

As Introduced

133rd General Assembly

Regular Session

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H. B. No. 593

Representatives Boyd, Boggs

Cosponsors: Representatives Brent, Liston, Crossman, Skindell, Galonski, Leland, Smith, K., Howse, Miller, J., Blair, Sobecki, Brown, Clites, Upchurch, Russo, West, O'Brien, Lepore-Hagan, Patterson

A BILL

To enact sections 4143.01, 4143.02, 4143.03, 1
4143.04, 4143.05, 4143.06, 4143.07, 4143.08, 2
4143.09, and 4143.99 of the Revised Code to 3
require paid leave for an employee who is unable 4
to work due to quarantine or mandatory 5
isolation, to create a grant program to 6
compensate contract workers who cannot perform 7
services during public health emergencies, to 8
make an appropriation, and to declare an 9
emergency. 10

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

Section 1. That sections 4143.01, 4143.02, 4143.03, 11
4143.04, 4143.05, 4143.06, 4143.07, 4143.08, 4143.09, and 12
4143.99 of the Revised Code be enacted to read as follows: 13

Sec. 4143.01. (A) "Average weekly wage," "employment," 14
"employer," and "remuneration" have the same meanings as in 15
section 4141.01 of the Revised Code. 16

(B) "Contract worker" means an individual who performs 17
services for remuneration under any contract of hire, written or 18
oral, express or implied, free from the control and direction of 19
the hiring entity in connection with the performance of the 20
work, except that "contract worker" does not include a person 21
who performs work on a casual basis as defined in section 22
4111.14 of the Revised Code. 23

(C) "Duration of inability to contract" means the full 24
period of an individual's inability to contract next ensuing 25
after a separation from any base period, as defined in rules 26
adopted under section 4143.03 of the Revised Code, or subsequent 27
work and until an individual has become reengaged in contracts 28
for hire subject to this chapter or employment subject to the 29
unemployment compensation laws of this or any other state or of 30
the United States, and until the individual has worked six weeks 31
and for those weeks has earned or been paid remuneration equal 32
to six times an average weekly wage of not less than the amount 33
as determined in the rules adopted by the director of job and 34
family services under section 4143.03 of the Revised Code. 35

(D) "Grant year," with respect to an individual, means the 36
fifty-two week period beginning with the first day of that week 37
with respect to which the individual first files a valid 38
application for a grant under this chapter, and thereafter the 39
fifty-two week period beginning with the first day of that week 40
with respect to which the individual next files a valid 41
application after the termination of the individual's last 42
preceding grant year, except that the application shall not be 43
considered valid unless the individual has had work in six weeks 44
and has, since the beginning of the individual's previous grant 45
year, earned three times the average weekly wage determined for 46
the previous grant year. 47

(E) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration as a contract worker. 48
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(F) "Unemployment compensation" has the same meaning as in section 4141.284 of the Revised Code. 51
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Sec. 4143.02. There is created the contract worker compensation grant program to provide compensation to an individual who is unable to perform contract work due to an order or regulation described in section 4143.04 of the Revised Code. The director of job and family services shall administer the program in accordance with the requirements of this chapter. 53
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Sec. 4143.03. (A) With respect to the contract worker compensation grant program created in section 4143.02 of the Revised Code, the director of job and family services, in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following: 59
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(1) Eligibility requirements an individual shall satisfy to receive a grant under section 4143.04 of the Revised Code, including the definition of an individual's "base period," which shall be similar to the requirements an individual must satisfy to receive unemployment compensation under Chapter 4141. of the Revised Code; 64
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(2) Procedures for an individual to follow to apply for a grant and procedures for the awarding and payment of grants in accordance with section 4143.04 of the Revised Code, which shall be similar to the manner in which claims for unemployment compensation are applied for, awarded, and paid pursuant to Chapter 4141. of the Revised Code; 70
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(3) Requirements to determine an individual's duration of 76

<u>inability to contract;</u>	77
<u>(4) Requirements for the reduction in grant amounts, that shall be similar to the requirements specified in sections 4141.31 and 4141.312 of the Revised Code;</u>	78 79 80
<u>(5) Procedures and requirements addressing child support obligations, which shall be similar to the procedures and requirements described in section 4141.284 of the Revised Code;</u>	81 82 83
<u>(6) Procedures to allow an individual to appeal a determination made by the director under this chapter in accordance with Chapter 119. of the Revised Code, including the time limits in which the individual has to file an appeal;</u>	84 85 86 87
<u>(7) Penalties for overpayments, and procedures to collect those overpayments, which shall be similar to penalties and procedures described in section 4141.35 of the Revised Code.</u>	88 89 90
<u>(B) The director, in accordance with Chapter 119. of the Revised Code, may adopt any other rules as the director determines necessary to administer and enforce this chapter. Any rules adopted under this division shall be consistent with any similar provision addressed in Chapter 4141. of the Revised Code.</u>	91 92 93 94 95 96
<u>(C) The director may apply any agreement the director has entered into pursuant to section 4141.43 of the Revised Code, to the extent permitted under an agreement, in administering this chapter, or the director may enter into similar agreements as the director determines necessary. The director shall cooperate with other agencies as described in division (A) of section 4141.43 of the Revised Code in the administration of this chapter.</u>	97 98 99 100 101 102 103 104
<u>Sec. 4143.04. (A) An individual is eligible to receive a</u>	105

<u>grant under the contract worker compensation grant program</u>	106
<u>created in section 4143.02 of the Revised Code for a week in</u>	107
<u>which the individual satisfies all of the following</u>	108
<u>requirements:</u>	109
<u>(1) The individual is unable to perform services as a</u>	110
<u>contract worker because the individual or an immediate family</u>	111
<u>member has been quarantined or isolated or the entity for which</u>	112
<u>the individual performs services ceases operations under an</u>	113
<u>order or regulation made or issued by any of the following:</u>	114
<u>(a) The governor;</u>	115
<u>(b) The board of health of a city health district pursuant</u>	116
<u>to section 3709.20 of the Revised Code;</u>	117
<u>(c) The board of health of a general health district</u>	118
<u>pursuant to section 3709.21 of the Revised Code;</u>	119
<u>(d) A health commissioner pursuant to section 3707.34 of</u>	120
<u>the Revised Code;</u>	121
<u>(e) The department of health pursuant to section 3701.13</u>	122
<u>of the Revised Code;</u>	123
<u>(f) The director of the United States centers for disease</u>	124
<u>control and prevention pursuant to 42 C.F.R. part 70 or 71 or</u>	125
<u>any other federal agency pursuant to federal law.</u>	126
<u>(2) The individual is not otherwise eligible for</u>	127
<u>unemployment compensation.</u>	128
<u>(3) The individual satisfies the eligibility requirements</u>	129
<u>established by the director of job and family services in the</u>	130
<u>rules the director adopts under section 4143.03 of the Revised</u>	131
<u>Code.</u>	132

(B) The director may use the information the director obtains under section 4141.162 of the Revised Code to determine an individual's eligibility for a grant under this section. 133
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(C) All grants shall be paid through public employment offices in accordance with the rules the director adopts under section 4143.03 of the Revised Code. The director shall use eligible funds to issue grants established in this section, except from the unemployment compensation fund established in section 4141.09 of the Revised Code. 136
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(D) A grant is payable to an eligible and qualified individual who is unable to perform services as a contract worker for the reasons described in division (A) of this section for each week the individual is unable to perform the services at the weekly grant amount determined by the following: 142
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(1) Computing the individual's average weekly wage; 147

(2) Determining the individual's dependency class under division (F) of this section; 148
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(3) Computing the individual's weekly grant amount to be fifty per cent of the individual's average weekly wage, that shall not exceed the following amounts: 150
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(a) For dependency class A, fifty per cent of the statewide average weekly wage as calculated under section 4141.30 of the Revised Code; 153
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(b) For dependency class B, sixty per cent of the statewide average weekly wage; 156
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(c) For dependency class C, sixty-six and two-thirds per cent of the statewide average weekly wage. 158
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(E) The total amount of a grant to which an individual is 160

entitled in any grant year shall not exceed the lesser of the 161
following two amounts: 162

(1) An amount equal to twenty-six times the individual's 163
weekly grant amount determined in accordance with division (B) 164
of this section and this division; 165

(2) An amount computed by taking the sum of twenty times 166
the individual's weekly grant amount for the first twenty base 167
period qualifying weeks plus one times the weekly grant amount 168
for each additional qualifying week beyond the first twenty 169
qualifying weeks in the individual's base period. 170

(F) (1) As used in this division, "dependent" has the same 171
meaning as in section 4141.30 of the Revised Code. 172

(2) Each eligible and qualified individual shall be 173
assigned a dependency class in accordance with the following 174
schedule: 175

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A	<u>Class</u>	<u>Description of dependents</u>
B	<u>A</u>	<u>No dependents, or has insufficient wages to qualify for more than the maximum weekly grant amount as provided under dependency class A</u>
	<u>B</u>	<u>One or two dependents</u>
C		
	<u>C</u>	<u>Three or more dependents</u>
D		

(G) Any weekly grant amount that is not a multiple of one 177

dollar shall be rounded to the next lower multiple of one 178
dollar. Any grant paid under this section shall be calculated 179
against the maximum total unemployment compensation payable to 180
the individual in a benefit year under section 4141.30 of the 181
Revised Code. 182

Sec. 4143.05. The director of job and family services 183
shall reduce the amount of any weekly grant amount paid under 184
section 4143.04 of the Revised Code in accordance with the rules 185
the director adopts under section 4143.03 of the Revised Code. 186
The director shall make any deduction from such a grant for 187
purposes of federal income tax payment in a similar manner as 188
the director makes that deduction under section 4141.321 of the 189
Revised Code with respect to unemployment compensation. 190

Sec. 4143.06. An individual may appeal a determination 191
made by the director of job and family services in accordance 192
with the rules the director adopts under section 4143.03 of the 193
Revised Code. The determination made on completion of that 194
appeals process is a final determination that may be appealed 195
pursuant to section 119.12 of the Revised Code. 196

Sec. 4143.07. (A) Except with respect to the rules adopted 197
by the director of job and family services under section 4143.03 198
of the Revised Code concerning child support obligations: 199

(1) No agreement by an individual to waive the 200
individual's right to a grant under this chapter is valid, nor 201
shall a grant be assigned, released, or commuted. 202

(2) A grant is exempt from all claims of creditors and 203
from levy, execution, garnishment, attachment, and all other 204
process or remedy for recovery or collection of a debt, and that 205
exemption may not be waived. 206

(B) No individual claiming a grant under this chapter 207
shall be charged fees of any kind by the director in any 208
proceeding under this chapter. Any individual claiming a grant 209
may represent the individual's self personally or be represented 210
by a person admitted to the practice of law or by a person not 211
admitted to the practice of law in any proceeding under this 212
chapter before the director, but the counsel or agent 213
representing an individual claiming a grant shall not either 214
charge or receive for those services more than an amount 215
approved by the director. No person recklessly shall charge or 216
receive anything of value in violation of this division. 217

(C) (1) No person shall recklessly do any of the following: 218

(a) Violate this chapter; 219

(b) Do any act prohibited by this chapter; 220

(c) Fail to perform any duty lawfully enjoined, within the 221
time prescribed by the director, for which no penalty has been 222
specifically provided; 223

(d) Fail to obey any lawful order given or made by the 224
director or any judgment or decree made by any court in 225
connection with this chapter. 226

(2) Every day during which any person fails to comply with 227
any order of the director or to perform any duty enjoined by 228
this chapter constitutes a separate violation of the order or of 229
this chapter. 230

Sec. 4143.08. The director of job and family services 231
shall enforce this chapter in accordance with the rules the 232
director adopts under section 4143.03 of the Revised Code. In 233
administering and enforcing this chapter, the director shall 234
give great weight and deference to decisions made under Chapter 235

<u>4141. of the Revised Code with respect to unemployment</u>	236
<u>compensation.</u>	237
<u>The director may administer oaths, certify to official</u>	238
<u>acts, take depositions, issue subpoenas, and compel the</u>	239
<u>attendance and testimony of witnesses and the production of</u>	240
<u>documents and testimony in connection with the administration of</u>	241
<u>this chapter. In case of the refusal of a witness to attend or</u>	242
<u>testify, or to produce documents, as to any matter regarding</u>	243
<u>which the witness might be lawfully interrogated in the</u>	244
<u>administration of this chapter, the court of common pleas of the</u>	245
<u>county in which the person resides or is found, the court of</u>	246
<u>appeals that has jurisdiction over the county in which the</u>	247
<u>person resides or is found, or a judge thereof, on application</u>	248
<u>of the director, shall compel obedience by proceedings as for</u>	249
<u>contempt as in case of like refusal to obey a similar order of</u>	250
<u>the court.</u>	251
<u>Sec. 4143.09.</u> This chapter shall be liberally construed.	252
<u>Sec. 4143.99.</u> (A) <u>Whoever violates division (B) of section</u>	253
<u>4143.07 of the Revised Code is guilty of a misdemeanor of the</u>	254
<u>first degree.</u>	255
(B) <u>Whoever violates division (C) of section 4143.07 of</u>	256
<u>the Revised Code shall be fined not more than five hundred</u>	257
<u>dollars for the first offense, and for each subsequent offense,</u>	258
<u>the person shall be fined not less than twenty-five dollars nor</u>	259
<u>more than one thousand dollars.</u>	260
Section 2. On the effective date of this section, or as	261
soon as possible thereafter, the Director of Job and Family	262
Services shall certify to the Director of Budget and Management	263
the amount necessary to provide grants under Chapter 4143. of	264

the Revised Code, as enacted by this act, through the remainder 265
of fiscal year 2020 and for fiscal year 2021. The Director of 266
Budget and Management shall transfer cash from the Budget 267
Stabilization Fund (Fund 7013) to the General Revenue Fund in 268
the amount certified, but the amount shall not exceed the 269
balance of Fund 7013. The amount transferred is hereby 270
appropriated to appropriation item 600551, Job and Family 271
Services Program Support. 272

On July 1, 2020, or as soon as possible thereafter, the 273
Director of Job and Family Services may certify to the Director 274
of Budget and Management an amount up to the unexpended, 275
unencumbered balance of the foregoing appropriation item 600551, 276
Job and Family Services Program Support, at the end of fiscal 277
year 2020 to be reappropriated to fiscal year 2021. The amount 278
certified is hereby reappropriated to the same appropriation 279
item for fiscal year 2021. 280

If the Director of Job and Family Services determines that 281
there are not sufficient funds available to provide full 282
benefits as specified in this act, the Director shall 283
proportionately reduce benefits so as not to exceed available 284
funds. 285

Section 3. Within the limits set forth in this act, the 286
Director of Budget and Management shall establish accounts 287
indicating the source and amount of funds for each appropriation 288
made in this act, and shall determine the form and manner in 289
which appropriation accounts shall be maintained. Expenditures 290
from appropriations contained in this act shall be accounted for 291
as though made in the main operating appropriations act of the 292
133rd General Assembly. 293

The appropriations made in this act are subject to all 294

provisions of H.B. 166 of the 133rd General Assembly that are 295
generally applicable to such appropriations. 296

Section 4. (A) As used in this section and Sections 5 to 9 297
of this act: 298

(1) "Employee" means an individual performing services for 299
an employer in the business of the employer under either of the 300
following circumstances: 301

(a) An appointment; 302

(b) A contract or multiple contracts of hire under which 303
the nature of the relationship between the employer and 304
individual causes the employer and individual to reasonably 305
expect the individual's continued service with the employer for 306
an indefinite time period because of the continuing nature of 307
the relationship, regardless of a single contract's duration or 308
scope. 309

(2) "Employer" means an individual or entity that employs 310
one or more individuals in this state. 311

(3) "Quarantine or isolation pay" means payment of an 312
amount equal to an employee's normal rate of pay for every hour 313
during which the employee would normally be scheduled to work. 314

(4) "Sick leave" means payment of an amount equal to an 315
employee's normal rate of pay for every hour during which the 316
employee would normally be scheduled to work. 317

(5) "Paid leave" includes paid sick leave, paid vacation 318
leave, paid personal leave, other paid time off, and any 319
combination of those types of leave. 320

(6) "School" means a school operated by a school district, 321
other public school as defined in section 3301.0711 of the 322

Revised Code, or chartered nonpublic school.	323
(7) "Domestic violence" means an offense of violence, as defined in section 2901.01 of the Revised Code, committed against a family or household member as defined in division (F) of section 2919.25 of the Revised Code.	324 325 326 327
(8) "Sexual battery" means the commission of one of the acts listed under division (A) of section 2907.03 of the Revised Code.	328 329 330
(9) "Menacing by stalking" means the commission of one of the acts listed under division (A) of section 2903.211 of the Revised Code.	331 332 333
(10) "Child" means a biological, foster, or adopted child, a stepchild, a child of a domestic partner, a legal ward, or child of a person standing in loco parentis under eighteen years of age.	334 335 336 337
(11) "Serious health condition" means an illness, injury, impairment, or other condition resulting from COVID-19 that involves continuing treatment or continuing supervision by another individual.	338 339 340 341
Section 5. (A) Every employer shall provide quarantine or isolation pay to an employee in an amount equal to fourteen days. An employer is not required to provide quarantine or isolation pay to an employee on or after the ninety-first day after the emergency declared by Executive Order 2020-01D, issued on March 9, 2020, ends.	342 343 344 345 346 347
(B) An employee is entitled to use the quarantine or isolation pay under division (A) of this section immediately on and after the effective date of this section during the period of the emergency declared by Executive Order 2020-01D, issued on	348 349 350 351

March 9, 2020, if the employee is unable to work because of any 352
one of the following reasons: 353

(1) The employee is experiencing a serious health 354
condition and is being quarantined or isolated because the 355
employee's presence in the community may jeopardize the health 356
of others. 357

(2) The employee is obtaining professional medical 358
diagnosis or care or preventive medical care. 359

(3) The employee is being quarantined or isolated because 360
the employee's presence in the community may jeopardize the 361
health of others due to the employee's exposure to COVID-19, 362
regardless of whether the employee has contracted COVID-19. 363

(4) The employee is caring for an individual who is 364
experiencing a serious health condition and is being quarantined 365
or isolated because the employee's presence in the community may 366
jeopardize the health of others. 367

(5) The employee's place of employment has been closed 368
because of the state of emergency due to COVID-19, including at 369
the employer's discretion. 370

(6) The child care provider or school that a child of the 371
employee attends has been closed because of the state of 372
emergency due to COVID-19, and the employee must remain home to 373
care for the child. 374

(7) The employee must remain home to care for a family 375
member who has a physical or mental disability because the 376
family member's normal care provider is closed or unavailable 377
because of the state of emergency due to COVID-19. 378

(8) The employee is seeking assistance because of domestic 379

violence, sexual assault, or stalking. 380

(C) No employer shall require an employee to use paid 381
leave accrued by the employee until the employee has received 382
quarantine or isolation pay under this section. 383

(D) Leave granted under this section that is not used by 384
the ninety-first day after the emergency declared by Executive 385
Order 2020-01D, issued on March 9, 2020, ends, is forfeited. 386

Section 6. (A) As used in this section, notwithstanding 387
the definition of "employer" in Section 4 of this act, 388
"employer" means any person who has one or more employees. 389
"Employer" does not include the state or any agency or 390
instrumentality of the state, any municipal corporation, county, 391
township, school district, or other political subdivision or any 392
agency or instrumentality thereof. 393

(B) Every employer shall immediately provide to an 394
employee on the effective date of this section sick leave that 395
is equal to one hour for each completed thirty hours of service 396
performed in the employer's employ during the one-year period 397
before the effective date of this section. An employer is not 398
required to provide an employee with more than fifty-six hours 399
of sick leave under this section and is not required to provide 400
an employee with sick leave under this section on or after the 401
ninety-first day after the period of the emergency declared by 402
Executive Order 2020-01D, issued on March 9, 2020, ends. 403

(C) An employee is entitled to use sick leave provided 404
under this section for the reasons described in division (B) of 405
Section 5 of this act immediately on and after the effective 406
date of this section. Leave granted under this section that is 407
not used by the ninety-first day after the emergency declared by 408

Executive Order 2020-01D, issued on March 9, 2020, ends is 409
forfeited. 410

(D) No employer shall require an employee to use paid 411
leave accrued by the employee until the employee has received 412
sick leave under this section. 413

(E) Nothing in this section limits the ability of an 414
employer to provide an employee with sick leave in an amount 415
that exceeds fifty-six hours. 416

Section 7. (A) No employer shall fail to comply with 417
Sections 5 and 6 of this act. 418

(B) No employer shall terminate the employment, 419
discipline, suspend, constructively discharge, demote, 420
unfavorably reassign, refuse to promote, or take other adverse 421
employment action against an employee because the employee has 422
done either of the following: 423

(1) Failed to report to work for a reason described in 424
division (B) of Section 5 of this act; 425

(2) Requested to receive quarantine or isolation pay or 426
sick leave under Section 5 or 6 of this act. 427

Section 8. (A) Any employee who believes the employee has 428
been injured by a violation of Section 7 of this act may file a 429
complaint with the Director of Job and Family Services alleging 430
a violation of that section. The employee shall file the 431
complaint within one year after the alleged violation occurred. 432

(B) On receiving a complaint filed under division (A) of 433
this section, the Director may conduct an investigation to 434
determine whether it is probable that the employer has violated 435
Section 7 of this act. 436

(C) If, after the investigation, the Director has 437
reasonable cause to believe that a violation has occurred, the 438
Director shall issue notice to the employer and employee and 439
hold a hearing pursuant to section 119.09 of the Revised Code to 440
determine whether a violation has occurred. 441

(D) If, after the hearing, the Director determines that 442
the employer has violated Section 7 of this act, the Director 443
may order all appropriate relief from the employer, including 444
all of the following: 445

(1) Rehiring or reinstatement of the employee to the 446
employee's previous position; 447

(2) Payment of back wages; 448

(3) Reestablishment of employee benefits to which the 449
employee otherwise would have been entitled. 450

(E) Any party may appeal an order of the Director issued 451
under division (D) of this section to the court of common pleas 452
of the county in which the violation is alleged to have 453
occurred. 454

Section 9. Any employee who believes the employee has been 455
injured by a violation of Section 7 of this act may file a civil 456
action in the court of common pleas of the county in which the 457
violation allegedly occurred. The employee shall bring the 458
action within one year after the alleged violation occurred. 459

A court of common pleas that finds that a violation of 460
Section 7 of this act has occurred may order all appropriate 461
relief including damages, injunctive relief, or a civil penalty 462
in an amount fixed by the court. 463

An employee who believes the employee has been injured by 464

an alleged violation of Section 7 of this act is not required to 465
file a complaint with the Director of Job and Family Services or 466
to otherwise exhaust the employee's remedies under Section 8 of 467
this act before filing a civil action under this section. 468

Section 10. This act is hereby declared to be an emergency 469
measure necessary for the immediate preservation of the public 470
peace, health, and safety. The reason for such necessity is to 471
minimize the impact to Ohio citizens from the COVID-19 outbreak 472
and help protect further spread of the disease. Therefore, this 473
act shall go into immediate effect. 474