OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

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S.B. 116*

132nd General Assembly
(As Reported by S. Finance)

Sens. LaRose and Williams, Terhar, Eklund, Hackett, Schiavoni, Hite, Hoagland, Beagle, Sykes, Yuko, Skindell, Tavares

BILL SUMMARY

- Permits an individual who quits work to accompany the individual's spouse on a military transfer to be eligible for unemployment compensation benefits.

CONTENT AND OPERATION

Spousal unemployment benefits – military transfer

The bill 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 if all of the following apply to the individual:

(1) The individual's spouse is a member of the U.S. armed forces who is on active duty as defined in federal law;

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

(4) Upon arrival at the new place of residence, the individual is in all respects able and available for suitable work.[1]

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* This analysis was prepared before the report of the Senate Finance Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

[1] R.C. 4141.29(D)(2)(a)(v).

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 benefits, registers at an employment office, and is available and actively searching for work.

An application for determination of benefit rights is valid if all of the following apply to the individual:

(1) The individual is unemployed;

(2) The individual was separated from employment for a nondisqualifying reason;

(3) The individual 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;

(4) The individual earned or had 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; currently $247 for 2017).[3]

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[2] R.C. 4141.29(H).

[3] Ohio Department of Job and Family Services, Unemployment Compensation FAQs: Establishing Eligibility for Benefits, http://jfs.ohio.gov/unemp_comp_faq/faq_elig_definitions2.stm#average_weekly_wage (accessed June 12, 2017).

A "qualifying week" generally is any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to the Unemployment Compensation Law.

An individual's "base period" is the first four of the last five completed calendar quarters immediately preceding the first day of the individual's benefit year. If an individual does not have sufficient qualifying weeks and wages in the base period to qualify, the individual's base period is the four most recently completed calendar quarters preceding the first day of the individual's benefit year, which is referred to as the "alternate base period."

An individual's "benefit year" is generally the 52-week period beginning with the first day of the week with respect to which the individual first files a valid application for determination of benefit rights.[4]

HISTORY

ACTION	DATE
Introduced	03-22-17
Reported, S. Finance	---

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[4] R.C. 4141.29 and R.C. 4141.01(O)(1), (Q), and (R), not in the bill.