

As Introduced

132nd General Assembly

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H. B. No. 704

Representative Schaffer

**Cosponsors: Representatives Koehler, Retherford, Becker, Hood, Antani,
Blessing**

A BILL

To amend sections 4141.28 and 4141.29 and to enact
section 4141.294 of the Revised Code to require
applicants for unemployment benefits to submit
to a drug test under certain circumstances, to
require the Director of Job and Family Services
to operate an Ohio Works First drug testing
pilot program, and to make an appropriation.

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:

Sec. 4141.28.

BENEFITS

(A) FILINGS

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 17
the duty of accepting applications and claims for unemployment 18
benefits or with an employee of the unemployment insurance 19
commission of Canada. 20

When an unemployed individual files an application for 21
determination of benefit rights, the director shall furnish the 22
individual with an explanation of the individual's appeal 23
rights. The explanation shall describe clearly the different 24
levels of appeal and explain where and when each appeal must be 25
filed. 26

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 27

In filing an application, an individual shall furnish the 28
director with the name and address of the individual's most 29
recent separating employer and the individual's statement of the 30
reason for separation from the employer. The director shall 31
promptly notify the individual's most recent separating employer 32
of the filing and request the reason for the individual's 33
unemployment, unless that notice is not necessary under 34
conditions the director establishes by rule. The director may 35
request from the individual or any employer information 36
necessary for the determination of the individual's right to 37
benefits. The employer shall provide the information requested 38
within ten working days after the request is sent. If necessary 39
to ensure prompt determination and payment of benefits, the 40
director shall base the determination on the information that is 41
available. 42

An individual filing an application for determination of 43
benefit rights shall disclose both of the following at the time 44
of filing, ~~whether:~~ 45

(1) Whether or not the individual owes child support 46
obligations; 47

(2) Whether the individual was separated from the 48
individual's most recent employer because of the unlawful use of 49
a controlled substance, as defined in section 4141.294 of the 50
Revised Code. 51

(C) MASS LAYOFFS 52

An employer who lays off or separates within any seven-day 53
period fifty or more individuals because of lack of work shall 54
furnish notice to the director of the dates of layoff or 55
separation and the approximate number of individuals being laid 56
off or separated. The notice shall be furnished at least three 57
working days prior to the date of the first day of such layoff 58
or separation. In addition, at the time of the layoff or 59
separation the employer shall furnish to the individual and to 60
the director information necessary to determine the individual's 61
eligibility for unemployment compensation. 62

(D) DETERMINATION OF BENEFIT RIGHTS 63

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

shall include the total amount of benefits that may be charged 75
to the employer's account. 76

(E) CLAIM FOR BENEFITS 77

The director shall examine the first claim and any 78
additional claim for benefits. On the basis of the information 79
available, the director shall determine whether the claimant's 80
most recent separation and, to the extent necessary, prior 81
separations from work, allow the claimant to qualify for 82
benefits. Written notice of the determination granting or 83
denying benefits shall be sent to the claimant, the most recent 84
separating employer, and any other employer involved in the 85
determination, except that written notice is not required to be 86
sent to the claimant if the reason for separation is lack of 87
work and the claim is allowed. 88

If the director identifies an eligibility issue, the 89
director shall send notice to the claimant of the issue 90
identified and specify the week or weeks involved. The claimant 91
has a minimum of five business days after the notice is sent to 92
respond to the information included in the notice, and after the 93
time allowed as determined by the director, the director shall 94
make a determination. The claimant's response may include a 95
request for a fact-finding interview when the eligibility issue 96
is raised by an informant or source other than the claimant, or 97
when the eligibility issue, if determined adversely, 98
disqualifies the claimant for the duration of the claimant's 99
period of unemployment. 100

When the determination of a continued claim for benefits 101
results in a disallowed claim, the director shall notify the 102
claimant of the disallowance and the reasons for it. 103

(F) ELIGIBILITY NOTICE 104

Any base period or subsequent employer of a claimant who 105
has knowledge of specific facts affecting the claimant's right 106
to receive benefits for any week may notify the director in 107
writing of those facts. The director shall prescribe a form for 108
such eligibility notice, but failure to use the form shall not 109
preclude the director's examination of any notice. 110

To be considered valid, an eligibility notice must: 111
contain in writing, a statement that identifies either a source 112
who has firsthand knowledge of the information or an informant 113
who can identify the source; provide specific and detailed 114
information that may potentially disqualify the claimant; 115
provide the name and address of the source or the informant; and 116
appear to the director to be reliable and credible. 117

An eligibility notice is timely filed if received or 118
postmarked prior to or within forty-five calendar days after the 119
end of the week with respect to which a claim for benefits is 120
filed by the claimant. An employer who timely files a valid 121
eligibility notice shall be an interested party to the claim for 122
benefits which is the subject of the notice. 123

The director shall consider the information contained in 124
the eligibility notice, together with other available 125
information. After giving the claimant notice and an opportunity 126
to respond, the director shall make a determination and inform 127
the notifying employer, the claimant, and other interested 128
parties of the determination. 129

(G) CORRECTED DETERMINATION 130

If the director finds within the fifty-two calendar weeks 131
beginning with the Sunday of the week during which an 132

application for benefit rights was filed or within the benefit 133
year that a determination made by the director was erroneous due 134
to an error in an employer's report or any typographical or 135
clerical error in the director's determination, or as shown by 136
correct remuneration information received by the director, the 137
director shall issue a corrected determination to all interested 138
parties. The corrected determination shall take precedence over 139
and void the prior determination of the director. The director 140
shall not issue a corrected determination when the commission or 141
a court has jurisdiction with respect to that determination. 142

(H) EFFECT OF COMMISSION DECISIONS 143

In making determinations, the director shall follow 144
decisions of the unemployment compensation review commission 145
which have become final with respect to claimants similarly 146
situated. 147

(I) PROMPT PAYMENTS 148

If benefits are allowed by the director, a hearing 149
officer, the commission, or a court, the director shall pay 150
benefits promptly, notwithstanding any further appeal, provided 151
that if benefits are denied on appeal, of which the parties have 152
notice and an opportunity to be heard, the director shall 153
withhold payment of benefits pending a decision on any further 154
appeal. 155

Sec. 4141.29. Each eligible individual shall receive 156
benefits as compensation for loss of remuneration due to 157
involuntary total or partial unemployment in the amounts and 158
subject to the conditions stipulated in this chapter. 159

(A) No individual is entitled to a waiting period or 160
benefits for any week unless the individual: 161

(1) Has filed a valid application for determination of 162
benefit rights in accordance with section 4141.28 of the Revised 163
Code; 164

(2) Has made a claim for benefits in accordance with 165
section 4141.28 of the Revised Code; 166

(3) (a) Has registered for work and thereafter continues to 167
report to an employment office or other registration place 168
maintained or designated by the director of job and family 169
services. Registration shall be made in accordance with the time 170
limits, frequency, and manner prescribed by the director. 171

(b) For purposes of division (A) (3) of this section, an 172
individual has "registered" upon doing any of the following: 173

(i) Filing an application for benefit rights; 174

(ii) Making a weekly claim for benefits; 175

(iii) Reopening an existing claim following a period of 176
employment or nonreporting. 177

(c) After an applicant is registered, that registration 178
continues for a period of three calendar weeks, including the 179
week during which the applicant registered. However, an 180
individual is not registered for purposes of division (A) (3) of 181
this section during any period in which the individual fails to 182
report, as instructed by the director, or fails to reopen an 183
existing claim following a period of employment. 184

(d) The director may, for good cause, extend the period of 185
registration. 186

(e) For purposes of this section, "report" means contact 187
by phone, access electronically, or be present for an in-person 188
appointment, as designated by the director. 189

(4) (a) (i) Is able to work and available for suitable work 190
and, except as provided in division (A) (4) (a) (ii) or (iii) of 191
this section, is actively seeking suitable work either in a 192
locality in which the individual has earned wages subject to 193
this chapter during the individual's base period, or if the 194
individual leaves that locality, then in a locality where 195
suitable work normally is performed. 196

(ii) The director may waive the requirement that a 197
claimant be actively seeking work when the director finds that 198
the individual has been laid off and the employer who laid the 199
individual off has notified the director within ten days after 200
the layoff, that work is expected to be available for the 201
individual within a specified number of days not to exceed 202
forty-five calendar days following the last day the individual 203
worked. In the event the individual is not recalled within the 204
specified period, this waiver shall cease to be operative with 205
respect to that layoff. 206

(iii) The director may waive the requirement that a 207
claimant be actively seeking work if the director determines 208
that the individual has been laid off and the employer who laid 209
the individual off has notified the director in accordance with 210
division (C) of section 4141.28 of the Revised Code that the 211
employer has closed the employer's entire plant or part of the 212
employer's plant for a purpose other than inventory or vacation 213
that will cause unemployment for a definite period not exceeding 214
twenty-six weeks beginning on the date the employer notifies the 215
director, for the period of the specific shutdown, if all of the 216
following apply: 217

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

request the exemption. 220

(II) The employer provides that the affected individuals 221
shall return to work for the employer within twenty-six weeks 222
after the date the employer notifies the director. 223

(III) The director determines that the waiver of the 224
active search for work requirement will promote productivity and 225
economic stability within the state. 226

(iv) Division (A) (4) (a) (iii) of this section does not 227
exempt an individual from meeting the other requirements 228
specified in division (A) (4) (a) (i) of this section to be able to 229
work and otherwise fully be available for work. An exemption 230
granted under division (A) (4) (a) (iii) of this section may be 231
granted only with respect to a specific plant closing. 232

(b) (i) The individual shall be instructed as to the 233
efforts that the individual must make in the search for suitable 234
work, including that, within six months after October 11, 2013, 235
the individual shall register with the OhioMeansJobs web site, 236
except in any of the following circumstances: 237

(I) The individual is an individual described in division 238
(A) (4) (b) (iii) of this section; 239

(II) Where the active search for work requirement has been 240
waived under division (A) (4) (a) of this section; 241

(III) Where the active search for work requirement is 242
considered to be met under division (A) (4) (c), (d), or (e) of 243
this section. 244

(ii) An individual who is registered with the 245
OhioMeansJobs web site shall receive a weekly listing of 246
available jobs based on information provided by the individual 247

at the time of registration. For each week that the individual 248
claims benefits, the individual shall keep a record of the 249
individual's work search efforts and shall produce that record 250
in the manner and means prescribed by the director. 251

(iii) No individual shall be required to register with the 252
OhioMeansJobs web site if the individual is legally prohibited 253
from using a computer, has a physical or visual impairment that 254
makes the individual unable to use a computer, or has a limited 255
ability to read, write, speak, or understand a language in which 256
the OhioMeansJobs web site is available. 257

(iv) As used in division (A) (4) (b) of this section: 258

(I) "OhioMeansJobs web site" has the same meaning as in 259
section 6301.01 of the Revised Code. 260

(II) "Registration" includes the creation, electronic 261
posting, and maintenance of an active, searchable resume. 262

(c) An individual who is attending a training course 263
approved by the director meets the requirement of this division, 264
if attendance was recommended by the director and the individual 265
is regularly attending the course and is making satisfactory 266
progress. An individual also meets the requirements of this 267
division if the individual is participating and advancing in a 268
training program, as defined in division (P) of section 5709.61 269
of the Revised Code, and if an enterprise, defined in division 270
(B) of section 5709.61 of the Revised Code, is paying all or 271
part of the cost of the individual's participation in the 272
training program with the intention of hiring the individual for 273
employment as a new employee, as defined in division (L) of 274
section 5709.61 of the Revised Code, for at least ninety days 275
after the individual's completion of the training program. 276

(d) An individual who becomes unemployed while attending a 277
regularly established school and whose base period qualifying 278
weeks were earned in whole or in part while attending that 279
school, meets the availability and active search for work 280
requirements of division (A) (4) (a) of this section if the 281
individual regularly attends the school during weeks with 282
respect to which the individual claims unemployment benefits and 283
makes self available on any shift of hours for suitable 284
employment with the individual's most recent employer or any 285
other employer in the individual's base period, or for any other 286
suitable employment to which the individual is directed, under 287
this chapter. 288

(e) An individual who is a member in good standing with a 289
labor organization that refers individuals to jobs meets the 290
active search for work requirement specified in division (A) (4) 291
(a) of this section if the individual provides documentation 292
that the individual is eligible for a referral or placement upon 293
request and in a manner prescribed by the director. 294

(f) Notwithstanding any other provisions of this section, 295
no otherwise eligible individual shall be denied benefits for 296
any week because the individual is in training approved under 297
section 236(a) (1) of the "Trade Act of 1974," 88 Stat. 1978, 19 298
U.S.C.A. 2296, nor shall that individual be denied benefits by 299
reason of leaving work to enter such training, provided the work 300
left is not suitable employment, or because of the application 301
to any week in training of provisions in this chapter, or any 302
applicable federal unemployment compensation law, relating to 303
availability for work, active search for work, or refusal to 304
accept work. 305

For the purposes of division (A) (4) (f) of this section, 306

"suitable employment" means with respect to an individual, work 307
of a substantially equal or higher skill level than the 308
individual's past adversely affected employment, as defined for 309
the purposes of the "Trade Act of 1974," 88 Stat. 1978, 19 310
U.S.C.A. 2101, and wages for such work at not less than eighty 311
per cent of the individual's average weekly wage as determined 312
for the purposes of that federal act. 313

(5) Is unable to obtain suitable work. An individual who 314
is provided temporary work assignments by the individual's 315
employer under agreed terms and conditions of employment, and 316
who is required pursuant to those terms and conditions to 317
inquire with the individual's employer for available work 318
assignments upon the conclusion of each work assignment, is not 319
considered unable to obtain suitable employment if suitable work 320
assignments are available with the employer but the individual 321
fails to contact the employer to inquire about work assignments. 322

(6) Participates in reemployment services, such as job 323
search assistance services, if the individual has been 324
determined to be likely to exhaust benefits under this chapter, 325
including compensation payable pursuant to 5 U.S.C.A. Chapter 326
85, other than extended compensation, and needs reemployment 327
services pursuant to the profiling system established by the 328
director under division (K) of this section, unless the director 329
determines that: 330

(a) The individual has completed such services; or 331

(b) There is justifiable cause for the claimant's failure 332
to participate in such services. 333

Ineligibility for failure to participate in reemployment 334
services as described in division (A) (6) of this section shall 335

be for the week or weeks in which the claimant was scheduled and 336
failed to participate without justifiable cause. 337

(7) Participates in the reemployment and eligibility 338
assessment program, or other reemployment services, as required 339
by the director. As used in division (A)(7) of this section, 340
"reemployment services" includes job search assistance 341
activities, skills assessments, and the provision of labor 342
market statistics or analysis. 343

(a) For purposes of division (A)(7) of this section, 344
participation is required unless the director determines that 345
either of the following circumstances applies to the individual: 346

(i) The individual has completed similar services. 347

(ii) Justifiable cause exists for the failure of the 348
individual to participate in those services. 349

(b) Within six months after October 11, 2013, 350
notwithstanding any earlier contact an individual may have had 351
with a local OhioMeansJobs center, as defined in section 6301.01 352
of the Revised Code, beginning with the eighth week after the 353
week during which an individual first files a valid application 354
for determination of benefit rights in the individual's benefit 355
year, the individual shall report to a local OhioMeansJobs 356
center for reemployment services in the manner prescribed by the 357
director. 358

(c) An individual whose active search for work requirement 359
has been waived under division (A)(4)(a) of this section or is 360
considered to be satisfied under division (A)(4)(c), (d), or (e) 361
of this section is exempt from the requirements of division (A) 362
(7) of this section. 363

(B) An individual suffering total or partial unemployment 364

is eligible for benefits for unemployment occurring subsequent 365
to a waiting period of one week and no benefits shall be payable 366
during this required waiting period. Not more than one week of 367
waiting period shall be required of any individual in any 368
benefit year in order to establish the individual's eligibility 369
for total or partial unemployment benefits. 370

(C) The waiting period for total or partial unemployment 371
shall commence on the first day of the first week with respect 372
to which the individual first files a claim for benefits at an 373
employment office or other place of registration maintained or 374
designated by the director or on the first day of the first week 375
with respect to which the individual has otherwise filed a claim 376
for benefits in accordance with the rules of the department of 377
job and family services, provided such claim is allowed by the 378
director. 379

(D) Notwithstanding division (A) of this section, no 380
individual may serve a waiting period or be paid benefits under 381
the following conditions: 382

(1) For any week with respect to which the director finds 383
that: 384

(a) The individual's unemployment was due to a labor 385
dispute other than a lockout at any factory, establishment, or 386
other premises located in this or any other state and owned or 387
operated by the employer by which the individual is or was last 388
employed; and for so long as the individual's unemployment is 389
due to such labor dispute. No individual shall be disqualified 390
under this provision if either of the following applies: 391

(i) The individual's employment was with such employer at 392
any factory, establishment, or premises located in this state, 393

owned or operated by such employer, other than the factory, 394
establishment, or premises at which the labor dispute exists, if 395
it is shown that the individual is not financing, participating 396
in, or directly interested in such labor dispute; 397

(ii) The individual's employment was with an employer not 398
involved in the labor dispute but whose place of business was 399
located within the same premises as the employer engaged in the 400
dispute, unless the individual's employer is a wholly owned 401
subsidiary of the employer engaged in the dispute, or unless the 402
individual actively participates in or voluntarily stops work 403
because of such dispute. If it is established that the claimant 404
was laid off for an indefinite period and not recalled to work 405
prior to the dispute, or was separated by the employer prior to 406
the dispute for reasons other than the labor dispute, or that 407
the individual obtained a bona fide job with another employer 408
while the dispute was still in progress, such labor dispute 409
shall not render the employee ineligible for benefits. 410

(b) The individual has been given a disciplinary layoff 411
for misconduct in connection with the individual's work. 412

(2) For the duration of the individual's unemployment if 413
the director finds that: 414

(a) The individual quit work without just cause or has 415
been discharged for just cause in connection with the 416
individual's work, provided division (D)(2) of this section does 417
not apply to the separation of a person under any of the 418
following circumstances: 419

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

periods: 423

(I) Thirty days after separation; 424

(II) One hundred eighty days after separation if the 425
individual's date of induction is delayed solely at the 426
discretion of the armed forces. 427

(ii) Separation from employment pursuant to a labor- 428
management contract or agreement, or pursuant to an established 429
employer plan, program, or policy, which permits the employee, 430
because of lack of work, to accept a separation from employment; 431

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

mutualized account, except as provided in division (D) (2) of 453
section 4141.24 of the Revised Code. 454

(iv) When an individual has been issued a definite layoff 455
date by the individual's employer and before the layoff date, 456
the individual quits to accept other employment, the provisions 457
of division (D) (2) (a) (iii) of this section apply and no 458
disqualification shall be imposed under division (D) of this 459
section. However, if the individual fails to meet the employment 460
and earnings requirements of division (A) (2) of section 4141.291 461
of the Revised Code, then the individual, pursuant to division 462
(A) (5) of this section, shall be ineligible for benefits for any 463
week of unemployment that occurs prior to the layoff date. 464

(b) The individual has refused without good cause to 465
accept an offer of suitable work when made by an employer either 466
in person or to the individual's last known address, or has 467
refused or failed to investigate a referral to suitable work 468
when directed to do so by a local employment office of this 469
state or another state, provided that this division shall not 470
cause a disqualification for a waiting week or benefits under 471
the following circumstances: 472

(i) When work is offered by the individual's employer and 473
the individual is not required to accept the offer pursuant to 474
the terms of the labor-management contract or agreement; or 475

(ii) When the individual is attending a training course 476
pursuant to division (A) (4) of this section except, in the event 477
of a refusal to accept an offer of suitable work or a refusal or 478
failure to investigate a referral, benefits thereafter paid to 479
such individual shall not be charged to the account of any 480
employer and, except as provided in division (B) (1) (b) of 481
section 4141.241 of the Revised Code, shall be charged to the 482

mutualized account as provided in division (B) of section 483
4141.25 of the Revised Code. 484

(c) Such individual quit work to marry or because of 485
marital, parental, filial, or other domestic obligations. 486

(d) The individual became unemployed by reason of 487
commitment to any correctional institution. 488

(e) The individual became unemployed because of dishonesty 489
in connection with the individual's most recent or any base 490
period work. Remuneration earned in such work shall be excluded 491
from the individual's total base period remuneration and 492
qualifying weeks that otherwise would be credited to the 493
individual for such work in the individual's base period shall 494
not be credited for the purpose of determining the total 495
benefits to which the individual is eligible and the weekly 496
benefit amount to be paid under section 4141.30 of the Revised 497
Code. Such excluded remuneration and noncredited qualifying 498
weeks shall be excluded from the calculation of the maximum 499
amount to be charged, under division (D) of section 4141.24 and 500
section 4141.33 of the Revised Code, against the accounts of the 501
individual's base period employers. In addition, no benefits 502
shall thereafter be paid to the individual based upon such 503
excluded remuneration or noncredited qualifying weeks. 504

(f) The individual fails or refuses to submit to a drug 505
test required by section 4141.294 of the Revised Code. 506

For purposes of division (D) (2) (e) of this section, 507
"dishonesty" means the commission of substantive theft, fraud, 508
or deceitful acts. 509

(E) No individual otherwise qualified to receive benefits 510
shall lose the right to benefits by reason of a refusal to 511

accept new work if: 512

(1) As a condition of being so employed the individual 513
would be required to join a company union, or to resign from or 514
refrain from joining any bona fide labor organization, or would 515
be denied the right to retain membership in and observe the 516
lawful rules of any such organization. 517

(2) The position offered is vacant due directly to a 518
strike, lockout, or other labor dispute. 519

(3) The work is at an unreasonable distance from the 520
individual's residence, having regard to the character of the 521
work the individual has been accustomed to do, and travel to the 522
place of work involves expenses substantially greater than that 523
required for the individual's former work, unless the expense is 524
provided for. 525

(4) The remuneration, hours, or other conditions of the 526
work offered are substantially less favorable to the individual 527
than those prevailing for similar work in the locality. 528

(F) Subject to the special exceptions contained in 529
division (A) (4) (f) of this section and section 4141.301 of the 530
Revised Code, in determining whether any work is suitable for a 531
claimant in the administration of this chapter, the director, in 532
addition to the determination required under division (E) of 533
this section, shall consider the degree of risk to the 534
claimant's health, safety, and morals, the individual's physical 535
fitness for the work, the individual's prior training and 536
experience, the length of the individual's unemployment, the 537
distance of the available work from the individual's residence, 538
and the individual's prospects for obtaining local work. 539

(G) The "duration of unemployment" as used in this section 540

means the full period of unemployment next ensuing after a 541
separation from any base period or subsequent work and until an 542
individual has become reemployed in employment subject to this 543
chapter, or the unemployment compensation act of another state, 544
or of the United States, and until such individual has worked 545
six weeks and for those weeks has earned or been paid 546
remuneration equal to six times an average weekly wage of not 547
less than: eighty-five dollars and ten cents per week beginning 548
on June 26, 1990; and beginning on and after January 1, 1992, 549
twenty-seven and one-half per cent of the statewide average 550
weekly wage as computed each first day of January under division 551
(B) (3) of section 4141.30 of the Revised Code, rounded down to 552
the nearest dollar, except for purposes of division (D) (2) (c) of 553
this section, such term means the full period of unemployment 554
next ensuing after a separation from such work and until such 555
individual has become reemployed subject to the terms set forth 556
above, and has earned wages equal to one-half of the 557
individual's average weekly wage or sixty dollars, whichever is 558
less. 559

(H) If a claimant is disqualified under division (D) (2) 560
(a), (c), or (d) of this section or found to be qualified under 561
the exceptions provided in division (D) (2) (a) (i), (iii), or (iv) 562
of this section or division (A) (2) of section 4141.291 of the 563
Revised Code, then benefits that may become payable to such 564
claimant, which are chargeable to the account of the employer 565
from whom the individual was separated under such conditions, 566
shall be charged to the mutualized account provided in section 567
4141.25 of the Revised Code, provided that no charge shall be 568
made to the mutualized account for benefits chargeable to a 569
reimbursing employer, except as provided in division (D) (2) of 570
section 4141.24 of the Revised Code. In the case of a 571

reimbursing employer, the director shall refund or credit to the 572
account of the reimbursing employer any over-paid benefits that 573
are recovered under division (B) of section 4141.35 of the 574
Revised Code. Amounts chargeable to other states, the United 575
States, or Canada that are subject to agreements and 576
arrangements that are established pursuant to section 4141.43 of 577
the Revised Code shall be credited or reimbursed according to 578
the agreements and arrangements to which the chargeable amounts 579
are subject. 580

(I) (1) Benefits based on service in employment as provided 581
in divisions (B) (2) (a) and (b) of section 4141.01 of the Revised 582
Code shall be payable in the same amount, on the same terms, and 583
subject to the same conditions as benefits payable on the basis 584
of other service subject to this chapter; except that after 585
December 31, 1977: 586

(a) Benefits based on service in an instructional, 587
research, or principal administrative capacity in an institution 588
of higher education, as defined in division (Y) of section 589
4141.01 of the Revised Code; or for an educational institution 590
as defined in division (CC) of section 4141.01 of the Revised 591
Code, shall not be paid to any individual for any week of 592
unemployment that begins during the period between two 593
successive academic years or terms, or during a similar period 594
between two regular but not successive terms or during a period 595
of paid sabbatical leave provided for in the individual's 596
contract, if the individual performs such services in the first 597
of those academic years or terms and has a contract or a 598
reasonable assurance that the individual will perform services 599
in any such capacity for any such institution in the second of 600
those academic years or terms. 601

(b) Benefits based on service for an educational 602
institution or an institution of higher education in other than 603
an instructional, research, or principal administrative 604
capacity, shall not be paid to any individual for any week of 605
unemployment which begins during the period between two 606
successive academic years or terms of the employing educational 607
institution or institution of higher education, provided the 608
individual performed those services for the educational 609
institution or institution of higher education during the first 610
such academic year or term and, there is a reasonable assurance 611
that such individual will perform those services for any 612
educational institution or institution of higher education in 613
the second of such academic years or terms. 614

If compensation is denied to any individual for any week 615
under division (I)(1)(b) of this section and the individual was 616
not offered an opportunity to perform those services for an 617
institution of higher education or for an educational 618
institution for the second of such academic years or terms, the 619
individual is entitled to a retroactive payment of compensation 620
for each week for which the individual timely filed a claim for 621
compensation and for which compensation was denied solely by 622
reason of division (I)(1)(b) of this section. An application for 623
retroactive benefits shall be timely filed if received by the 624
director or the director's deputy within or prior to the end of 625
the fourth full calendar week after the end of the period for 626
which benefits were denied because of reasonable assurance of 627
employment. The provision for the payment of retroactive 628
benefits under division (I)(1)(b) of this section is applicable 629
to weeks of unemployment beginning on and after November 18, 630
1983. The provisions under division (I)(1)(b) of this section 631
shall be retroactive to September 5, 1982, only if, as a 632

condition for full tax credit against the tax imposed by the 633
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 634
3301 to 3311, the United States secretary of labor determines 635
that retroactivity is required by federal law. 636

(c) With respect to weeks of unemployment beginning after 637
December 31, 1977, benefits shall be denied to any individual 638
for any week which commences during an established and customary 639
vacation period or holiday recess, if the individual performs 640
any services described in divisions (I)(1)(a) and (b) of this 641
section in the period immediately before the vacation period or 642
holiday recess, and there is a reasonable assurance that the 643
individual will perform any such services in the period 644
immediately following the vacation period or holiday recess. 645

(d) With respect to any services described in division (I) 646
(1)(a), (b), or (c) of this section, benefits payable on the 647
basis of services in any such capacity shall be denied as 648
specified in division (I)(1)(a), (b), or (c) of this section to 649
any individual who performs such services in an educational 650
institution or institution of higher education while in the 651
employ of an educational service agency. For this purpose, the 652
term "educational service agency" means a governmental agency or 653
governmental entity that is established and operated exclusively 654
for the purpose of providing services to one or more educational 655
institutions or one or more institutions of higher education. 656

(e) Any individual employed by a county board of 657
developmental disabilities shall be notified by the thirtieth 658
day of April each year if the individual is not to be reemployed 659
the following academic year. 660

(f) Any individual employed by a school district, other 661
than a municipal school district as defined in section 3311.71 662

of the Revised Code, shall be notified by the first day of June 663
each year if the individual is not to be reemployed the 664
following academic year. 665

(2) No disqualification will be imposed, between academic 666
years or terms or during a vacation period or holiday recess 667
under this division, unless the director or the director's 668
deputy has received a statement in writing from the educational 669
institution or institution of higher education that the claimant 670
has a contract for, or a reasonable assurance of, reemployment 671
for the ensuing academic year or term. 672

(3) If an individual has employment with an educational 673
institution or an institution of higher education and employment 674
with a noneducational employer, during the base period of the 675
individual's benefit year, then the individual may become 676
eligible for benefits during the between-term, or vacation or 677
holiday recess, disqualification period, based on employment 678
performed for the noneducational employer, provided that the 679
employment is sufficient to qualify the individual for benefit 680
rights separately from the benefit rights based on school 681
employment. The weekly benefit amount and maximum benefits 682
payable during a disqualification period shall be computed based 683
solely on the nonschool employment. 684

(J) Benefits shall not be paid on the basis of employment 685
performed by an alien, unless the alien had been lawfully 686
admitted to the United States for permanent residence at the 687
time the services were performed, was lawfully present for 688
purposes of performing the services, or was otherwise 689
permanently residing in the United States under color of law at 690
the time the services were performed, under section 212(d) (5) of 691
the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 692

1101: 693

(1) Any data or information required of individuals 694
applying for benefits to determine whether benefits are not 695
payable to them because of their alien status shall be uniformly 696
required from all applicants for benefits. 697

(2) In the case of an individual whose application for 698
benefits would otherwise be approved, no determination that 699
benefits to the individual are not payable because of the 700
individual's alien status shall be made except upon a 701
preponderance of the evidence that the individual had not, in 702
fact, been lawfully admitted to the United States. 703

(K) The director shall establish and utilize a system of 704
profiling all new claimants under this chapter that: 705

(1) Identifies which claimants will be likely to exhaust 706
regular compensation and will need job search assistance 707
services to make a successful transition to new employment; 708

(2) Refers claimants identified pursuant to division (K) 709
(1) of this section to reemployment services, such as job search 710
assistance services, available under any state or federal law; 711

(3) Collects follow-up information relating to the 712
services received by such claimants and the employment outcomes 713
for such claimant's subsequent to receiving such services and 714
utilizes such information in making identifications pursuant to 715
division (K) (1) of this section; and 716

(4) Meets such other requirements as the United States 717
secretary of labor determines are appropriate. 718

(L) Except as otherwise provided in division (A) (6) of 719
this section, ineligibility pursuant to division (A) of this 720

section shall begin on the first day of the week in which the
claimant becomes ineligible for benefits and shall end on the
last day of the week preceding the week in which the claimant
satisfies the eligibility requirements.

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

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

(1) "Controlled substance" means a substance listed on a
schedule established under section 202 of the federal
"Controlled Substances Act," 21 U.S.C. 812, 84 Stat. 1247, as
amended.

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

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

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

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

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

(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. 749

(5) "Licensed health professional authorized to prescribe 750
drugs" and "prescription" have the same meanings as in section 751
4729.01 of the Revised Code. 752

(B) The director of job and family services shall require 753
an individual who has filed an application for determination of 754
benefit rights to undergo a drug test to determine the 755
individual's eligibility for benefits if both of the following 756
apply: 757

(1) The director has reasonable cause to suspect that the 758
individual has engaged in the unlawful use of a controlled 759
substance. 760

(2) The director has determined that the individual was 761
discharged from employment with the individual's most recent 762
employer because of the unlawful use of a controlled substance. 763

(C) An individual who fails or refuses to submit to a drug 764
test required under division (B) of this section shall be 765
disqualified from unemployment compensation benefits pursuant to 766
section 4141.29 of the Revised Code for the duration of the 767
individual's unemployment. 768

(D) The director shall do both of the following: 769

(1) Ensure that a drug test conducted under this section 770
meets or exceeds the standards of the mandatory guidelines for 771
federal workplace drug testing programs published by the 772
substance abuse and mental health services administration of the 773
United States department of health; 774

(2) Adopt rules that the director considers necessary to 775
administer this section. 776

Section 2. That existing sections 4141.28 and 4141.29 of 777
the Revised Code are hereby repealed. 778

Section 3. (A) As used in this section: 779

(1) "Adult," "assistance group," and "Ohio Works First" 780
have the same meanings as in section 5107.02 of the Revised 781
Code. 782

(2) "Chemical dependency" means the use of a drug of abuse 783
to the extent that the user becomes physically or 784
psychologically dependent on the drug or endangers the user's 785
health, safety, or welfare or that of others. 786

(3) "Drug of abuse" has the same meaning as in section 787
3719.011 of the Revised Code. 788

(4) "Drug test" means either of the following that is 789
conducted to determine whether a drug of abuse is present in a 790
biological specimen taken from an individual's body: 791

(a) A chemical test of an individual's urine; 792

(b) An oral fluid test that uses a swab. 793

(5) (a) Except as provided in division (A) (5) (b) of this 794
section, "fail a drug test" means that a drug test reveals the 795
presence of a drug of abuse in a biological specimen taken from 796
an individual's body. 797

(b) An individual shall not be determined to have failed a 798
drug test if the individual obtained the drug of abuse pursuant 799
to a prescription issued by a licensed health professional 800
authorized to prescribe drugs and the individual injected, 801
ingested, or inhaled the drug of abuse in accordance with the 802
licensed health professional's directions. 803

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

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

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

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

The county Department of Job and Family Services of each county included in the program shall conduct an assessment of each adult member of an assistance group that applies to participate in Ohio Works First to determine whether there is reasonable cause to suspect that any of the adults have a chemical dependency. The assessment shall be conducted in accordance with rules adopted under this section and as part of the process of determining under section 5107.12 of the Revised Code whether the assistance group is initially eligible to participate in Ohio Works First. The assessment shall not be conducted as part of an eligibility redetermination. If, pursuant to an assessment conducted under the pilot program,

there is reasonable cause to suspect that an adult has a 834
chemical dependency, the county department shall require the 835
adult to undergo a drug test. 836

(C) The cash assistance that an assistance group receives 837
under Ohio Works First shall be provided to a protective payee 838
approved by the county Department of Job and Family Services if 839
an adult member of the assistance group refuses to cooperate 840
with an assessment conducted under the pilot program, refuses to 841
undergo a drug test when required to do so under the pilot 842
program, or fails a drug test conducted under the pilot program. 843
The protective payee may not be a member of the assistance 844
group. The protective payee shall act as a representative of the 845
assistance group and manage the assistance group's cash 846
assistance on behalf of the assistance group. Except as provided 847
in division (D) of this section, the assistance group's cash 848
assistance shall be provided to the protective payee for one 849
year. After the one-year period, the cash assistance shall be 850
provided to the assistance group unless rules adopted under 851
section 5107.05 of the Revised Code provide for the cash 852
assistance to be provided to a protective payee due to another 853
circumstance. 854

(D) The county Department of Job and Family Services of 855
each county included in the pilot program shall refer an adult 856
who fails a drug test conducted pursuant to division (B) of this 857
section to the board of alcohol, drug addiction, and mental 858
health services that serves the same county as the county 859
department. If the adult, acting on the referral, requests 860
services from the board to which the adult is referred, the 861
board shall refer the adult to a community addiction services 862
provider certified by the Department of Mental Health and 863
Addiction Services under section 5119.36 of the Revised Code. 864

Not sooner than six months after the date that the cash 865
assistance of the adult's assistance group begins to be provided 866
to a protective payee pursuant to division (C) of this section, 867
the adult may submit a request to the county department to have 868
the assistance group's cash assistance cease to be provided to 869
the protective payee and begin to be provided to the assistance 870
group. The adult shall include with the request documentation 871
that is acceptable to the county department and shows that the 872
adult successfully completed the treatment provided by the 873
community addiction services provider to which the adult was 874
referred under this division. The county department may approve 875
the request if the adult undergoes a drug test and passes the 876
drug test. However, the county department shall disapprove the 877
request if rules adopted under section 5107.05 of the Revised 878
Code provide for the cash assistance to be provided to a 879
protective payee due to another circumstance. If the adult fails 880
to undergo a drug test or fails the drug test, the cash 881
assistance shall continue to be provided to the protective payee 882
for an additional year beginning on the date that is twelve 883
months after the date that the cash assistance first began to be 884
provided to the protective payee under division (C) of this 885
section. 886

(E) An assistance group's cash assistance shall be 887
provided to a protective payee for the period specified in 888
division (C) or (D) of this section, as applicable, regardless 889
of whether that period extends beyond the date the pilot program 890
ends. 891

(F) The provision of an assistance group's cash assistance 892
to a protective payee as required by this section does not 893
excuse the members of the assistance group or any work-eligible 894
individuals from compliance with any of the Ohio Works First 895

requirements applicable to them. 896

(G) The county Department of Job and Family Services of 897
each county included in the pilot program shall determine which 898
type of drug test to use under the program. An adult undergoing 899
the drug test is responsible for the cost of the drug test if 900
the adult fails the drug test. 901

(H) The Director of Job and Family Services shall adopt 902
rules as necessary to implement the pilot program, including 903
rules governing the assessments conducted under division (B) of 904
this section. The rules shall be adopted in accordance with 905
Chapter 119. of the Revised Code. 906

(I) (1) The Director of Job and Family Services shall 907
prepare a report regarding the pilot program. The report shall 908
include all of the following information: 909

(a) The number of adults for whom reasonable cause to 910
suspect have a chemical dependency is found pursuant to 911
assessments conducted under division (B) of this section; 912

(b) The number of adults required to undergo drug tests; 913

(c) The number of adults who failed drug tests; 914

(d) The cost of the drug tests; 915

(e) The total amount of time that Ohio Works First cash 916
assistance is provided to protective payees under the pilot 917
program as of the date the report is prepared; 918

(f) Regarding the adults referred to community addiction 919
services providers under division (D) of this section, all of 920
the following: 921

(i) The number of adults who completed treatment; 922

(ii) The number of adults employed as of the date the report is prepared;

(iii) 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.

(2) 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.

(3) 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.

Section 4. 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 2018 and those in the second column are for fiscal year 2019. The appropriations made in this act are in addition to any other appropriations made for the FY 2018-FY 2019 biennium.

MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES

General Revenue Fund

GRF 336421 Continuum of Care Services	\$100,000	\$100,000
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TOTAL GRF General Revenue Fund	\$100,000	\$100,000
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TOTAL ALL BUDGET FUND GROUPS	\$100,000	\$100,000
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CONTINUUM OF CARE SERVICES

Of the foregoing appropriation item 336421, Continuum of 950
Care Services, \$100,000 in each fiscal year shall be used to 951
provide drug treatment services to individuals seeking treatment 952
under the Ohio Works First Drug Testing Pilot Program. 953

Section 5. Within the limits set forth in this act, the 954
Director of Budget and Management shall establish accounts 955
indicating the source and amount of funds for each appropriation 956
made in this act, and shall determine the form and manner in 957
which appropriation accounts shall be maintained. Expenditures 958
from appropriations contained in this act shall be accounted for 959
as though made in Am. Sub. H.B. 49 of the 132nd General 960
Assembly. 961

The appropriations made in this act are subject to all 962
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly 963
that are generally applicable to such appropriations. 964

Section 6. Sections 4 and 5 of this act, and the items of 965
laws of which they are composed, are not subject to the 966
referendum because they are or relate to an appropriation for 967
current expenses within the meaning of Ohio Constitution, 968
Article II, Section 1d and section 1.471 of the Revised Code and 969
therefore, go into immediate effect when this act becomes law. 970