

**As Introduced**

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**H. B. No. 21**

**Representatives Holmes, G., Miller, A.**

**Cosponsors: Representatives Boggs, Boyd, Brown, Lepore-Hagan, Lightbody,  
O'Brien, Sheehy, Smith, K., Upchurch, Weinstein, Sobecki**

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**A BILL**

To amend sections 4141.28 and 4141.30 of the 1  
Revised Code regarding notices, resources, and 2  
benefits under the Unemployment Compensation Law 3  
when a mass layoff occurs. 4

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

**Section 1.** That sections 4141.28 and 4141.30 of the 5  
Revised Code be amended to read as follows: 6

**Sec. 4141.28.** 7

BENEFITS 8

(A) FILINGS 9

Applications for determination of benefit rights and 10  
claims for benefits shall be filed with the director of job and 11  
family services. Such applications and claims also may be filed 12  
with an employee of another state or federal agency charged with 13  
the duty of accepting applications and claims for unemployment 14  
benefits or with an employee of the unemployment insurance 15  
commission of Canada. 16

When an unemployed individual files an application for  
determination of benefit rights, the director shall furnish the  
individual with an explanation of the individual's appeal  
rights. The explanation shall describe clearly the different  
levels of appeal and explain where and when each appeal must be  
filed.

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS

In filing an application, an individual shall furnish the  
director with the name and address of the individual's most  
recent separating employer and the individual's statement of the  
reason for separation from the employer. The director shall  
promptly notify the individual's most recent separating employer  
of the filing and request the reason for the individual's  
unemployment, unless that notice is not necessary under  
conditions the director establishes by rule. The director may  
request from the individual or any employer information  
necessary for the determination of the individual's right to  
benefits. The employer shall provide the information requested  
within ten working days after the request is sent. If necessary  
to ensure prompt determination and payment of benefits, the  
director shall base the determination on the information that is  
available.

An individual filing an application for determination of  
benefit rights shall disclose, at the time of filing, whether or  
not the individual owes child support obligations.

(C) MASS LAYOFFS

An employer who lays off or separates within any seven-day  
period fifty or more individuals because of lack of work shall  
furnish notice to the director of the dates of layoff or

separation and the approximate number of individuals being laid 46  
off or separated. The notice shall be furnished at least ~~three-~~ 47  
thirty working days prior to the date of the first day of such 48  
layoff or separation. In addition, at the time of the layoff or 49  
separation the employer shall furnish to the individual and to 50  
the director information necessary to determine the individual's 51  
eligibility for unemployment compensation. 52

When an employer lays off or separates within any seven- 53  
day period seventy-five or more individuals because of lack of 54  
work, the director shall provide any additional local office 55  
space and claims processing personnel necessary to expedite 56  
claims in the geographic area affected by the layoff or 57  
separation. 58

(D) DETERMINATION OF BENEFIT RIGHTS 59

The director shall promptly examine any application for 60  
determination of benefit rights. On the basis of the information 61  
available to the director under this chapter, the director shall 62  
determine whether or not the application is valid, and if valid, 63  
the date on which the benefit year shall commence and the weekly 64  
benefit amount. The director shall promptly notify the 65  
applicant, employers in the applicant's base period, and any 66  
other interested parties of the determination and the reasons 67  
for it. In addition, the determination issued to the claimant 68  
shall include the total amount of benefits payable. The 69  
determination issued to each chargeable base period employer 70  
shall include the total amount of benefits that may be charged 71  
to the employer's account. 72

(E) CLAIM FOR BENEFITS 73

The director shall examine the first claim and any 74

additional claim for benefits. On the basis of the information 75  
available, the director shall determine whether the claimant's 76  
most recent separation and, to the extent necessary, prior 77  
separations from work, allow the claimant to qualify for 78  
benefits. Written notice of the determination granting or 79  
denying benefits shall be sent to the claimant, the most recent 80  
separating employer, and any other employer involved in the 81  
determination, except that written notice is not required to be 82  
sent to the claimant if the reason for separation is lack of 83  
work and the claim is allowed. 84

If the director identifies an eligibility issue, the 85  
director shall send notice to the claimant of the issue 86  
identified and specify the week or weeks involved. The claimant 87  
has a minimum of five business days after the notice is sent to 88  
respond to the information included in the notice, and after the 89  
time allowed as determined by the director, the director shall 90  
make a determination. The claimant's response may include a 91  
request for a fact-finding interview when the eligibility issue 92  
is raised by an informant or source other than the claimant, or 93  
when the eligibility issue, if determined adversely, 94  
disqualifies the claimant for the duration of the claimant's 95  
period of unemployment. 96

When the determination of a continued claim for benefits 97  
results in a disallowed claim, the director shall notify the 98  
claimant of the disallowance and the reasons for it. 99

(F) ELIGIBILITY NOTICE 100

Any base period or subsequent employer of a claimant who 101  
has knowledge of specific facts affecting the claimant's right 102  
to receive benefits for any week may notify the director in 103  
writing of those facts. The director shall prescribe a form for 104

such eligibility notice, but failure to use the form shall not 105  
preclude the director's examination of any notice. 106

To be considered valid, an eligibility notice must: 107  
contain in writing, a statement that identifies either a source 108  
who has firsthand knowledge of the information or an informant 109  
who can identify the source; provide specific and detailed 110  
information that may potentially disqualify the claimant; 111  
provide the name and address of the source or the informant; and 112  
appear to the director to be reliable and credible. 113

An eligibility notice is timely filed if received or 114  
postmarked prior to or within forty-five calendar days after the 115  
end of the week with respect to which a claim for benefits is 116  
filed by the claimant. An employer who timely files a valid 117  
eligibility notice shall be an interested party to the claim for 118  
benefits which is the subject of the notice. 119

The director shall consider the information contained in 120  
the eligibility notice, together with other available 121  
information. After giving the claimant notice and an opportunity 122  
to respond, the director shall make a determination and inform 123  
the notifying employer, the claimant, and other interested 124  
parties of the determination. 125

(G) CORRECTED DETERMINATION 126

If the director finds within the fifty-two calendar weeks 127  
beginning with the Sunday of the week during which an 128  
application for benefit rights was filed or within the benefit 129  
year that a determination made by the director was erroneous due 130  
to an error in an employer's report or any typographical or 131  
clerical error in the director's determination, or as shown by 132  
correct remuneration information received by the director, the 133

director shall issue a corrected determination to all interested 134  
parties. The corrected determination shall take precedence over 135  
and void the prior determination of the director. The director 136  
shall not issue a corrected determination when the commission or 137  
a court has jurisdiction with respect to that determination. 138

(H) EFFECT OF COMMISSION DECISIONS 139

In making determinations, the director shall follow 140  
decisions of the unemployment compensation review commission 141  
which have become final with respect to claimants similarly 142  
situated. 143

(I) PROMPT PAYMENTS 144

If benefits are allowed by the director, a hearing 145  
officer, the commission, or a court, the director shall pay 146  
benefits promptly, notwithstanding any further appeal, provided 147  
that if benefits are denied on appeal, of which the parties have 148  
notice and an opportunity to be heard, the director shall 149  
withhold payment of benefits pending a decision on any further 150  
appeal. 151

**Sec. 4141.30.** (A) All benefits shall be paid through 152  
public employment offices in accordance with such rules as the 153  
director of job and family services prescribes. 154

(B) With the exceptions in division (B)(4) of this 155  
section, benefits are payable to each eligible and qualified 156  
individual on account of each week of involuntary total 157  
unemployment after the specified waiting period at the weekly 158  
benefit amount determined by: 159

(1) Computing the individual's average weekly wage as 160  
defined in division (O)(2) of section 4141.01 of the Revised 161  
Code; 162

(2) Determining the individual's dependency class under 163  
division (E) of this section; 164

(3) Computing the individual's weekly benefit amount to be 165  
fifty per cent of the individual's average weekly wage except, 166  
that the individual's weekly benefit amount shall not exceed the 167  
maximum amount shown for the individual's dependency class in 168  
the following table: 169

Dependency Class	Maximum Weekly Benefit Amount	
A	\$147	170
B	223	171
C	233	172

Effective Sunday of the calendar week in which January 1, 175  
1988, occurs and on each similar day of each year thereafter, 176  
the current maximum weekly benefit amount for each dependency 177  
class shall be adjusted based on the statewide average weekly 178  
wage. Any percentage increase in such statewide average weekly 179  
wage between the wage computed for the current year and the wage 180  
computed for the preceding year shall be used to increase the 181  
maximum amounts then in effect by the same percentage. Such 182  
increased amounts will be effective with respect to applications 183  
for benefit rights filed during the fifty-two consecutive 184  
calendar weeks beginning with such Sunday date. 185

The director shall calculate the statewide average weekly 186  
wage based on the average weekly earnings of all workers in 187  
employment subject to this chapter during the preceding twelve- 188  
month period ending the thirtieth day of June. The calculation 189  
shall be made in the following manner: 190

(a) The sum of the total monthly employment reported for 191

the previous twelve-month period shall be divided by twelve to 192  
determine the average monthly employment; 193

(b) The sum of the total wages reported for the previous 194  
twelve-month period shall be divided by the average monthly 195  
employment to determine the average annual wage; 196

(c) The average annual wage shall be divided by fifty-two 197  
to determine the statewide average weekly wage. 198

In the computation of the weekly benefit amount, any 199  
resulting amount not a multiple of one dollar shall be rounded 200  
to the next lower multiple of one dollar. In the computation of 201  
the adjusted maximum benefit amounts, based on the statewide 202  
average weekly wage, any resulting amount not a multiple of one 203  
dollar shall be rounded to the next lower multiple of one 204  
dollar. 205

(4) Effective Sunday of the calendar week in which January 206  
1, occurs for calendar years 1988 through 1993, the maximum 207  
weekly benefit amount payable for an individual's dependency 208  
class for those years shall be computed in accordance with this 209  
division, with an additional increase added to the prior year's 210  
increase equal to one-sixth of total percentage increase that 211  
otherwise would have been available in calendar years 1983, 212  
1984, 1985, 1986, and 1987, if in those years an adjustment in 213  
the maximum weekly benefit amount would have been made pursuant 214  
to this division. 215

(5) Effective Sunday of the calendar week in which January 216  
1, 1991, occurs, the maximum weekly benefit amounts computed 217  
under divisions (B)(3) and (4) of this section shall not exceed 218  
the following amounts: 219

(a) For dependency class A, fifty per cent of the 220

statewide average weekly wage;	221
(b) For dependency class B, sixty per cent of the	222
statewide average weekly wage;	223
(c) For dependency class C, sixty-six and two-thirds per	224
cent of the statewide average weekly wage.	225
Division (B) (5) of this section applies to all new claims	226
filed on and after the Sunday of the calendar week in which	227
January 1, 1991, occurs, provided that the maximum weekly	228
benefit amounts established for the dependency classes prior to	229
such date apply to all claims until the maximum weekly benefit	230
amounts as determined pursuant to division (B) (5) of this	231
section equal or exceed the maximum weekly benefit amounts in	232
effect prior to such date.	233
(6) For the time period beginning on January 1, 2018, and	234
ending January 1, 2020, no individual's weekly benefit amount	235
shall exceed the maximum weekly benefit amounts in effect on <del>the</del>	236
<del>effective date of this section</del> <u>March 28, 2017.</u>	237
(C) Benefits are payable to each partially unemployed	238
individual otherwise eligible on account of each week of	239
involuntary partial unemployment after the specified waiting	240
period in an amount equal to the individual's weekly benefit	241
amount less that part of the remuneration payable to the	242
individual with respect to such week which is in excess of	243
twenty per cent of the individual's weekly benefit amount, and	244
the resulting amount rounded to the next lower multiple of one	245
dollar.	246
(D) <del>The (1) Except as provided in division (D) (2) of this</del>	247
<u>section, the</u> total benefits to which an individual is entitled	248
in any benefit year, whether for partial or total unemployment,	249

or both, shall not exceed the lesser of the following two 250  
amounts: ~~(1)~~ (a) an amount equal to twenty-six times the 251  
individual's weekly benefit amount determined in accordance with 252  
division (B) of this section and this division, or ~~(2)~~ (b) an 253  
amount computed by taking the sum of twenty times the 254  
individual's weekly benefit amount for the first twenty base 255  
period qualifying weeks plus one times the weekly benefit amount 256  
for each additional qualifying week beyond the first twenty 257  
qualifying weeks in the individual's base period. 258

(2) An individual is entitled in any benefit year, whether 259  
for partial or total unemployment, or both, to twenty-five 260  
additional weeks of benefits in an amount equal to the weekly 261  
benefit determined pursuant to divisions (B) and (D) of this 262  
section if both of the following apply: 263

(a) The individual has received the maximum total benefits 264  
to which the individual is entitled under division (D) (1) of 265  
this section. 266

(b) The individual was laid off or separated from the 267  
individual's most recent employment as part of a group of 268  
seventy-five or more individuals who were laid off or separated 269  
by the same employer within a seven-day period due to lack of 270  
work. 271

(E) Each eligible and qualified individual shall be 272  
assigned a dependency class in accordance with the following 273  
schedule: 274

Class	Description of Dependents	275
A	No dependents, or has	276
	insufficient wages to qualify	277
	for more than the maximum	278

weekly benefit amount as	279
provided under dependency	280
class A	281
B One or two dependents	282
C Three or more dependents	283
As used in this division "dependent" means:	284
(1) Any natural child, stepchild, or adopted child of the	285
individual claiming benefits for whom such individual at the	286
beginning of the individual's current benefit year is supplying	287
and for at least ninety consecutive days, or for the duration of	288
the parental relationship if it existed less than ninety days,	289
immediately preceding the beginning of such benefit year, has	290
supplied more than one-half of the cost of support and if such	291
child on the beginning date of such benefit year was under	292
eighteen years of age, or if unable to work because of permanent	293
physical or mental disability;	294
(2) The legally married wife or husband of the individual	295
claiming benefits for whom more than one-half the cost of	296
support has been supplied by such individual for at least ninety	297
consecutive days, or for the duration of the marital	298
relationship if it has existed for less than ninety days,	299
immediately preceding the beginning of such individual's current	300
benefit year and such wife or husband was living with such	301
individual and had an average weekly income, in such period, not	302
in excess of twenty-five per cent of the claimant's average	303
weekly wage.	304
(3) If both the husband and wife qualify for benefit	305
rights with overlapping benefit years, only one of them may	306
qualify for a dependency class other than A.	307

**Section 2.** That existing sections 4141.28 and 4141.30 of 308  
the Revised Code are hereby repealed. 309

**Section 3.** As used in this section, "benefit year" has the 310  
same meaning as in section 4141.01 of the Revised Code. 311

Section 4141.30 of the Revised Code, as amended by this 312  
act, applies to an individual whose benefit year begins on or 313  
after the effective date of this act. 314