

**As Introduced**

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**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**

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**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



(e) of this section. 220

(B) An individual suffering total or partial unemployment 221  
is eligible for benefits for unemployment occurring subsequent 222  
to a waiting period of one week and no benefits shall be payable 223  
during this required waiting period. Not more than one week of 224  
waiting period shall be required of any individual in any 225  
benefit year in order to establish the individual's eligibility 226  
for total or partial unemployment benefits. 227

(C) The waiting period for total or partial unemployment 228  
shall commence on the first day of the first week with respect 229  
to which the individual first files a claim for benefits at an 230  
employment office or other place of registration maintained or 231  
designated by the director or on the first day of the first week 232  
with respect to which the individual has otherwise filed a claim 233  
for benefits in accordance with the rules of the department of 234  
job and family services, provided such claim is allowed by the 235  
director. 236

(D) Notwithstanding division (A) of this section, no 237  
individual may serve a waiting period or be paid benefits under 238  
the following conditions: 239

(1) For any week with respect to which the director finds 240  
that: 241

(a) The Except as provided in section 4141.294 of the 242  
Revised Code, the individual's unemployment was due to a labor 243  
dispute other than a lockout at any factory, establishment, or 244  
other premises located in this or any other state and owned or 245  
operated by the employer by which the individual is or was last 246  
employed; and for so long as the individual's unemployment is 247  
due to such labor dispute. ~~No individual shall be disqualified~~ 248

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

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

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

(3) The individual's employment was with an employer not  
involved in a labor dispute but the employer's 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 that dispute.

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

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

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

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

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

week during which the strike began;

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

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

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

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

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

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

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

**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