

As Passed by the Senate

132nd General Assembly

Regular Session

2017-2018

S. B. No. 116

Senators LaRose, Williams

Cosponsors: Senators Terhar, Eklund, Hackett, Schiavoni, Hite, Hoagland, Beagle, Sykes, Yuko, Skindell, Tavares, Lehner, Coley, Brown, Dolan, Gardner, Hottinger, Huffman, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Thomas, Uecker, Wilson

A BILL

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

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

Section 1. That section 4141.29 of the Revised Code be 5
amended 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 OhioMeansJobs, except in any 87
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 OhioMeansJobs 96
shall receive a weekly listing of available jobs based on 97
information provided by the individual at the time of 98
registration. For each week that the individual claims benefits, 99
the individual shall keep a record of the individual's work 100
search efforts and shall produce that record in the manner and 101
means prescribed by the director. 102

(iii) No individual shall be required to register with OhioMeansJobs 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 OhioMeansJobs is available.

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

(I) "OhioMeansJobs" means the electronic job placement system operated by the state.

(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 one-stop county office, including as described in 203
section 6301.08 of the Revised Code, beginning with the eighth 204
week after the week during which an individual first files a 205
valid application for determination of benefit rights in the 206
individual's benefit year, the individual shall report to a 207
local one-stop county office for reemployment services in the 208
manner prescribed by the 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. 214

(B) An individual suffering total or partial unemployment 215
is eligible for benefits for unemployment occurring subsequent 216
to a waiting period of one week and no benefits shall be payable 217
during this required waiting period. Not more than one week of 218
waiting period shall be required of any individual in any 219

benefit year in order to establish the individual's eligibility 220
for total or partial unemployment benefits. 221

(C) The waiting period for total or partial unemployment 222
shall commence on the first day of the first week with respect 223
to which the individual first files a claim for benefits at an 224
employment office or other place of registration maintained or 225
designated by the director or on the first day of the first week 226
with respect to which the individual has otherwise filed a claim 227
for benefits in accordance with the rules of the department of 228
job and family services, provided such claim is allowed by the 229
director. 230

(D) Notwithstanding division (A) of this section, no 231
individual may serve a waiting period or be paid benefits under 232
the following conditions: 233

(1) For any week with respect to which the director finds 234
that: 235

(a) The individual's unemployment was due to a labor 236
dispute other than a lockout at any factory, establishment, or 237
other premises located in this or any other state and owned or 238
operated by the employer by which the individual is or was last 239
employed; and for so long as the individual's unemployment is 240
due to such labor dispute. No individual shall be disqualified 241
under this provision if either of the following applies: 242

(i) The individual's employment was with such employer at 243
any factory, establishment, or premises located in this state, 244
owned or operated by such employer, other than the factory, 245
establishment, or premises at which the labor dispute exists, if 246
it is shown that the individual is not financing, participating 247
in, or directly interested in such labor dispute; 248

(ii) The individual's employment was with an employer not 249
involved in the labor dispute but whose place of business was 250
located within the same premises as the employer engaged in the 251
dispute, unless the individual's employer is a wholly owned 252
subsidiary of the employer engaged in the dispute, or unless the 253
individual actively participates in or voluntarily stops work 254
because of such dispute. If it is established that the claimant 255
was laid off for an indefinite period and not recalled to work 256
prior to the dispute, or was separated by the employer prior to 257
the dispute for reasons other than the labor dispute, or that 258
the individual obtained a bona fide job with another employer 259
while the dispute was still in progress, such labor dispute 260
shall not render the employee ineligible for benefits. 261

(b) The individual has been given a disciplinary layoff 262
for misconduct in connection with the individual's work. 263

(2) For the duration of the individual's unemployment if 264
the director finds that: 265

(a) The individual quit work without just cause or has 266
been discharged for just cause in connection with the 267
individual's work, provided division (D)(2) of this section does 268
not apply to the separation of a person under any of the 269
following circumstances: 270

(i) Separation from employment for the purpose of entering 271
the armed forces of the United States if the individual is 272
inducted into the armed forces within one of the following 273
periods: 274

(I) Thirty days after separation; 275

(II) One hundred eighty days after separation if the 276
individual's date of induction is delayed solely at the 277

discretion of the armed forces.	278
(ii) Separation from employment pursuant to a labor-	279
management contract or agreement, or pursuant to an established	280
employer plan, program, or policy, which permits the employee,	281
because of lack of work, to accept a separation from employment;	282
(iii) The individual has left employment to accept a	283
recall from a prior employer or, except as provided in division	284
(D) (2) (a) (iv) of this section, to accept other employment as	285
provided under section 4141.291 of the Revised Code, or left or	286
was separated from employment that was concurrent employment at	287
the time of the most recent separation or within six weeks prior	288
to the most recent separation where the remuneration, hours, or	289
other conditions of such concurrent employment were	290
substantially less favorable than the individual's most recent	291
employment and where such employment, if offered as new work,	292
would be considered not suitable under the provisions of	293
divisions (E) and (F) of this section. Any benefits that would	294
otherwise be chargeable to the account of the employer from whom	295
an individual has left employment or was separated from	296
employment that was concurrent employment under conditions	297
described in division (D) (2) (a) (iii) of this section, shall	298
instead be charged to the mutualized account created by division	299
(B) of section 4141.25 of the Revised Code, except that any	300
benefits chargeable to the account of a reimbursing employer	301
under division (D) (2) (a) (iii) of this section shall be charged	302
to the account of the reimbursing employer and not to the	303
mutualized account, except as provided in division (D) (2) of	304
section 4141.24 of the Revised Code.	305
(iv) When an individual has been issued a definite layoff	306
date by the individual's employer and before the layoff date,	307

the individual quits to accept other employment, the provisions 308
of division (D) (2) (a) (iii) of this section apply and no 309
disqualification shall be imposed under division (D) of this 310
section. However, if the individual fails to meet the employment 311
and earnings requirements of division (A) (2) of section 4141.291 312
of the Revised Code, then the individual, pursuant to division 313
(A) (5) of this section, shall be ineligible for benefits for any 314
week of unemployment that occurs prior to the layoff date. 315

(v) The individual's spouse is a member of the armed 316
forces of the United States who is on active duty as defined in 317
10 U.S.C. 101(d) (1), the spouse is the subject of a military 318
transfer, the individual left employment to accompany the 319
individual's spouse to a location from which it is impractical 320
to commute to the individual's place of employment, and upon 321
arrival at the new place of residence, the individual is in all 322
respects able and available for suitable work. 323

(b) The individual has refused without good cause to 324
accept an offer of suitable work when made by an employer either 325
in person or to the individual's last known address, or has 326
refused or failed to investigate a referral to suitable work 327
when directed to do so by a local employment office of this 328
state or another state, provided that this division shall not 329
cause a disqualification for a waiting week or benefits under 330
the following circumstances: 331

(i) When work is offered by the individual's employer and 332
the individual is not required to accept the offer pursuant to 333
the terms of the labor-management contract or agreement; or 334

(ii) When the individual is attending a training course 335
pursuant to division (A) (4) of this section except, in the event 336
of a refusal to accept an offer of suitable work or a refusal or 337

failure to investigate a referral, benefits thereafter paid to 338
such individual shall not be charged to the account of any 339
employer and, except as provided in division (B) (1) (b) of 340
section 4141.241 of the Revised Code, shall be charged to the 341
mutualized account as provided in division (B) of section 342
4141.25 of the Revised Code. 343

(c) Such individual quit work to marry or because of 344
marital, parental, filial, or other domestic obligations. 345

(d) The individual became unemployed by reason of 346
commitment to any correctional institution. 347

(e) The individual became unemployed because of dishonesty 348
in connection with the individual's most recent or any base 349
period work. Remuneration earned in such work shall be excluded 350
from the individual's total base period remuneration and 351
qualifying weeks that otherwise would be credited to the 352
individual for such work in the individual's base period shall 353
not be credited for the purpose of determining the total 354
benefits to which the individual is eligible and the weekly 355
benefit amount to be paid under section 4141.30 of the Revised 356
Code. Such excluded remuneration and noncredited qualifying 357
weeks shall be excluded from the calculation of the maximum 358
amount to be charged, under division (D) of section 4141.24 and 359
section 4141.33 of the Revised Code, against the accounts of the 360
individual's base period employers. In addition, no benefits 361
shall thereafter be paid to the individual based upon such 362
excluded remuneration or noncredited qualifying weeks. 363

For purposes of division (D) (2) (e) of this section, 364
"dishonesty" means the commission of substantive theft, fraud, 365
or deceitful acts. 366

(E) No individual otherwise qualified to receive benefits 367
shall lose the right to benefits by reason of a refusal to 368
accept new work if: 369

(1) As a condition of being so employed the individual 370
would be required to join a company union, or to resign from or 371
refrain from joining any bona fide labor organization, or would 372
be denied the right to retain membership in and observe the 373
lawful rules of any such organization. 374

(2) The position offered is vacant due directly to a 375
strike, lockout, or other labor dispute. 376

(3) The work is at an unreasonable distance from the 377
individual's residence, having regard to the character of the 378
work the individual has been accustomed to do, and travel to the 379
place of work involves expenses substantially greater than that 380
required for the individual's former work, unless the expense is 381
provided for. 382

(4) The remuneration, hours, or other conditions of the 383
work offered are substantially less favorable to the individual 384
than those prevailing for similar work in the locality. 385

(F) Subject to the special exceptions contained in 386
division (A) (4) (f) of this section and section 4141.301 of the 387
Revised Code, in determining whether any work is suitable for a 388
claimant in the administration of this chapter, the director, in 389
addition to the determination required under division (E) of 390
this section, shall consider the degree of risk to the 391
claimant's health, safety, and morals, the individual's physical 392
fitness for the work, the individual's prior training and 393
experience, the length of the individual's unemployment, the 394
distance of the available work from the individual's residence, 395

and the individual's prospects for obtaining local work. 396

(G) The "duration of unemployment" as used in this section 397
means the full period of unemployment next ensuing after a 398
separation from any base period or subsequent work and until an 399
individual has become reemployed in employment subject to this 400
chapter, or the unemployment compensation act of another state, 401
or of the United States, and until such individual has worked 402
six weeks and for those weeks has earned or been paid 403
remuneration equal to six times an average weekly wage of not 404
less than: eighty-five dollars and ten cents per week beginning 405
on June 26, 1990; and beginning on and after January 1, 1992, 406
twenty-seven and one-half per cent of the statewide average 407
weekly wage as computed each first day of January under division 408
(B) (3) of section 4141.30 of the Revised Code, rounded down to 409
the nearest dollar, except for purposes of division (D) (2) (c) of 410
this section, such term means the full period of unemployment 411
next ensuing after a separation from such work and until such 412
individual has become reemployed subject to the terms set forth 413
above, and has earned wages equal to one-half of the 414
individual's average weekly wage or sixty dollars, whichever is 415
less. 416

(H) If a claimant is disqualified under division (D) (2) 417
(a), (c), or (d) of this section or found to be qualified under 418
the exceptions provided in division (D) (2) (a) (i), (iii), ~~or~~ 419
(iv), or (v) of this section or division (A) (2) of section 420
4141.291 of the Revised Code, then benefits that may become 421
payable to such claimant, which are chargeable to the account of 422
the employer from whom the individual was separated under such 423
conditions, shall be charged to the mutualized account provided 424
in section 4141.25 of the Revised Code, provided that no charge 425
shall be made to the mutualized account for benefits chargeable 426

to a reimbursing employer, except as provided in division (D) (2) 427
of section 4141.24 of the Revised Code. In the case of a 428
reimbursing employer, the director shall refund or credit to the 429
account of the reimbursing employer any over-paid benefits that 430
are recovered under division (B) of section 4141.35 of the 431
Revised Code. Amounts chargeable to other states, the United 432
States, or Canada that are subject to agreements and 433
arrangements that are established pursuant to section 4141.43 of 434
the Revised Code shall be credited or reimbursed according to 435
the agreements and arrangements to which the chargeable amounts 436
are subject. 437

(I) (1) Benefits based on service in employment as provided 438
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 439
Code shall be payable in the same amount, on the same terms, and 440
subject to the same conditions as benefits payable on the basis 441
of other service subject to this chapter; except that after 442
December 31, 1977: 443

(a) Benefits based on service in an instructional, 444
research, or principal administrative capacity in an institution 445
of higher education, as defined in division (Y) of section 446
4141.01 of the Revised Code; or for an educational institution 447
as defined in division (CC) of section 4141.01 of the Revised 448
Code, shall not be paid to any individual for any week of 449
unemployment that begins during the period between two 450
successive academic years or terms, or during a similar period 451
between two regular but not successive terms or during a period 452
of paid sabbatical leave provided for in the individual's 453
contract, if the individual performs such services in the first 454
of those academic years or terms and has a contract or a 455
reasonable assurance that the individual will perform services 456
in any such capacity for any such institution in the second of 457

those academic years or terms. 458

(b) Benefits based on service for an educational 459
institution or an institution of higher education in other than 460
an instructional, research, or principal administrative 461
capacity, shall not be paid to any individual for any week of 462
unemployment which begins during the period between two 463
successive academic years or terms of the employing educational 464
institution or institution of higher education, provided the 465
individual performed those services for the educational 466
institution or institution of higher education during the first 467
such academic year or term and, there is a reasonable assurance 468
that such individual will perform those services for any 469
educational institution or institution of higher education in 470
the second of such academic years or terms. 471

If compensation is denied to any individual for any week 472
under division (I) (1) (b) of this section and the individual was 473
not offered an opportunity to perform those services for an 474
institution of higher education or for an educational 475
institution for the second of such academic years or terms, the 476
individual is entitled to a retroactive payment of compensation 477
for each week for which the individual timely filed a claim for 478
compensation and for which compensation was denied solely by 479
reason of division (I) (1) (b) of this section. An application for 480
retroactive benefits shall be timely filed if received by the 481
director or the director's deputy within or prior to the end of 482
the fourth full calendar week after the end of the period for 483
which benefits were denied because of reasonable assurance of 484
employment. The provision for the payment of retroactive 485
benefits under division (I) (1) (b) of this section is applicable 486
to weeks of unemployment beginning on and after November 18, 487
1983. The provisions under division (I) (1) (b) of this section 488

shall be retroactive to September 5, 1982, only if, as a 489
condition for full tax credit against the tax imposed by the 490
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 491
3301 to 3311, the United States secretary of labor determines 492
that retroactivity is required by federal law. 493

(c) With respect to weeks of unemployment beginning after 494
December 31, 1977, benefits shall be denied to any individual 495
for any week which commences during an established and customary 496
vacation period or holiday recess, if the individual performs 497
any services described in divisions (I) (1) (a) and (b) of this 498
section in the period immediately before the vacation period or 499
holiday recess, and there is a reasonable assurance that the 500
individual will perform any such services in the period 501
immediately following the vacation period or holiday recess. 502

(d) With respect to any services described in division (I) 503
(1) (a), (b), or (c) of this section, benefits payable on the 504
basis of services in any such capacity shall be denied as 505
specified in division (I) (1) (a), (b), or (c) of this section to 506
any individual who performs such services in an educational 507
institution or institution of higher education while in the 508
employ of an educational service agency. For this purpose, the 509
term "educational service agency" means a governmental agency or 510
governmental entity that is established and operated exclusively 511
for the purpose of providing services to one or more educational 512
institutions or one or more institutions of higher education. 513

(e) Any individual employed by a county board of 514
developmental disabilities shall be notified by the thirtieth 515
day of April each year if the individual is not to be reemployed 516
the following academic year. 517

(f) Any individual employed by a school district, other 518

than a municipal school district as defined in section 3311.71 519
of the Revised Code, shall be notified by the first day of June 520
each year if the individual is not to be reemployed the 521
following academic year. 522

(2) No disqualification will be imposed, between academic 523
years or terms or during a vacation period or holiday recess 524
under this division, unless the director or the director's 525
deputy has received a statement in writing from the educational 526
institution or institution of higher education that the claimant 527
has a contract for, or a reasonable assurance of, reemployment 528
for the ensuing academic year or term. 529

(3) If an individual has employment with an educational 530
institution or an institution of higher education and employment 531
with a noneducational employer, during the base period of the 532
individual's benefit year, then the individual may become 533
eligible for benefits during the between-term, or vacation or 534
holiday recess, disqualification period, based on employment 535
performed for the noneducational employer, provided that the 536
employment is sufficient to qualify the individual for benefit 537
rights separately from the benefit rights based on school 538
employment. The weekly benefit amount and maximum benefits 539
payable during a disqualification period shall be computed based 540
solely on the nonschool employment. 541

(J) Benefits shall not be paid on the basis of employment 542
performed by an alien, unless the alien had been lawfully 543
admitted to the United States for permanent residence at the 544
time the services were performed, was lawfully present for 545
purposes of performing the services, or was otherwise 546
permanently residing in the United States under color of law at 547
the time the services were performed, under section 212(d) (5) of 548

the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A.	549
1101:	550
(1) Any data or information required of individuals	551
applying for benefits to determine whether benefits are not	552
payable to them because of their alien status shall be uniformly	553
required from all applicants for benefits.	554
(2) In the case of an individual whose application for	555
benefits would otherwise be approved, no determination that	556
benefits to the individual are not payable because of the	557
individual's alien status shall be made except upon a	558
preponderance of the evidence that the individual had not, in	559
fact, been lawfully admitted to the United States.	560
(K) The director shall establish and utilize a system of	561
profiling all new claimants under this chapter that:	562
(1) Identifies which claimants will be likely to exhaust	563
regular compensation and will need job search assistance	564
services to make a successful transition to new employment;	565
(2) Refers claimants identified pursuant to division (K)	566
(1) of this section to reemployment services, such as job search	567
assistance services, available under any state or federal law;	568
(3) Collects follow-up information relating to the	569
services received by such claimants and the employment outcomes	570
for such claimant's subsequent to receiving such services and	571
utilizes such information in making identifications pursuant to	572
division (K) (1) of this section; and	573
(4) Meets such other requirements as the United States	574
secretary of labor determines are appropriate.	575
(L) Except as otherwise provided in division (A) (6) of	576

this section, ineligibility pursuant to division (A) of this 577
section shall begin on the first day of the week in which the 578
claimant becomes ineligible for benefits and shall end on the 579
last day of the week preceding the week in which the claimant 580
satisfies the eligibility requirements. 581

(M) The director may adopt rules that the director 582
considers necessary for the administration of division (A) of 583
this section. 584

Section 2. That existing section 4141.29 of the Revised 585
Code is hereby repealed. 586