OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis   Dan DeSantis

H.B. 158
132nd General Assembly
(As Reported by H. Armed Services, Veterans Affairs, and Homeland Security)

Reps.   Perales and Craig, Antonio, Ashford, Boccieri, Brenner, Craig, Cera, Dever, Henne, Lepore-Hagan, Lipps, Manning, Rezabek, Johnson, Lanese, Landis, Miller, Riedel, Young

BILL SUMMARY

- Permits an individual who quits work to accompany the individual's spouse on a military transfer to be eligible for unemployment 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: the individual's spouse is a member of the United States Armed Services, the spouse is the subject of a military transfer, and the individual left employment to accompany the spouse.[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]

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

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

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 with OhioMeansJobs.com (an electronic job placement system), and is available and actively searching for work.

An application for determination of benefit rights is valid if the individual filing the application 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, 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, $247 for 2017[3]). 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 (generally the 52-week beginning with the first day of the week with respect to which the individual first files a valid application for determination of benefit rights). If an individual does not have sufficient qualifying weeks and wages in the base period to qualify for benefit rights, 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."[4]

HISTORY

ACTION	DATE
Introduced	03-23-17
Reported, H. Armed Services, Veterans Affairs & Homeland Security	06-08-17

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[3] 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 (accessed May 3, 2017); R.C. 4141.29(G); R.C. 4141.01(R)(1) and 4141.53(A)(4), not in the bill.

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