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 560
1101: 561

(1) Any data or information required of individuals 562
applying for benefits to determine whether benefits are not 563
payable to them because of their alien status shall be uniformly 564
required from all applicants for benefits. 565

(2) In the case of an individual whose application for 566
benefits would otherwise be approved, no determination that 567
benefits to the individual are not payable because of the 568
individual's alien status shall be made except upon a 569
preponderance of the evidence that the individual had not, in 570
fact, been lawfully admitted to the United States. 571

(K) The director shall establish and utilize a system of 572
profiling all new claimants under this chapter that: 573

(1) Identifies which claimants will be likely to exhaust 574
regular compensation and will need job search assistance 575
services to make a successful transition to new employment; 576

(2) Refers claimants identified pursuant to division (K) 577

(1) of this section to reemployment services, such as job search 578
assistance services, available under any state or federal law; 579

(3) Collects follow-up information relating to the 580
services received by such claimants and the employment outcomes 581
for such claimant's subsequent to receiving such services and 582
utilizes such information in making identifications pursuant to 583
division (K) (1) of this section; and 584

(4) Meets such other requirements as the United States 585
secretary of labor determines are appropriate. 586

(L) Except as otherwise provided in division (A) (6) of 587
this section, ineligibility pursuant to division (A) of this 588
section shall begin on the first day of the week in which the 589
claimant becomes ineligible for benefits and shall end on the 590
last day of the week preceding the week in which the claimant 591
satisfies the eligibility requirements. 592

(M) The director may adopt rules that the director 593
considers necessary for the administration of division (A) of 594
this section. 595

Sec. 4141.294. (A) No individual shall be disqualified 596
from serving a waiting period or being paid benefits under 597
division (D) (1) (a) of section 4141.29 of the Revised Code if any 598
of the following apply: 599

(1) The individual's unemployment was caused by a strike 600
at the factory, establishment, or other premises, owned or 601
operated by the individual's employer, at which the individual 602
is or was last employed. 603

(2) The individual's unemployment was caused by a labor 604
dispute at any factory, establishment, or premises located in 605
this state, owned or operated by the individual's employer, 606

other than the factory, establishment, or premises at which the 607
individual was employed. 608

(3) The individual's employment was with an employer not 609
involved in a labor dispute but the employer's place of business 610
was located within the same premises as the employer engaged in 611
the dispute, unless the individual's employer is a wholly owned 612
subsidiary of the employer engaged in the dispute, or unless the 613
individual actively participates in or voluntarily stops work 614
because of that dispute. 615

(B) (1) Notwithstanding the requirement of division (R) of 616
section 4141.01 of the Revised Code that an individual's benefit 617
year begins with the first day of a week during which the 618
individual files a valid application for determination of 619
benefit rights, the benefit year of an individual who has not 620
established a benefit year at the time of filing and who is 621
unemployed because of a strike begins on one of the following 622
days, as applicable: 623

(a) If the individual files the application fewer than 624
four weeks after the date the strike began, the first day of the 625
week during which the strike began; 626

(b) If the individual files the application four or more 627
weeks after the date the strike began, the first day of the week 628
that is four weeks before the individual files the claim. 629

(2) An individual who files an additional claim during a 630
benefit year because the individual is unemployed due to a 631
strike is eligible for benefits beginning on one of the 632
following days, as applicable: 633

(a) If the individual files the application fewer than 634
four weeks after the date the strike began, the first day of the 635

week during which the strike began; 636

(b) If the individual files the application four or more 637
weeks after the date the strike began, the first day of the week 638
that is four weeks before the individual files the additional 639
claim. 640

(C) If, under division (B) of this section, an individual 641
is eligible for benefits for any week that occurred before the 642
individual filed an application for determination of benefit 643
rights or an additional claim, the director of job and family 644
services shall retroactively pay benefits for that week. The 645
director shall do all of the following with respect to that 646
week: 647

(1) Waive the active search for work requirement specified 648
in division (A) (4) (a) of section 4141.29 of the Revised Code; 649

(2) Waive the waiting period requirement in division (B) 650
of section 4141.29 of the Revised Code; 651

(3) Consider the individual to be registered for purposes 652
of division (A) (3) of section 4141.29 of the Revised Code. 653

Section 2. That existing section 4141.29 of the Revised 654
Code is hereby repealed. 655

Section 3. Section 4141.29 of the Revised Code is 656
presented in this act as a composite of the section as amended 657
by both H.B. 49 and H.B. 158 of the 132nd General Assembly. The 658
General Assembly, applying the principle stated in division (B) 659
of section 1.52 of the Revised Code that amendments are to be 660
harmonized if reasonably capable of simultaneous operation, 661
finds that the composite is the resulting version of the section 662
in effect prior to the effective date of the section as 663
presented in this act. 664

Section 4. This act is hereby declared to be an emergency 665
measure necessary for the immediate preservation of the public 666
peace, health, and safety. The reason for such necessity is that 667
workers who have lost earnings because of labor disputes need 668
immediate economic assistance. Therefore, this act shall go into 669
immediate effect. 670