

HB 394 - Unemployment Compensation
 Representative Barbara Sears, 131st General Assembly



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Section	Page #	Line #	What	Why	Reference
145.012	pg. 3, pg. 43, pg. 101	69-70, 1225-1227, 2959-2961	Removes the Unemployment Compensation Advisory Council and refers all Unemployment Compensation Reports to the Speaker of the House and President of the Senate.	The Unemployment Compensation Advisory Council has not met since 2010 and has no members.	
4123.56	pg. 6	145-152	Removes provision that the Bureau of Workers Compensation must credit employer's account for Unemployment Benefits paid when temporary total benefits are awarded.	Technical conforming change. Prevents a claimant from receiving workers compensation and unemployment compensation at the same time.	Chapter 4141 of Revised Code
4141.01	pg. 29-30	816-860	January 1st of a year the unemployment compensation fund is at or below the minimum safe level to December 31st of that same year, the taxable wage base will increase from the first \$9,000 of an employee's annual wages, to the first \$11,000 of an employee's annual wages.	To build up the unemployment compensation trust fund to the minimum safe level by increasing the taxable wage base on employers from \$9,000 to \$11,000. This increase is temporary and will revert back to \$9,000 when the minimum safe level has been reached.	
4141.01	pg. 34	984-985	Requires that claimants have earnings in at least three quarters in their individual base period to qualify for unemployment compensation benefits.	Prevents unemployment hopping by forcing employees to earn qualifying weeks over a longer period of time.	
4141.01	pg. 41-42	1189-1201	Defines "minimum safe level" as 1.0 AHCM.		Section 4141.251, pg. 69-70, lines 2028-2058, and 4141.301 of Revised Code
4141.02	pg. 42	1202-1215	Determines how the statewide average wage is calculated.	No change in current law, just relocated.	
4141.25	pg. 55-56	1612-1628	Reduces the standard rate for new employers to 1.0%, except for construction when the fund is at or above the minimum safe level (MSL).	A lower rate for new employers will help attract new businesses and create jobs.	Section 4141.25, pg. 57, lines 1643-1657
4141.252	pg. 69-70	2010-2058	Outlines method of calculating the minimum safe level.	Specifies the formula for calculating the MSL.	Section 4141.301 of Revised Code

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4141.28	pg. 72	2096-2099	Requires applicants for Unemployment Compensation benefits to disclose in the application whether or not he or she was removed from employment due to the use of illegal drugs.	if an employee was let go due to drug use they are no longer eligible for unemployment compensation benefits, saving the fund money.	Section 4141.294, pg. 101-103, lines 2965-3013
4141.29	pg. 83-84	2412-2444	Adds additional waiting week when a unemployment compensation beneficiary received wages in a week during their benefit year exceeding their individual weekly benefits.	Prevents unemployment hopping by disincentivizing a claimant from going on and off unemployment compensation benefits.	Section 4141.30, pg. 103-110, lines 3014-3211, and sections 4141.50-4141.56 of Revised Code
4141.29	pg. 84-85	2445-2475	Amends the labor dispute provision permitting payment of benefits if there is a constructive lock out.	Makes Ohio law consistent with other types of labor disputes.	
4141.29	pg. 85	2478-2488	If an employee was let go due to not showing up to work for three days without a call they are considered to have quit work without just cause making them ineligible for unemployment compensation benefits.	Previously, three days no call, no show was not considered a "just cause" for an employee to be let go.	Section 4141.29, pg. 76-83, lines 2208-2411
4141.29	pg. 87	2536-2542	If the employee violates the terms of the employee handbook that was provided to them upon their hire it is considered just cause to let them go.	Previously the violation of the terms in an employee handbook was not considered "just cause" for an employee to be let go.	
4141.29	pg. 87	2543-2551	Codifies Ohio Supreme Court Case, Tsangras, Plakos, and Manos.	Codifies that discharged employees cannot receive benefits when the reason they were let go was because they failed to adequately perform the duties of their job.	Section 4141.29, pg. 90-91, lines 2635-2651
4141.29	pg. 89	2585-2586	Adds a disqualification if a claimant fails or refuses to take a drug test.	If a claimant fails or refuses to take a drug test it is considered "just cause" to let them go.	Section 4141.294, pg. 101-103, lines 2965-3013

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Section	Page #	Line #	What	Why	Reference
4141.29	pg. 91	2643-2660	If individual refuses to work but get benefits, it isn't charged to the employer's account, but rather the mutualized account. Any remuneration carried by the individual where he or she was terminated for being dishonest cannot count toward the base period.	Prevents employer rating from suffering due to an administrative mistake made by JFS.	Section 4141.241, section 4141.25, pg. 60-66, lines 1736-1927, and section 4141.30, pg. 103-110, lines 3014-3212
4141.29	pg. 91-92	2670-2681	A claimant does not receive a waiting week or benefits if they receive workers compensation or social security in that same week.	Prevents a claimant from receiving workers compensation/social security and unemployment compensation at the same time.	Section 4121, 4123, 4127, 4131 or 4123.57 of the Revised Code.
4141.29	pg. 92 & pg. 99	2697-2699 2899-2900	Modifies the work search language to more narrowly define "unreasonable distance" in relation to how far an employee has to look for jobs in order to stay on benefits. Requires ODJFS to adopt rules defining unreasonable distance and locality.	To prevent a claimant that had previously worked 15 miles away refusing a job 10 miles away by saying it is an "unreasonable" distance away.	
4141.294	pg. 101-103	2962-3014	Defines "controlled substance", "drug test", "duration of employment", "fail a drug test", "licensed health professional authorized to prescribe drugs", "prescription", and reinforces the disqualification of an employees ability to receive benefits if they fail or refuse a drug test.	Provides definitions for the drug testing provisions in the bill.	Section 4141.29 and 4729.01 of Revised Code.
4141.30	pg.103-110	3028-3029, 3051-3099, 3176-3211	Eliminates dependency provision.	Brings Ohio in line with other states benefits.	
4141.30	pg. 106	3100-3114	Freezes maximum benefits until the minimum safe level in the unemployment compensation trust fund is reached.	To help build up the unemployment compensation trust fund to the minimum safe level, without reducing benefits.	4141.02 of Revised Code.
4141.30	pg. 107-109	3124-3175	Creates a sliding scale to reduce the number of weeks claimants are eligible for benefits (modeled after North Carolina).	To reduce costs to the unemployment trust fund by lowering the number of weeks claimants are able to receive benefits.	Section 4141.30, pg. 103-103, lines 3021-3099

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Section	Page #	Line #	What	Why	Reference
4141.31	pg. 110	3209-3211	Removes wage loss offset provision.	Wage loss is a workers compensation benefit. Since employees can no longer get both workers compensation and unemployment compensation benefits this offset is no longer needed.	
4141.312	pg. 112-113	3279-3280, 3301-3306	Social security is offset.	Prevents a social security recipient from receiving full payout of social security and unemployment benefits.	
4141.35	pg. 113-115	3313-3314, 3322, 3343-3357	Provides a 6 year limitation for filing actions in court to collect overpayments and no automatic write off after a period of years.	No statute of limitations for collecting previous overpayments due to fraud. Allows JFS more flexibility in collecting overpayments.	
4141.35	pg. 116	3390	Increases the period during which overpayments must be collected through offset from 3 to 6 years for non-fraud.	Allows JFS more flexibility in collecting non-fraud related overpayments.	