



OHIO LEGISLATIVE SERVICE COMMISSION

Final Analysis

Christopher Edwards

Am. H.B. 158

132nd General Assembly
(As Passed by the General Assembly)

Reps. Perales and Craig, Antonio, Ashford, Boccieri, Brenner, Cera, Dever, Henne, Lepore-Hagan, Lipps, Manning, Rezabek, T. Johnson, Lanese, Landis, Miller, Riedel, Young, Anielski, Arndt, Barnes, Boggs, Boyd, Carfagna, Celebrezze, Clyde, Cupp, Dean, Edwards, Fedor, Galonski, Green, Greenspan, Holmes, Hughes, Ingram, Kelly, Kent, Kick, Leland, O'Brien, Patterson, Patton, Pelanda, Ramos, Reineke, Rogers, Romanchuck, Ryan, Schaffer, Schuring, Seitz, Sheehy, Slaby, K. Smith, Sprague, Stein, Sykes, West

Sens. Beagle, Tavares, Bacon, Burke, Coley, Dolan, Eklund, Hackett, Hoagland, Huffman, Kunze, LaRose, Lehner, Manning, McColley, Obhof, O'Brien, Oelslager, Peterson, Schiavoni, Skindell, Sykes, Terhar, Thomas, Uecker, Williams, Wilson, Yuko

Effective date: March 20, 2019

ACT SUMMARY

- Permits an individual who quits work to accompany the individual's spouse on a transfer to be eligible for unemployment benefits if the spouse is a member of the U.S. Armed Forces on active duty or of the Commissioned Corps of the National Oceanic and Atmospheric Administration or Public Health Service and certain other conditions are met.

CONTENT AND OPERATION

Spousal unemployment benefits due to transfer

The act adds the following as a nondisqualifying reason for separation from employment, and therefore permits an individual who otherwise qualifies to be eligible for unemployment benefits, where:

*This version updates the effective date.

(1) The individual's spouse is a member of the U.S. Armed Forces who is on active duty or a member of the Commissioned Corps of the National Oceanic and Atmospheric Administration or Public Health Service;

(2) The spouse is the subject of a transfer;

(3) The individual left employment to accompany the spouse to a location from which it is impractical to commute to the individual's place of employment; and

(4) On arrival at the new place of residence, the individual is in all respects able and available for suitable work.

Under the act, "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard. "Active duty" means full-time duty in the active U.S. military service. It includes full-time training duty, annual training duty, and attendance while in the active military service at a school designated as a service school by law or by the secretary of the military department concerned. However, it does not include full-time National Guard duty.¹

If the individual was previously employed by a contributory employer (most private sector employers), the benefits are paid from the mutualized account in the Unemployment Compensation Fund and are not charged to the employer. The mutualized account is a separate account in the Fund that is primarily used to pay benefits when an individual employer's account cannot be charged for those benefits for a variety of reasons. If the employer was a reimbursing employer (most public sector employers and nonprofit organizations), the employer pays the benefits by reimbursing the Fund.²

Background – Unemployment Compensation Law

The Unemployment Compensation Law specifies certain conditions that an individual must meet and procedures the individual must follow to qualify for unemployment benefits. It also outlines conditions under which an individual who loses a job is disqualified from receiving benefits and specifies conditions under which that individual may remove the disqualification. Generally, an individual qualifies for benefits if the individual files a valid application for benefits, makes a proper claim for

¹ R.C. 4141.29(D)(2)(a)(v); 10 United States Code 101.

² R.C. 4141.29(H).



benefits, registers at an employment office and with OhioMeansJobs.com (an electronic job placement system), and is available and actively searching for work.³

An application for determination of benefit rights is valid if the individual is unemployed, was separated for a nondisqualifying reason, previously was employed by an employer or employers who are subject to the Unemployment Compensation Law in at least 20 qualifying weeks within the individual's base period (generally, the first four of the previous five calendar quarters), and has earned or been paid during those qualifying weeks remuneration at an average weekly wage of not less than 27.5% of the statewide average weekly wage (recalculated each calendar year, \$256 for 2018).⁴

HISTORY

ACTION	DATE
Introduced	03-23-17
Reported, H. Armed Services, Veterans Affairs & Homeland Security	06-08-17
Passed House (87-6)	06-21-17
Reported, S. Finance	12-05-18
Passed Senate (31-0)	12-05-18
House concurred in Senate amendments (75-4)	12-06-18

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³ R.C. 4141.29(A).

⁴ Ohio Department of Job and Family Services, *Unemployment Compensation FAQ's – Establishing Eligibility for Benefits*, http://jfs.ohio.gov/unemp_comp_faq/faq_elig_definitions2.stm#average_weekly_wage; R.C. 4141.29(G); R.C. 4141.01(R)(1) and 4141.53(A)(4), not in the act.

