

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 207

Senator Schaffer

A BILL

To amend sections 4141.28 and 4141.29 and to enact
section 4141.294 of the Revised Code to require
unemployment benefit applicants to take a drug
test under certain circumstances, to create the
Ohio Works First drug testing pilot program, and
to make an appropriation. 1 2 3 4 5 6

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

Section 1. That sections 4141.28 and 4141.29 be amended
and section 4141.294 of the Revised Code be enacted to read as
follows: 7 8 9

Sec. 4141.28. 10

BENEFITS 11

(A) FILINGS 12

Applications for determination of benefit rights and
claims for benefits shall be filed with the director of job and
family services. Such applications and claims also may be filed
with an employee of another state or federal agency charged with
the duty of accepting applications and claims for unemployment
benefits or with an employee of the unemployment insurance 13 14 15 16 17 18

commission of Canada. 19

When an unemployed individual files an application for 20
determination of benefit rights, the director shall furnish the 21
individual with an explanation of the individual's appeal 22
rights. The explanation shall describe clearly the different 23
levels of appeal and explain where and when each appeal must be 24
filed. 25

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 26

In filing an application, an individual shall furnish the 27
director with the name and address of the individual's most 28
recent separating employer and the individual's statement of the 29
reason for separation from the employer. The director shall 30
promptly notify the individual's most recent separating employer 31
of the filing and request the reason for the individual's 32
unemployment, unless that notice is not necessary under 33
conditions the director establishes by rule. The director may 34
request from the individual or any employer information 35
necessary for the determination of the individual's right to 36
benefits. The employer shall provide the information requested 37
within ten working days after the request is sent. If necessary 38
to ensure prompt determination and payment of benefits, the 39
director shall base the determination on the information that is 40
available. 41

An individual filing an application for determination of 42
benefit rights shall disclose ~~7, both of the following~~ at the time 43
of filing, ~~whether~~ : 44

(1) Whether or not the individual owes child support 45
obligations; 46

(2) Whether the individual was separated from the 47

individual's most recent employer because of the unlawful use of 48
a controlled substance, as defined in section 4141.294 of the 49
Revised Code. 50

(C) MASS LAYOFFS 51

An employer who lays off or separates within any seven-day 52
period fifty or more individuals because of lack of work shall 53
furnish notice to the director of the dates of layoff or 54
separation and the approximate number of individuals being laid 55
off or separated. The notice shall be furnished at least three 56
working days prior to the date of the first day of such layoff 57
or separation. In addition, at the time of the layoff or 58
separation the employer shall furnish to the individual and to 59
the director information necessary to determine the individual's 60
eligibility for unemployment compensation. 61

(D) DETERMINATION OF BENEFIT RIGHTS 62

The director shall promptly examine any application for 63
determination of benefit rights. On the basis of the information 64
available to the director under this chapter, the director shall 65
determine whether or not the application is valid, and if valid, 66
the date on which the benefit year shall commence and the weekly 67
benefit amount. The director shall promptly notify the 68
applicant, employers in the applicant's base period, and any 69
other interested parties of the determination and the reasons 70
for it. In addition, the determination issued to the claimant 71
shall include the total amount of benefits payable. The 72
determination issued to each chargeable base period employer 73
shall include the total amount of benefits that may be charged 74
to the employer's account. 75

(E) CLAIM FOR BENEFITS 76

The director shall examine the first claim and any 77
additional claim for benefits. On the basis of the information 78
available, the director shall determine whether the claimant's 79
most recent separation and, to the extent necessary, prior 80
separations from work, allow the claimant to qualify for 81
benefits. Written notice of the determination granting or 82
denying benefits shall be sent to the claimant, the most recent 83
separating employer, and any other employer involved in the 84
determination, except that written notice is not required to be 85
sent to the claimant if the reason for separation is lack of 86
work and the claim is allowed. 87

If the director identifies an eligibility issue, the 88
director shall send notice to the claimant of the issue 89
identified and specify the week or weeks involved. The claimant 90
has a minimum of five business days after the notice is sent to 91
respond to the information included in the notice, and after the 92
time allowed as determined by the director, the director shall 93
make a determination. The claimant's response may include a 94
request for a fact-finding interview when the eligibility issue 95
is raised by an informant or source other than the claimant, or 96
when the eligibility issue, if determined adversely, 97
disqualifies the claimant for the duration of the claimant's 98
period of unemployment. 99

When the determination of a continued claim for benefits 100
results in a disallowed claim, the director shall notify the 101
claimant of the disallowance and the reasons for it. 102

(F) ELIGIBILITY NOTICE 103

Any base period or subsequent employer of a claimant who 104
has knowledge of specific facts affecting the claimant's right 105
to receive benefits for any week may notify the director in 106

writing of those facts. The director shall prescribe a form for 107
such eligibility notice, but failure to use the form shall not 108
preclude the director's examination of any notice. 109

To be considered valid, an eligibility notice must: 110
contain in writing, a statement that identifies either a source 111
who has firsthand knowledge of the information or an informant 112
who can identify the source; provide specific and detailed 113
information that may potentially disqualify the claimant; 114
provide the name and address of the source or the informant; and 115
appear to the director to be reliable and credible. 116

An eligibility notice is timely filed if received or 117
postmarked prior to or within forty-five calendar days after the 118
end of the week with respect to which a claim for benefits is 119
filed by the claimant. An employer who timely files a valid 120
eligibility notice shall be an interested party to the claim for 121
benefits which is the subject of the notice. 122

The director shall consider the information contained in 123
the eligibility notice, together with other available 124
information. After giving the claimant notice and an opportunity 125
to respond, the director shall make a determination and inform 126
the notifying employer, the claimant, and other interested 127
parties of the determination. 128

(G) CORRECTED DETERMINATION 129

If the director finds within the fifty-two calendar weeks 130
beginning with the Sunday of the week during which an 131
application for benefit rights was filed or within the benefit 132
year that a determination made by the director was erroneous due 133
to an error in an employer's report or any typographical or 134
clerical error in the director's determination, or as shown by 135

correct remuneration information received by the director, the 136
director shall issue a corrected determination to all interested 137
parties. The corrected determination shall take precedence over 138
and void the prior determination of the director. The director 139
shall not issue a corrected determination when the commission or 140
a court has jurisdiction with respect to that determination. 141

(H) EFFECT OF COMMISSION DECISIONS 142

In making determinations, the director shall follow 143
decisions of the unemployment compensation review commission 144
which have become final with respect to claimants similarly 145
situated. 146

(I) PROMPT PAYMENTS 147

If benefits are allowed by the director, a hearing 148
officer, the commission, or a court, the director shall pay 149
benefits promptly, notwithstanding any further appeal, provided 150
that if benefits are denied on appeal, of which the parties have 151
notice and an opportunity to be heard, the director shall 152
withhold payment of benefits pending a decision on any further 153
appeal. 154

Sec. 4141.29. Each eligible individual shall receive 155
benefits as compensation for loss of remuneration due to 156
involuntary total or partial unemployment in the amounts and 157
subject to the conditions stipulated in this chapter. 158

(A) No individual is entitled to a waiting period or 159
benefits for any week unless the individual: 160

(1) Has filed a valid application for determination of 161
benefit rights in accordance with section 4141.28 of the Revised 162
Code; 163

(2) Has made a claim for benefits in accordance with section 4141.28 of the Revised Code;	164 165
(3) (a) Has registered for work and thereafter continues to report to an employment office or other registration place maintained or designated by the director of job and family services. Registration shall be made in accordance with the time limits, frequency, and manner prescribed by the director.	166 167 168 169 170
(b) For purposes of division (A) (3) of this section, an individual has "registered" upon doing any of the following:	171 172
(i) Filing an application for benefit rights;	173
(ii) Making a weekly claim for benefits;	174
(iii) Reopening an existing claim following a period of employment or nonreporting.	175 176
(c) After an applicant is registered, that registration continues for a period of three calendar weeks, including the week during which the applicant registered. However, an individual is not registered for purposes of division (A) (3) of this section during any period in which the individual fails to report, as instructed by the director, or fails to reopen an existing claim following a period of employment.	177 178 179 180 181 182 183
(d) The director may, for good cause, extend the period of registration.	184 185
(e) For purposes of this section, "report" means contact by phone, access electronically, or be present for an in-person appointment, as designated by the director.	186 187 188
(4) (a) (i) Is able to work and available for suitable work and, except as provided in division (A) (4) (a) (ii) or (iii) of this section, is actively seeking suitable work either in a	189 190 191

locality in which the individual has earned wages subject to 192
this chapter during the individual's base period, or if the 193
individual leaves that locality, then in a locality where 194
suitable work normally is performed. 195

(ii) The director may waive the requirement that a 196
claimant be actively seeking work when the director finds that 197
the individual has been laid off and the employer who laid the 198
individual off has notified the director within ten days after 199
the layoff, that work is expected to be available for the 200
individual within a specified number of days not to exceed 201
forty-five calendar days following the last day the individual 202
worked. In the event the individual is not recalled within the 203
specified period, this waiver shall cease to be operative with 204
respect to that layoff. 205

(iii) The director may waive the requirement that a 206
claimant be actively seeking work if the director determines 207
that the individual has been laid off and the employer who laid 208
the individual off has notified the director in accordance with 209
division (C) of section 4141.28 of the Revised Code that the 210
employer has closed the employer's entire plant or part of the 211
employer's plant for a purpose other than inventory or vacation 212
that will cause unemployment for a definite period not exceeding 213
twenty-six weeks beginning on the date the employer notifies the 214
director, for the period of the specific shutdown, if all of the 215
following apply: 216

(I) The employer and the individuals affected by the 217
layoff who are claiming benefits under this chapter jointly 218
request the exemption. 219

(II) The employer provides that the affected individuals 220
shall return to work for the employer within twenty-six weeks 221

after the date the employer notifies the director. 222

(III) The director determines that the waiver of the 223
active search for work requirement will promote productivity and 224
economic stability within the state. 225

(iv) Division (A) (4) (a) (iii) of this section does not 226
exempt an individual from meeting the other requirements 227
specified in division (A) (4) (a) (i) of this section to be able to 228
work and otherwise fully be available for work. An exemption 229
granted under division (A) (4) (a) (iii) of this section may be 230
granted only with respect to a specific plant closing. 231

(b) (i) The individual shall be instructed as to the 232
efforts that the individual must make in the search for suitable 233
work, including that, within six months after October 11, 2013, 234
the individual shall register with the OhioMeansJobs web site, 235
except in any of the following circumstances: 236

(I) The individual is an individual described in division 237
(A) (4) (b) (iii) of this section; 238

(II) Where the active search for work requirement has been 239
waived under division (A) (4) (a) of this section; 240

(III) Where the active search for work requirement is 241
considered to be met under division (A) (4) (c), (d), or (e) of 242
this section. 243

(ii) An individual who is registered with the 244
OhioMeansJobs web site shall receive a weekly listing of 245
available jobs based on information provided by the individual 246
at the time of registration. For each week that the individual 247
claims benefits, the individual shall keep a record of the 248
individual's work search efforts and shall produce that record 249
in the manner and means prescribed by the director. 250

(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 280
individual regularly attends the school during weeks with 281
respect to which the individual claims unemployment benefits and 282
makes self available on any shift of hours for suitable 283
employment with the individual's most recent employer or any 284
other employer in the individual's base period, or for any other 285
suitable employment to which the individual is directed, under 286
this chapter. 287

(e) An individual who is a member in good standing with a 288
labor organization that refers individuals to jobs meets the 289
active search for work requirement specified in division (A) (4) 290
(a) of this section if the individual provides documentation 291
that the individual is eligible for a referral or placement upon 292
request and in a manner prescribed by the director. 293

(f) Notwithstanding any other provisions of this section, 294
no otherwise eligible individual shall be denied benefits for 295
any week because the individual is in training approved under 296
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 297
U.S.C.A. 2296, nor shall that individual be denied benefits by 298
reason of leaving work to enter such training, provided the work 299
left is not suitable employment, or because of the application 300
to any week in training of provisions in this chapter, or any 301
applicable federal unemployment compensation law, relating to 302
availability for work, active search for work, or refusal to 303
accept work. 304

For the purposes of division (A) (4) (f) of this section, 305
"suitable employment" means with respect to an individual, work 306
of a substantially equal or higher skill level than the 307
individual's past adversely affected employment, as defined for 308
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 309

U.S.C.A. 2101, and wages for such work at not less than eighty 310
per cent of the individual's average weekly wage as determined 311
for the purposes of that federal act. 312

(5) Is unable to obtain suitable work. An individual who 313
is provided temporary work assignments by the individual's 314
employer under agreed terms and conditions of employment, and 315
who is required pursuant to those terms and conditions to 316
inquire with the individual's employer for available work 317
assignments upon the conclusion of each work assignment, is not 318
considered unable to obtain suitable employment if suitable work 319
assignments are available with the employer but the individual 320
fails to contact the employer to inquire about work assignments. 321

(6) Participates in reemployment services, such as job 322
search assistance services, if the individual has been 323
determined to be likely to exhaust benefits under this chapter, 324
including compensation payable pursuant to 5 U.S.C.A. Chapter 325
85, other than extended compensation, and needs reemployment 326
services pursuant to the profiling system established by the 327
director under division (K) of this section, unless the director 328
determines that: 329

(a) The individual has completed such services; or 330

(b) There is justifiable cause for the claimant's failure 331
to participate in such services. 332

Ineligibility for failure to participate in reemployment 333
services as described in division (A) (6) of this section shall 334
be for the week or weeks in which the claimant was scheduled and 335
failed to participate without justifiable cause. 336

(7) Participates in the reemployment and eligibility 337
assessment program, or other reemployment services, as required 338

by the director. As used in division (A) (7) of this section, 339
"reemployment services" includes job search assistance 340
activities, skills assessments, and the provision of labor 341
market statistics or analysis. 342

(a) For purposes of division (A) (7) of this section, 343
participation is required unless the director determines that 344
either of the following circumstances applies to the individual: 345

(i) The individual has completed similar services. 346

(ii) Justifiable cause exists for the failure of the 347
individual to participate in those services. 348

(b) Within six months after October 11, 2013, 349
notwithstanding any earlier contact an individual may have had 350
with a local OhioMeansJobs center, as defined in section 6301.01 351
of the Revised Code, beginning with the eighth week after the 352
week during which an individual first files a valid application 353
for determination of benefit rights in the individual's benefit 354
year, the individual shall report to a local OhioMeansJobs 355
center for reemployment services in the manner prescribed by the 356
director. 357

(c) An individual whose active search for work requirement 358
has been waived under division (A) (4) (a) of this section or is 359
considered to be satisfied under division (A) (4) (c), (d), or (e) 360
of this section is exempt from the requirements of division (A) 361
(7) of this section. 362

(B) An individual suffering total or partial unemployment 363
is eligible for benefits for unemployment occurring subsequent 364
to a waiting period of one week and no benefits shall be payable 365
during this required waiting period. Not more than one week of 366
waiting period shall be required of any individual in any 367

benefit year in order to establish the individual's eligibility 368
for total or partial unemployment benefits. 369

(C) The waiting period for total or partial unemployment 370
shall commence on the first day of the first week with respect 371
to which the individual first files a claim for benefits at an 372
employment office or other place of registration maintained or 373
designated by the director or on the first day of the first week 374
with respect to which the individual has otherwise filed a claim 375
for benefits in accordance with the rules of the department of 376
job and family services, provided such claim is allowed by the 377
director. 378

(D) Notwithstanding division (A) of this section, no 379
individual may serve a waiting period or be paid benefits under 380
the following conditions: 381

(1) For any week with respect to which the director finds 382
that: 383

(a) The individual's unemployment was due to a labor 384
dispute other than a lockout at any factory, establishment, or 385
other premises located in this or any other state and owned or 386
operated by the employer by which the individual is or was last 387
employed; and for so long as the individual's unemployment is 388
due to such labor dispute. No individual shall be disqualified 389
under this provision if either of the following applies: 390

(i) The individual's employment was with such employer at 391
any factory, establishment, or premises located in this state, 392
owned or operated by such employer, other than the factory, 393
establishment, or premises at which the labor dispute exists, if 394
it is shown that the individual is not financing, participating 395
in, or directly interested in such labor dispute; 396

(ii) The individual's employment was with an employer not 397
involved in the labor dispute but whose place of business was 398
located within the same premises as the employer engaged in the 399
dispute, unless the individual's employer is a wholly owned 400
subsidiary of the employer engaged in the dispute, or unless the 401
individual actively participates in or voluntarily stops work 402
because of such dispute. If it is established that the claimant 403
was laid off for an indefinite period and not recalled to work 404
prior to the dispute, or was separated by the employer prior to 405
the dispute for reasons other than the labor dispute, or that 406
the individual obtained a bona fide job with another employer 407
while the dispute was still in progress, such labor dispute 408
shall not render the employee ineligible for benefits. 409

(b) The individual has been given a disciplinary layoff 410
for misconduct in connection with the individual's work. 411

(2) For the duration of the individual's unemployment if 412
the director finds that: 413

(a) The individual quit work without just cause or has 414
been discharged for just cause in connection with the 415
individual's work, provided division (D) (2) of this section does 416
not apply to the separation of a person under any of the 417
following circumstances: 418

(i) Separation from employment for the purpose of entering 419
the armed forces of the United States if the individual is 420
inducted into the armed forces within one of the following 421
periods: 422

(I) Thirty days after separation; 423

(II) One hundred eighty days after separation if the 424
individual's date of induction is delayed solely at the 425

discretion of the armed forces. 426

(ii) Separation from employment pursuant to a labor- 427
management contract or agreement, or pursuant to an established 428
employer plan, program, or policy, which permits the employee, 429
because of lack of work, to accept a separation from employment; 430

(iii) The individual has left employment to accept a 431
recall from a prior employer or, except as provided in division 432
(D) (2) (a) (iv) of this section, to accept other employment as 433
provided under section 4141.291 of the Revised Code, or left or 434
was separated from employment that was concurrent employment at 435
the time of the most recent separation or within six weeks prior 436
to the most recent separation where the remuneration, hours, or 437
other conditions of such concurrent employment were 438
substantially less favorable than the individual's most recent 439
employment and where such employment, if offered as new work, 440
would be considered not suitable under the provisions of 441
divisions (E) and (F) of this section. Any benefits that would 442
otherwise be chargeable to the account of the employer from whom 443
an individual has left employment or was separated from 444
employment that was concurrent employment under conditions 445
described in division (D) (2) (a) (iii) of this section, shall 446
instead be charged to the mutualized account created by division 447
(B) of section 4141.25 of the Revised Code, except that any 448
benefits chargeable to the account of a reimbursing employer 449
under division (D) (2) (a) (iii) of this section shall be charged 450
to the account of the reimbursing employer and not to the 451
mutualized account, except as provided in division (D) (2) of 452
section 4141.24 of the Revised Code. 453

(iv) When an individual has been issued a definite layoff 454
date by the individual's employer and before the layoff date, 455

the individual quits to accept other employment, the provisions 456
of division (D) (2) (a) (iii) of this section apply and no 457
disqualification shall be imposed under division (D) of this 458
section. However, if the individual fails to meet the employment 459
and earnings requirements of division (A) (2) of section 4141.291 460
of the Revised Code, then the individual, pursuant to division 461
(A) (5) of this section, shall be ineligible for benefits for any 462
week of unemployment that occurs prior to the layoff date. 463

(v) The individual's spouse is a member of the armed 464
forces of the United States who is on active duty or a member of 465
the commissioned corps of the national oceanic and atmospheric 466
administration or public health service, the spouse is the 467
subject of a transfer, the individual left employment to 468
accompany the individual's spouse to a location from which it is 469
impractical to commute to the individual's place of employment, 470
and upon arrival at the new place of residence, the individual 471
is in all respects able and available for suitable work. For 472
~~purpose~~purposes of division (D) (2) (a) (v) of this section, 473
"active duty" and "armed forces" have the same meanings as in 10 474
U.S.C. 101. 475

(b) The individual has refused without good cause to 476
accept an offer of suitable work when made by an employer either 477
in person or to the individual's last known address, or has 478
refused or failed to investigate a referral to suitable work 479
when directed to do so by a local employment office of this 480
state or another state, provided that this division shall not 481
cause a disqualification for a waiting week or benefits under 482
the following circumstances: 483

(i) When work is offered by the individual's employer and 484
the individual is not required to accept the offer pursuant to 485

the terms of the labor-management contract or agreement; or 486

(ii) When the individual is attending a training course 487
pursuant to division (A) (4) of this section except, in the event 488
of a refusal to accept an offer of suitable work or a refusal or 489
failure to investigate a referral, benefits thereafter paid to 490
such individual shall not be charged to the account of any 491
employer and, except as provided in division (B) (1) (b) of 492
section 4141.241 of the Revised Code, shall be charged to the 493
mutualized account as provided in division (B) of section 494
4141.25 of the Revised Code. 495

(c) Such individual quit work to marry or because of 496
marital, parental, filial, or other domestic obligations. 497

(d) The individual became unemployed by reason of 498
commitment to any correctional institution. 499

(e) The individual became unemployed because of dishonesty 500
in connection with the individual's most recent or any base 501
period work. Remuneration earned in such work shall be excluded 502
from the individual's total base period remuneration and 503
qualifying weeks that otherwise would be credited to the 504
individual for such work in the individual's base period shall 505
not be credited for the purpose of determining the total 506
benefits to which the individual is eligible and the weekly 507
benefit amount to be paid under section 4141.30 of the Revised 508
Code. Such excluded remuneration and noncredited qualifying 509
weeks shall be excluded from the calculation of the maximum 510
amount to be charged, under division (D) of section 4141.24 and 511
section 4141.33 of the Revised Code, against the accounts of the 512
individual's base period employers. In addition, no benefits 513
shall thereafter be paid to the individual based upon such 514
excluded remuneration or noncredited qualifying weeks. 515

(f) The individual fails or refuses to submit to a drug 516
test required by section 4141.294 of the Revised Code. 517

For purposes of division (D) (2) (e) of this section, 518
"dishonesty" means the commission of substantive theft, fraud, 519
or deceitful acts. 520

(E) No individual otherwise qualified to receive benefits 521
shall lose the right to benefits by reason of a refusal to 522
accept new work if: 523

(1) As a condition of being so employed the individual 524
would be required to join a company union, or to resign from or 525
refrain from joining any bona fide labor organization, or would 526
be denied the right to retain membership in and observe the 527
lawful rules of any such organization. 528

(2) The position offered is vacant due directly to a 529
strike, lockout, or other labor dispute. 530

(3) The work is at an unreasonable distance from the 531
individual's residence, having regard to the character of the 532
work the individual has been accustomed to do, and travel to the 533
place of work involves expenses substantially greater than that 534
required for the individual's former work, unless the expense is 535
provided for. 536

(4) The remuneration, hours, or other conditions of the 537
work offered are substantially less favorable to the individual 538
than those prevailing for similar work in the locality. 539

(F) Subject to the special exceptions contained in 540
division (A) (4) (f) of this section and section 4141.301 of the 541
Revised Code, in determining whether any work is suitable for a 542
claimant in the administration of this chapter, the director, in 543
addition to the determination required under division (E) of 544

this section, shall consider the degree of risk to the 545
claimant's health, safety, and morals, the individual's physical 546
fitness for the work, the individual's prior training and 547
experience, the length of the individual's unemployment, the 548
distance of the available work from the individual's residence, 549
and the individual's prospects for obtaining local work. 550

(G) The "duration of unemployment" as used in this section 551
means the full period of unemployment next ensuing after a 552
separation from any base period or subsequent work and until an 553
individual has become reemployed in employment subject to this 554
chapter, or the unemployment compensation act of another state, 555
or of the United States, and until such individual has worked 556
six weeks and for those weeks has earned or been paid 557
remuneration equal to six times an average weekly wage of not 558
less than: eighty-five dollars and ten cents per week beginning 559
on June 26, 1990; and beginning on and after January 1, 1992, 560
twenty-seven and one-half per cent of the statewide average 561
weekly wage as computed each first day of January under division 562
(B) (3) of section 4141.30 of the Revised Code, rounded down to 563
the nearest dollar, except for purposes of division (D) (2) (c) of 564
this section, such term means the full period of unemployment 565
next ensuing after a separation from such work and until such 566
individual has become reemployed subject to the terms set forth 567
above, and has earned wages equal to one-half of the 568
individual's average weekly wage or sixty dollars, whichever is 569
less. 570

(H) If a claimant is disqualified under division (D) (2) 571
(a), (c), or (d) of this section or found to be qualified under 572
the exceptions provided in division (D) (2) (a) (i), (iii), (iv), or 573
(v) of this section or division (A) (2) of section 4141.291 of 574
the Revised Code, then benefits that may become payable to such 575

claimant, which are chargeable to the account of the employer 576
from whom the individual was separated under such conditions, 577
shall be charged to the mutualized account provided in section 578
4141.25 of the Revised Code, provided that no charge shall be 579
made to the mutualized account for benefits chargeable to a 580
reimbursing employer, except as provided in division (D) (2) of 581
section 4141.24 of the Revised Code. In the case of a 582
reimbursing employer, the director shall refund or credit to the 583
account of the reimbursing employer any over-paid benefits that 584
are recovered under division (B) of section 4141.35 of the 585
Revised Code. Amounts chargeable to other states, the United 586
States, or Canada that are subject to agreements and 587
arrangements that are established pursuant to section 4141.43 of 588
the Revised Code shall be credited or reimbursed according to 589
the agreements and arrangements to which the chargeable amounts 590
are subject. 591

(I) (1) Benefits based on service in employment as provided 592
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 593
Code shall be payable in the same amount, on the same terms, and 594
subject to the same conditions as benefits payable on the basis 595
of other service subject to this chapter; except that after 596
December 31, 1977: 597

(a) Benefits based on service in an instructional, 598
research, or principal administrative capacity in an institution 599
of higher education, as defined in division (Y) of section 600
4141.01 of the Revised Code; or for an educational institution 601
as defined in division (CC) of section 4141.01 of the Revised 602
Code, shall not be paid to any individual for any week of 603
unemployment that begins during the period between two 604
successive academic years or terms, or during a similar period 605
between two regular but not successive terms or during a period 606

of paid sabbatical leave provided for in the individual's 607
contract, if the individual performs such services in the first 608
of those academic years or terms and has a contract or a 609
reasonable assurance that the individual will perform services 610
in any such capacity for any such institution in the second of 611
those academic years or terms. 612

(b) Benefits based on service for an educational 613
institution or an institution of higher education in other than 614
an instructional, research, or principal administrative 615
capacity, shall not be paid to any individual for any week of 616
unemployment which begins during the period between two 617
successive academic years or terms of the employing educational 618
institution or institution of higher education, provided the 619
individual performed those services for the educational 620
institution or institution of higher education during the first 621
such academic year or term and, there is a reasonable assurance 622
that such individual will perform those services for any 623
educational institution or institution of higher education in 624
the second of such academic years or terms. 625

If compensation is denied to any individual for any week 626
under division (I) (1) (b) of this section and the individual was 627
not offered an opportunity to perform those services for an 628
institution of higher education or for an educational 629
institution for the second of such academic years or terms, the 630
individual is entitled to a retroactive payment of compensation 631
for each week for which the individual timely filed a claim for 632
compensation and for which compensation was denied solely by 633
reason of division (I) (1) (b) of this section. An application for 634
retroactive benefits shall be timely filed if received by the 635
director or the director's deputy within or prior to the end of 636
the fourth full calendar week after the end of the period for 637

which benefits were denied because of reasonable assurance of 638
employment. The provision for the payment of retroactive 639
benefits under division (I) (1) (b) of this section is applicable 640
to weeks of unemployment beginning on and after November 18, 641
1983. The provisions under division (I) (1) (b) of this section 642
shall be retroactive to September 5, 1982, only if, as a 643
condition for full tax credit against the tax imposed by the 644
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 645
3301 to 3311, the United States secretary of labor determines 646
that retroactivity is required by federal law. 647

(c) With respect to weeks of unemployment beginning after 648
December 31, 1977, benefits shall be denied to any individual 649
for any week which commences during an established and customary 650
vacation period or holiday recess, if the individual performs 651
any services described in divisions (I) (1) (a) and (b) of this 652
section in the period immediately before the vacation period or 653
holiday recess, and there is a reasonable assurance that the 654
individual will perform any such services in the period 655
immediately following the vacation period or holiday recess. 656

(d) With respect to any services described in division (I) 657
(1) (a), (b), or (c) of this section, benefits payable on the 658
basis of services in any such capacity shall be denied as 659
specified in division (I) (1) (a), (b), or (c) of this section to 660
any individual who performs such services in an educational 661
institution or institution of higher education while in the 662
employ of an educational service agency. For this purpose, the 663
term "educational service agency" means a governmental agency or 664
governmental entity that is established and operated exclusively 665
for the purpose of providing services to one or more educational 666
institutions or one or more institutions of higher education. 667

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

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

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

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

(J) Benefits shall not be paid on the basis of employment performed by an alien, unless the alien had been lawfully

admitted to the United States for permanent residence at the 698
time the services were performed, was lawfully present for 699
purposes of performing the services, or was otherwise 700
permanently residing in the United States under color of law at 701
the time the services were performed, under section 212(d)(5) of 702
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 703
1101: 704

(1) Any data or information required of individuals 705
applying for benefits to determine whether benefits are not 706
payable to them because of their alien status shall be uniformly 707
required from all applicants for benefits. 708

(2) In the case of an individual whose application for 709
benefits would otherwise be approved, no determination that 710
benefits to the individual are not payable because of the 711
individual's alien status shall be made except upon a 712
preponderance of the evidence that the individual had not, in 713
fact, been lawfully admitted to the United States. 714

(K) The director shall establish and utilize a system of 715
profiling all new claimants under this chapter that: 716

(1) Identifies which claimants will be likely to exhaust 717
regular compensation and will need job search assistance 718
services to make a successful transition to new employment; 719

(2) Refers claimants identified pursuant to division (K) 720
(1) of this section to reemployment services, such as job search 721
assistance services, available under any state or federal law; 722

(3) Collects follow-up information relating to the 723
services received by such claimants and the employment outcomes 724
for such claimant's subsequent to receiving such services and 725
utilizes such information in making identifications pursuant to 726

division (K) (1) of this section; and 727

(4) Meets such other requirements as the United States 728
secretary of labor determines are appropriate. 729

(L) Except as otherwise provided in division (A) (6) of 730
this section, ineligibility pursuant to division (A) of this 731
section shall begin on the first day of the week in which the 732
claimant becomes ineligible for benefits and shall end on the 733
last day of the week preceding the week in which the claimant 734
satisfies the eligibility requirements. 735

(M) The director may adopt rules that the director 736
considers necessary for the administration of division (A) of 737
this section. 738

Sec. 4141.294. (A) As used in this section: 739

(1) "Controlled substance" means a substance listed on a 740
schedule established under section 202 of the federal 741
"Controlled Substances Act," 21 U.S.C. 812 . 742

(2) "Drug test" means either of the following that is 743
conducted to determine whether a controlled substance is present 744
in a biological specimen taken from an individual's body: 745

(a) A chemical test of an individual's urine; 746

(b) An oral fluid test that uses a swab. 747

(3) "Duration of unemployment" has the same meaning as in 748
section 4141.29 of the Revised Code. 749

(4) (a) Except as provided in division (A) (4) (b) of this 750
section, "fail a drug test" means that a drug test reveals the 751
presence of a controlled substance in a biological specimen 752
taken from an individual's body. 753

(b) An individual shall not be determined to have failed a drug test if the individual obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and the individual injected, ingested, or inhaled the controlled substance in accordance with the licensed health professional's directions. 754
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(5) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 760
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(B) The director of job and family services shall require an individual who has filed an application for determination of benefit rights to undergo a drug test to determine the individual's eligibility for benefits if both of the following apply: 763
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(1) The director has reasonable cause to suspect that the individual has engaged in the unlawful use of a controlled substance. 768
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(2) The director has determined that the individual was discharged from employment with the individual's most recent employer because of the unlawful use of a controlled substance. 771
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(C) An individual who fails or refuses to submit to a drug test required under division (B) of this section shall be disqualified from unemployment compensation benefits pursuant to section 4141.29 of the Revised Code for the duration of the individual's unemployment. 774
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(D) The director shall do both of the following: 779

(1) Ensure that a drug test conducted under this section meets or exceeds the standards of the mandatory guidelines for federal workplace drug testing programs published by the 780
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substance abuse and mental health services administration of the 783
United States department of health; 784

(2) Adopt rules that the director considers necessary to 785
administer this section. 786

Section 2. That existing sections 4141.28 and 4141.29 of 787
the Revised Code are hereby repealed. 788

Section 3. As used in Sections 3 to 11 of this act: 789

(A) "Adult," "assistance group," and "Ohio Works First" 790
have the same meanings as in section 5107.02 of the Revised 791
Code. 792

(B) "Chemical dependency" means the use of a drug of abuse 793
to the extent that the user becomes physically or 794
psychologically dependent on the drug or endangers the user's 795
health, safety, or welfare or that of others. 796

(C) "Drug of abuse" has the same meaning as in section 797
3719.011 of the Revised Code. 798

(D) "Drug test" means either of the following that is 799
conducted to determine whether a drug of abuse is present in a 800
biological specimen taken from an individual's body: 801

(1) A chemical test of an individual's urine; 802

(2) An oral fluid test that uses a swab. 803

(E) (1) Except as provided in division (E) (2) of this 804
section, "fail a drug test" means that a drug test reveals the 805
presence of a drug of abuse in a biological specimen taken from 806
an individual's body. 807

(2) An individual shall not be determined to have failed a 808
drug test if the individual obtained the drug of abuse pursuant 809

to a prescription issued by a licensed health professional 810
authorized to prescribe drugs and the individual injected, 811
ingested, or inhaled the drug of abuse in accordance with the 812
licensed health professional's directions. 813

(F) "Licensed health professional authorized to prescribe 814
drugs" and "prescription" have the same meanings as in section 815
4729.01 of the Revised Code. 816

(G) "Pass a drug test" means that a drug test does not 817
reveal the presence of a drug of abuse in a biological specimen 818
taken from an individual's body. 819

(H) "Work-eligible individual" has the same meaning as in 820
45 C.F.R. 261.2(n). 821

(I) "Pilot program" means the Ohio Works First drug 822
testing pilot program established under Section 4 of this act. 823

Section 4. Not later than ninety days after the effective 824
date of this section, the Director of Job and Family Services 825
shall establish an Ohio Works First drug testing pilot program. 826
The pilot program shall be operated for two years in three 827
counties the Director selects, except that the Director may 828
select a county only if the county's board of county 829
commissioners volunteers to have the county included in the 830
program. In selecting counties, the Director shall make 831
reasonable efforts to have one rural, one suburban, and one 832
urban county included in the program. 833

The county Department of Job and Family Services of each 834
county included in the program shall conduct an assessment of 835
each adult member of an assistance group that applies to 836
participate in Ohio Works First to determine whether there is 837
reasonable cause to suspect that any of the adults have a 838

chemical dependency. The assessment shall be conducted in 839
accordance with rules adopted under Section 10 of this act and 840
as part of the process of determining under section 5107.12 of 841
the Revised Code whether the assistance group is initially 842
eligible to participate in Ohio Works First. The assessment 843
shall not be conducted as part of an eligibility 844
redetermination. If, pursuant to an assessment conducted under 845
the pilot program, there is reasonable cause to suspect that an 846
adult has a chemical dependency, the county department shall 847
require the adult to undergo a drug test. 848

Section 5. The cash assistance that an assistance group 849
receives under Ohio Works First shall be provided to a 850
protective payee approved by the county Department of Job and 851
Family Services if an adult member of the assistance group 852
refuses to cooperate with an assessment conducted under the 853
pilot program, refuses to undergo a drug test when required to 854
do so under the pilot program, or fails a drug test conducted 855
under the pilot program. The protective payee may not be a 856
member of the assistance group. The protective payee shall act 857
as a representative of the assistance group and manage the 858
assistance group's cash assistance on behalf of the assistance 859
group. Except as provided in Section 6 of this act, the 860
assistance group's cash assistance shall be provided to the 861
protective payee for one year. After the one-year period, the 862
cash assistance shall be provided to the assistance group unless 863
rules adopted under section 5107.05 of the Revised Code provide 864
for the cash assistance to be provided to a protective payee due 865
to another circumstance. 866

Section 6. The county Department of Job and Family 867
Services of each county included in the pilot program shall 868
refer an adult who fails a drug test conducted pursuant to 869

Section 4 of this act to the board of alcohol, drug addiction, 870
and mental health services that serves the same county as the 871
county department. If the adult, acting on the referral, 872
requests services from the board to which the adult is referred, 873
the board shall refer the adult to a community addiction 874
services provider certified by the Department of Mental Health 875
and Addiction Services under section 5119.36 of the Revised 876
Code. 877

Not sooner than six months after the date that the cash 878
assistance of the adult's assistance group begins to be provided 879
to a protective payee pursuant to Section 5 of this act, the 880
adult may submit a request to the county department to have the 881
assistance group's cash assistance cease to be provided to the 882
protective payee and begin to be provided to the assistance 883
group. The adult shall include with the request documentation 884
that is acceptable to the county department and shows that the 885
adult successfully completed the treatment provided by the 886
community addiction services provider to which the adult was 887
referred under this division. The county department may approve 888
the request if the adult undergoes a drug test and passes the 889
drug test. However, the county department shall disapprove the 890
request if rules adopted under section 5107.05 of the Revised 891
Code provide for the cash assistance to be provided to a 892
protective payee due to another circumstance. If the adult fails 893
to undergo a drug test or fails the drug test, the cash 894
assistance shall continue to be provided to the protective payee 895
for an additional year beginning on the date that is twelve 896
months after the date that the cash assistance first began to be 897
provided to the protective payee under Section 5 of this act. 898

Section 7. An assistance group's cash assistance shall be 899
provided to a protective payee for the period specified in 900

Section 5 or 6 of this act, as applicable, regardless of whether 901
that period extends beyond the date the pilot program ends. 902

Section 8. The provision of an assistance group's cash 903
assistance to a protective payee as required by this act does 904
not excuse the members of the assistance group or any work- 905
eligible individuals from compliance with any of the Ohio Works 906
First requirements applicable to them. 907

Section 9. The county Department of Job and Family 908
Services of each county included in the pilot program shall 909
determine which type of drug test to use under the program. An 910
adult undergoing the drug test is responsible for the cost of 911
the drug test if the adult fails the drug test. 912

Section 10. The Director of Job and Family Services shall 913
adopt rules as necessary to implement the pilot program, 914
including rules governing the assessments conducted under 915
Section 4 of this act. The rules shall be adopted in accordance 916
with Chapter 119. of the Revised Code. 917

Section 11. (A) The Director of Job and Family Services 918
shall prepare a report regarding the pilot program. The report 919
shall include all of the following information: 920

(1) The number of adults for whom reasonable cause to 921
suspect have a chemical dependency is found pursuant to 922
assessments conducted under Section 4 of this act; 923

(2) The number of adults required to undergo drug tests; 924

(3) The number of adults who failed drug tests; 925

(4) The cost of the drug tests; 926

(5) The total amount of time that Ohio Works First cash 927
assistance is provided to protective payees under the pilot 928

program as of the date the report is prepared;	929
(6) Regarding the adults referred to community addiction services providers under Section 6 of this act, all of the following:	930
(a) The number of adults who completed treatment;	931
(b) The number of adults employed as of the date the report is prepared;	932
(c) In the case of the adults who are not employed at the time they completed treatment but become employed by the date the report is prepared, the average number of months it took the adults after completing treatment to become employed.	933
(B) The county Department of Job and Family Services of each county included in the pilot program shall provide any information the Director needs to prepare the report.	934
(C) Not later than ninety days after the conclusion of the pilot program, the Director shall submit the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.	936
Section 12. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2020 and those in the second column are for fiscal year 2021. The appropriations made in this act are in addition to any other appropriations made for the FY 2020-FY 2021 biennium.	937
MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES	938
General Revenue Fund	939

GRF 336421 Continuum of Care Services	\$100,000	\$100,000	957
TOTAL GRF General Revenue Fund	\$100,000	\$100,000	958
TOTAL ALL BUDGET FUND GROUPS	\$100,000	\$100,000	959

CONTINUUM OF CARE SERVICES 960

The foregoing appropriation item 336421, Continuum of Care Services, shall be used to provide drug treatment services to individuals seeking treatment under the Ohio Works First Drug Testing Pilot Program. 961
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Section 13. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. Expenditures from appropriations contained in this act shall be accounted for as though made in the main operating appropriations act of the 133rd General Assembly. 965
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The appropriations made in this act are subject to all provisions of the main operating appropriations act of the 133rd General Assembly that are generally applicable to such appropriations. 973
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Section 14 . Section 4141.29 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 49 and Am. 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. 977
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